

## EUROPEAN UNION 2012 COMPLIANCE ACTION PLAN

Under this Compliance Action Plan frequent references are made to the following legislative acts:

- "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" – referred to as the "Control Regulation": <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:343:0001:0050:EN:PDF>
- "Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing" - referred to as the "IUU Regulation": <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:286:0001:0032:EN:PDF>
- Council Regulation (EU) No 44/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements - referred to as the "TACs and quotas Regulation": <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:025:0055:0147:EN:PDF>
- Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems - referred to as the "VMS Regulation": <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:333:0017:0027:EN:PDF>

### I. Summary of Improvements Implemented in the Compliance Action Plan

#### (1) Current improvements

*Briefly list improvements achieved in this action plan, such as: designated foreign port of transshipment, 10% observer coverage, 10% monitoring of SBT transfer to farm cages by stereo video etc. There is no need to provide detailed descriptions of the improvements here because details of measures should be provided in the actual plan itself.*

**In 2011 there were no major changes in the way the EU manages its minor by-catches quota of SBT.**

#### (2) Future planned improvements

*Describe any improvements that are being planned for the future (i.e. beyond the current Compliance Action Plan) and the expected implementation date for such improvements.*

**Currently, penalties to non complying vessels are applied by Member States according to their national legislation and as such are not directly imposed by the European Union. This system will remain in the future, however, to ensure that fishing rules are applied in the same way in all Members States, and to harmonize the way infringements are sanctioned, the EU has established a list of serious infringements of the rules of the common fisheries policy. EU countries must include in their legislation effective, proportionate and dissuasive sanctions and ensure that the rules are respected.**

**As from 1 January 2012, EU Member States introduced a point system for serious infringements. Under the scheme, national authorities will:**

- assess alleged infringements involving vessels registered under its flag, using standard EU definitions
- impose a pre-set number of penalty points on vessels involved in serious infringements (points are recorded in the national registry of fisheries offences)
- suspend the vessel's license for 2, 4, 8 or 12 months when a pre-set number of points have been accumulated in a 3-year period.

Points are attributed to the fishing license that is linked to a vessel, so they will stay with the vessel even when it is sold on to a new owner. Detailed rules for the point system have been drawn up at EU level in close cooperation with Member States. EU Member States will also be required to establish a point system for masters of fishing vessels. The point system does not introduce new sanctions and does not interfere with the discretionary power of the national judge in assessing the facts of the case and the gravity of the behavior in question.

## II. Compliance Action Plan

### **(1) Fishing for Southern Bluefin Tuna**

*(a) Specify the number of vessels expected to be in the SBT fishery together with the number that are expected to target SBT and the number that are expected to take SBT as a by-catch.*

The EU is a contracting party to WCPFC and IOTC. The number of vessels fishing under the rules of those organisations and which may be susceptible to fish SBT as by-catch are 28 (23 and 5 respectively) longliners, all of them carry the Spanish flag. However, in the two last reporting cycles, only two vessels reported SBT by-catches.

*(b) Describe the system for controlling the level of SBT catch. For ITQ and IQ systems, this should include details on how the catch will be allocated to individual companies and/or vessels. For competitive catch systems this should include details of the process for authorising vessels to catch SBT and how the fishery will be monitored for determining when to close the fishery:*

**No EU vessels fish directly for SBT. EU legislation prohibits the targeting of SBT and explicitly mentions that the allocated quota of 10 tons is only to be used for the counting of by-catch. (See annex IG of the "TACs and quotas Regulation")**

*(c) Provide details of the methods used to monitor catching in the fishery by completing the table below. Details should also be provided of monitoring conducted of fishing vessels when steaming away from the fishing grounds (this does not include towing vessels that are reported in Section 2).*

