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European Union compliance Action Plan with CCSBT Conservation and Management Measures

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Introduction:

The SBT fishery of the European Union vessels is not a targeted fishery but constitutes a minor, unavoidable by-catch during fisheries for swordfish and shark. The EU vessels are doing their utmost to keep those by-catches to the minimum. In the course of 2008, the Portuguese fleet undertook, with enormous difficulties, successful efforts to limit its by-catches of SBT which currently amount to 0. Similarly, the by-catches of the Spanish fleet in 2008 amounted to 14.3 tonnes, which corresponds to a mere 0.05% of the total catch (2009 data are still being consolidated).

Provisions of the Action Plan

The resolution on the Action Plan, adopted at the 16th Annual Meeting of the CCSBT held in Korea on 18-23 October 2009 aims at improving compliance with the CCSBT conservation and management measures. To this end, it calls on flag Members and Cooperating Non-Members of pelagic longline vessels to, inter alia, specify in their action plans improvements in at least three areas: port state inspection of transshipment of southern bluefin tuna, verification of catch data through scientific observers on fishing vessels of coverage of 10% in terms of effort and actual inspection of catches by authorities of those flag Members and cooperating Non-Members.

The European Union has undertaken the following actions in the areas relating to the Action Plan:

1. Obligations as a Port State:

In November 2009, the European Union adopted Regulation 1224/2009 establishing a Community control inspection and enforcement system for ensuring compliance with the rules of the common fisheries policy.

This Regulation contains provisions on Port State Measures, notably on prior notification (art. 17 and 18), access to ports (art. 19), transshipment (artt. 20-22), transmission of data on landing (art. 23 and 24) and inspections in ports (artt. 74-79).

The Regulation, which is binding in all its parts, entered into force on 1st January 2010. However, some of its articles allow for a later implementation (generally by 1st January 2011).

The adoption of this legislation constitutes a major improvement in the definition and establishment of bigger Port state obligations.

Furthermore, the European Union participated in the negotiations on developing the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and has signed this Agreement. It is

the Union's intention to provisionally apply this agreement and modalities on how to ensure this are currently being studied. The signature and provisional application of this Agreement by the EU fulfils the requirements of the Action Plan in relation to port state inspections. Given the fact that it is the first ever global treaty focused specifically on the problem of IUU fishing and that it promises to help block IUU-caught fish from entering international markets, thereby removing an important incentive for some fishermen to engage in illicit fishing, the EU strongly encourages other CCSBT Members and Cooperating Non-Members to sign and ratify the Agreement.

2. Combating IUU fishery:

In 2008, the EU adopted Regulation 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing on Illegal, Unreported and Unregulated Fishing (IUU Regulation) which entered into force on 1 January 2010. This Regulation ensures that all SBT catches introduced into the Union, and taken either by the Union or third country vessels, have been taken in compliance with the CCSBT Conservation and Management Measures. The IUU regulation includes provisions on vessel inspection (Chapter II), as well as provisions aimed at ensuring that all imported fishery products are accompanied by a catch certification (Chapter III, including provisions on verification (Art 17)).

3. Observer scheme:

Like in previous years, there is a continued commitment to a 10% observer coverage scheme onboard Spanish vessels fishing in the Southern Oceans, particularly the ones prone to take by-catch of Southern Bluefin Tuna in 2010. Parts of the scientific reports will be made available to CCSBT, in particular the information related to accidental by-catch of Ecologically Related Species.