Monitoring Methods	Description
Daily log book	<p><i>Specify:</i></p> <p><i>i. Whether this is mandatory. If not, specify the % of SBT fishing to be covered:-</i>  <b>The "Control Regulation" requires EU vessels over 10m to keep a fishing logbook of their operations, indicating specifically all quantities of each species caught and kept on board above 50 kg of live-weight equivalent.</b></p> <p><i>ii. The level of detail recorded (shot by shot, daily aggregate etc):-</i>  <b>The information recorded in the logbook shall be as follows:</b></p> <ul style="list-style-type: none"> <li><b>(a) the external identification number and the name of the fishing vessel;</b></li> <li><b>(b) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;</b></li> <li><b>(c) the date of catches;</b></li> <li><b>(d) the date of departure from and of arrival to port, and the duration of the fishing trip;</b></li> <li><b>(e) the type of gear, mesh size and dimension;</b></li> <li><b>(f) the estimated quantities of each species in kilograms live weight or, where appropriate, the number of individuals;</b></li> <li><b>(g) the number of fishing operations.</b></li> </ul> <p><i>iii. Whether the effort and catch information collected complies with that specified in the "Characterisation of the SBT Catch" section of the CCSBT Scientific Research Plan (Attachment D of the SC5 report), including both retained and discarded catch. If not, describe the non-compliance:-</i></p> <p><b>The effort and catch information is compliant with the mentioned document.</b></p> <p><i>iv. What information on ERS will be recorded in logbooks:</i></p>

	<p><b>Masters of EU fishing vessels shall record in their fishing logbook all estimated discards above 50 kg of live-weight equivalent in volume for any species.</b></p> <p><i>v. Who the log books will be submitted to<sup>1</sup>:</i>  <b>Masters of EU fishing vessels shall submit the fishing logbook:</b>  <b>(a) to their flag Member State; and</b>  <b>(b) if the landing has taken place in a port of another Member State, to the competent authorities of the port Member State concerned.</b></p> <p><i>vi. What is the timeframe and method<sup>2</sup> for submission:-</i>  <b>Masters of EU fishing vessels shall submit the fishing logbook information as soon as possible and not later than 48 hours after landing.</b></p> <p><b>Concerning the method of submission it shall be by electronic means according to the "Control Regulation":</b></p> <p><b>(a) as from 1 January 2012 by EU fishing vessels of 12 metres' length overall or more and less than 15 metres' length overall;</b></p> <p><b>(b) as from 1 July 2011 by EU fishing vessels of 15 metres' length overall or more and less than 24 metres' length overall; and</b></p> <p><b>(c) as from 1 January 2010 by EU fishing vessels of 24 metres' length overall or more.</b></p> <p><b>Vessels above 10m but below 12m are obliged to maintain a logbook but can keep it in paper form if they so wish.</b></p> <p><i>vii. The type of checking and verification that will routinely be conducted for this information:-</i></p> <p><b>Member States authorities check on a sample basis the logbooks of their flagged vessels against their landings. Also, they run target check when there is a suspicion of fraud or of irregularities. Furthermore, European Commission Inspectors have the right to request inspections and be present together with national authorities whenever they deem it necessary.</b></p> <p><i>viii. Reference to applicable legislation and penalties:-</i>  <b>Penalties to non complying vessels are applied by Member States according to their legislation and at such are not directly imposed by the European Union.</b></p> <p><i>ix. Other relevant information<sup>3</sup>:-</i>  <b>None</b></p>
<p><i>Additional reporting methods (such as real time monitoring programs)</i></p>	<p><b>No additional reporting methods for EU vessels are in force for SBT</b></p>
<p><i>Scientific Observers</i></p>	<p><i>Specify:</i>  <i>i. The % of the SBT catch and effort to be observed:-</i></p>

<sup>1</sup> If the reports are not to be submitted to the Member's or CNM's government fisheries authority, then also specify whether the information will later be sent to the fisheries authority, including how and when that occurs.

<sup>2</sup> In particular, whether the information is submitted electronically from the vessel.

<sup>3</sup> Including information on ERS, and comments on the effectiveness of the controls or monitoring tools and any plans for further improvement.

	<p><b>The vessels susceptible of catching SBT as a by-catch benefit from an average of 8% of scientific observer coverage.</b></p> <p><i>ii. The system to be used for comparisons between observer data and other catch monitoring data in order to verify the catch data:</i>  <b>The European Union makes a clear difference between control and scientific observers. The latter are charged with collecting scientific data during fishing campaigns to be used by scientists to elaborate scientific assessments and advice. In order to ensure that they have full access to operations and full cooperation from the crew, scientific observers are not in charge of control tasks.</b></p> <p><i>iii. Excluding the coverage, specify whether the observer program will comply with the CCSBT Scientific Observer Program Standards. If not, describe the non-compliance. Also indicate whether there has been any exchange of observers between countries:-</i></p> <p><b>The scientific observers deployed on EU vessels are in line with the CCSBT Scientific Observer Program Standards</b></p> <p><i>iv. What information on ERS will be recorded by observers:-</i></p> <p><b>Observers register interactions with ERS divided by species, the mitigation measures used to attempt to release them and the fate of the specimen caught (e.g. released unharmed, released harmed, killed).</b></p> <p><i>v. Who the observer reports will be submitted to:-</i>  <b>Observer reports are submitted to the vessel flag Member State, which in turn submit a report to the European Commission on an annual basis.</b></p> <p><i>vi. Timeframe for submission of observer reports:-</i>  <b>Reports are normally submitted within one month after the end of the concerned fishing trip.</b></p> <p><i>vii. Other relevant information (including plans for further improvement – in particular to reach coverage of 10% of the effort):-</i>  <b>None</b></p>
VMS	<p><i>Specify:</i></p> <p><i>i. whether a mandatory VMS for SBT vessels that complies with CCSBT's VMS resolution will be in operation. If not, provide details of non-compliance and plans for further improvement:-</i>  <b>Under the "VMS Regulation", fishing vessels exceeding 15 metres of overall length are obliged to carry VMS. An EU fishing vessel subject to VMS is not allowed to leave a port without an operational satellite-tracking device installed on board. The EU is a contracting party to WCPFC, IOTC, CCAMLR and ICCAT, and therefore EU vessels fishing in the respective areas or these RFMOs comply with the applicable VMS provisions.</b></p> <p><i>ii. Reference to applicable legislation and penalties:-</i>  <b>Penalties to non complying vessels are applied by Member States according to their legislation and at such are not directly imposed by the European Union.</b></p>
At-Sea Inspections	<p><i>Specify:</i></p> <p><i>i. The coverage level of at sea inspections (e.g. % of SBT trips inspected):-</i>  <b>0% - The caught amount are not statistically significant.</b></p> <p><i>ii. Other relevant information<sup>3</sup>:-</i>  <b>None</b></p>
Other (use of	<b>None</b>

masthead cameras etc.)	
---------------------------	--

**(2) SBT Towing and transfer to and between farms (farms only)**

The EU fleet does not target SBT, therefore it does not tow or transfer it to farms. No EU farms fatten SBT.

**(3) SBT Transshipment (in port and at sea)**

Transshipments at sea are regulated under EU law.

Art. 20 of the "Control Regulation" foresees that:

"Transshipments at sea shall be prohibited in EU waters. They shall be allowed only subject to an authorisation and to the conditions laid down in this Regulation in ports or places close to the shore of Member States designated for this purpose, and in accordance with the conditions laid down in Article 43(5).

Art. 4(3) and (4) of the "IUU Regulation" states that:

"3. Transshipments between third country fishing vessels or between the latter and fishing vessels flying the flag of a Member State shall be prohibited in EU waters and shall take place only in port, in accordance with the provisions of this Chapter.

4. Fishing vessels flying the flag of a Member State shall not be authorised to tranship at sea catches from third country fishing vessels outside EU waters unless the fishing vessels are registered as carrier vessels under the auspices of a regional fisheries management organisation."

Additionally, Spanish national legislation prohibits all transshipments at sea operations.

**(4) Landings of Domestic Product (from both fishing vessels and farms)**

(a) Specify the approximate percentage of the annual SBT catch that is expected to be landed as domestic product each year.

0%

(b) Describe the system to be used for controlling and monitoring domestic landings of SBT. This should include details of:

The quantities of SBT caught by EU flagged vessels are unavoidable minor by-catches. The EU has not put in place a separate system specifically aimed at monitoring catches of SBT since it does not actively participate in fishing for this stock.

**(5) SBT Exports**

(a) Specify the approximate percentage of the annual catch that is expected to be exported each year.

100%

The small amount of EU SBT catches is normally landed along with other species of tuna by-catch (*Thunus alalunga*, etc.) and sold fresh on local markets for consumption or sometimes it is donated to charity.

Catches in the WCPFC area are landed in Papeete (Tahiti), whereas catches in the IOTC area are landed in Durban (South Africa)

(b) Describe the system to be used for controlling and monitoring exports of SBT (including of landings directly from the vessel to the foreign importing port). This should include details of:

- i. Inspections required for export of SBT (including % coverage):-
- ii. Monitoring systems for recording the quantity of SBT exported:-
- iii. Process for validating エラー! ブックマークが定義されていません。 and collecting the relevant CCSBT CDS documents (Catch Monitoring Form and depending on circumstances, Catch Tagging Form or Re-export/Export after landing of domestic product Form):-
- iv. Reference to applicable legislation and penalties:-
- v. Other relevant information<sup>3</sup>:-

**The quantities of SBT caught by EU flagged vessels are unavoidable and minor by-catches. The EU has not put in place a separate system specifically aimed at monitoring catches of SBT since it does not actively participate in fishing for this stock.**

#### **(6) SBT Imports**

(a) Specify the approximate tonnage of SBT that is expected to be imported each year.

**Amounts expected to be imported are zero or close to zero.**

(b) Describe the system to be used for controlling and monitoring imports of SBT. This should include details of:

- i. Rules for designated ports for import of SBT:-
- ii. Inspections required for import of SBT (including % coverage):-
- iii. Process for checking and collecting CCSBT CDS documents (Catch Monitoring Form and depending on circumstances, Re-export/Export after landing of domestic product Form):-
- iv. Reference to applicable legislation and penalties:-
- v. Other relevant information<sup>3</sup>:-

**Not relevant for the EU**

#### **(7) SBT Markets**

(a) Describe any activities targeted at points in the supply chain between landing and the market:

**Not relevant for the EU.**

(b) Describe the system to be used for controlling and monitoring of SBT at markets (e.g. voluntary or mandatory requirements for certain documentation and/or presence of tags, and monitoring or audit of compliance with such requirements):-

**Not relevant for the EU.**

(c) Other relevant information<sup>3</sup>

**None.**

#### **(8) Other**

Description of any other systems of relevance to the Action Plan.

**None**

### **III. Additional Reporting Requirements for the Compliance Committee**

*The following reports are required to be provided to the Compliance Committee or Secretariat on an annual basis.*

#### **(1) Annual VMS Summary Report**

*The Resolution on establishing the CCSBT Vessel Monitoring System requires the following information to be reported by each Member and CNM. However, depending on the information provided in the Compliance Action Plan (chapter II), it may be possible to satisfy the requirements of item "a" by referencing the VMS part of Section "1c" of the Compliance Action Plan.*

- a. A description of the progress and implementation of its VMS program in accordance with the CCSBT VMS resolution.
- b. The number of its flag vessels on the CCSBT Authorised Vessel List that were required to report to a National VMS system.
- c. The number of its flag vessels on the CCSBT Authorised Vessel List that actually reported to a National VMS system.
- d. Reasons for any non-compliance with VMS requirements and action taken by the Member.
- e. In the event of a technical failure of a vessel's VMS, the vessel's geographical position (latitude and longitude) at the time of failure and the length of time the VMS was inactive should be reported.
- f. Describe the procedures used for manual reporting in the event of a VMS failure (e.g. "manual position reporting on a 4 hourly basis").
- g. A description of any investigations initiated in accordance with paragraph 3(b) of the CCSBT VMS resolution including progress to date and any actions taken.

**Information on VMS is included in section 1C of the Compliance Action Plan above.**

#### **(2) Annual Transshipment Summary Report**

*The CCSBT's resolution on Establishing a Program for Transshipment by Large-Scale Fishing Vessels requires the following information to be reported to the Secretariat by each Member and CNM six weeks prior to the Annual meeting of the Commission. It would be appropriate for the same information to be provided in this report to the Compliance Committee.*

- a. The quantities of SBT transshipped during the previous year.
- b. The list of the LSTLVs registered in the CCSBT Authorised Vessel List which have transshipped during the previous year.
- c. A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from their LSTLVs.

**This section is not relevant for the EU (see section 3 of the Compliance Action Plan above).**

#### **3) Annual Report on Implementation of the 2008 ERS Recommendation**

*The CCSBT's Recommendation to Mitigate the Impact on Ecologically Related Species of Fishing for Southern Bluefin Tuna includes an annual reporting requirement to the Compliance Committee.*

Members and CNMs are required to report on the action they have taken pursuant to the following paragraphs of the 2008 ERS Recommendation:

1. Members and Cooperating Non-Members will, to the extent possible, implement the International Plan of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries (IPOA-Seabirds), the International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks), and the FAO Guidelines to reduce sea turtle mortality in fishing operations (FAO-Sea turtles), if they have not already done so.
2. Members and Cooperating Non-Members will comply with all current binding and recommendatory measures aimed at the protection of ecologically related species, including seabirds, sea turtles and sharks, from fishing, which are adopted from time to time:

- a) by the Indian Ocean Tuna Commission, when fishing in its Convention area, and
  - b) by the Western and Central Pacific Fisheries Commission, when fishing in its Convention area,
- irrespective of whether the Member or Cooperating Non-Member concerned is a member of the relevant Commission or otherwise cooperates with it.
3. Members and Cooperating Non-Members will collect and report data on ecologically related species to the Extended Commission and/or its subsidiary bodies as appropriate, including the Ecologically Related Species Working Group. Further, the undertaking described in paragraph 2 will include a commitment to comply with measures adopted by the Indian Ocean Tuna Commission and the Western and Central Pacific Fisheries Commission on the collection and reporting of data in relation to ecologically related species. Data confidentiality shall be protected under the rules that apply in those Commissions.

**The EU fleet complies with all current binding and recommendatory measures aimed at the protection from fishing of ecologically related species, including seabirds, sea turtles and sharks, which have been adopted by the IOTC, WCPFC and ICCAT, when fishing in the respective Convention areas of these RFMOs.**

**In February 2009 the European Commission adopted the first ever EU Action Plan for the Conservation and Management of Sharks. The aim of the plan is to ensure that effective steps are taken to help rebuild shark stocks wherever they are under threat, if necessary on a precautionary basis, and to set down guidelines for the sustainable management of the fisheries concerned, including those where shark are taken as by-catch. The plan also includes measures to improve scientific knowledge of shark stocks and shark fisheries. The measures set out cover not only sharks, but also related species, such as skates and rays, and will apply wherever the EU fleet operates, both within and outside European waters.**

**Recognising that incidental mortality of seabirds in fisheries remains at high levels and populations of many affected seabird species continue to decline the European Commission plans to adopt an EU Plan of Action (EU-PoA) during the second half of 2012. This will provide a stable and effective platform for the development of a management framework that will lead to seabird bycatch being minimised to as low levels as is practically possible. This is in line with the objectives of the reformed Common Fisheries Policy of moving towards ecosystem management covering all components of the ecosystem including seabirds.**

**The proposed objective of the EU-PoA is to minimise and where possible eliminate the incidental catches of threatened seabird populations by EU vessels operating in EU and non-EU waters and to reduce bycatch for other seabird species where the populations are stable but bycatch are at levels that are cause for conservation concern.**

**The European Commission has brought forward proposals on more effective mitigation measures in longline fisheries for tuna through a number of RFMOs including ICCAT, GFCM and IOTC during 2011 and 2012 and the EU-PoA will help to encourage similar measures to be adopted by other RFMOs.**

**The EU strongly supports the improvement of the assessment of existing incidental catches of seabirds in fisheries and intends to examine what measures are required to achieve more reliable reporting of incidental catches of seabirds in European fisheries.**