

EU Fisheries Control System Factsheet

An expanded and stronger international mandate for EFCA

Importance

The European Fisheries Control Agency (EFCA) coordinates Member States' control and inspection activities under the Common Fisheries Policy (CFP). This takes the form of training Member States inspectors, implementing joint deployment plans (JDP) and the development of harmonised European approaches to fisheries monitoring, control and surveillance. To a limited extent, EFCA also currently assists the EU internationally in the framework of the fight against illegal, unreported and unregulated (IUU) fishing, and in the EU's relations with Regional Fisheries Management Organisations (RFMOs) and in Sustainable Fisheries Partnership Agreements (SFPAs).

While EFCA's mandate provides for this external dimension, the revision of the Control Regulation offers scope to broaden this mandate to support positive global change in significant ways.

What are the current challenges?

It is undisputed that the EU IUU Regulation has become the most ambitious market state law globally to combat IUU fishing. Its 'carding' scheme, which implements a series of trade-related measures including sanctions against countries that do not cooperate in the fight against IUU fishing, has proven particularly effective in driving fisheries reforms in non-EU countries.

Since November 2012, the EU has issued 'cards' to 25 countries for failure to combat IUU fishing. In addition, the EU has engaged in dialogues with more than 50 countries to date to improve systems and frameworks to combat IUU fishing in line with international law. Reforms in these third countries have demonstrated the far-reaching potential of the EU IUU Regulation's carding process in improving fisheries governance around the world,¹ as they improve their fisheries controls to ensure continued access of their fishery products to the EU market.

IUU fishing, however, is complex and often transboundary, making it all the harder for third countries to detect and deter illicit fishing activities by catch vessels operating in their jurisdictions. Once the EU has identified a third country whose efforts fall short of combating IUU fishing in line with international law, these countries – and among them particularly developing countries – often face difficulty to find appropriate resources to reinforce their capacity and control systems to respond effectively to the Commission's expectations.²

Simultaneously, the European Commission has a wide remit to conduct third-country assessments and missions to support third countries in their fight against IUU. In 2017, for example, EFCA already engaged in five missions to support the European Commission's activities in third countries with positive results.³ EFCA also contributed to capacity building in SFPAs, e.g. by assisting the Indian

¹ EJF, Oceana, The Pew Charitable Trusts and WWF (2016) 'Improving performance in the fight against illegal, unreported and unregulated (IUU) fishing. The EU IUU Regulation carding process: A review of European Commission carding decisions', Issue Brief, http://www.iuuwatch.eu/wp-content/uploads/2015/06/3rdCountryCardingGuidelinesReport_FINAL.LOW_.pdf.

² It should be noted that in the EU, under the European Fisheries and Maritime Fund (EMFF) for the period from 2014 to 2020, a total of 580 million EUR has been allocated for control and enforcement measures and another 520 million euro for data collection for EU Member States alone. Undoubtedly, the majority of third countries, especially developing ones, lack the financial resources to match these funds to improve their control, enforcement and data collection systems.

³ Annual Report of the EFCA for Year 2017, <https://www.efca.europa.eu/en/content/annual-report-2017>.

Ocean Commission with risk management and São Tomé e Príncipe with fisheries surveillance systems.⁴ An enlarged international dimension for EFCA would build on this success.

What is the Commission proposing for the revised Control Regulation?

In its proposal, the European Commission goes some way to enlarge EFCA's objective to include the external dimension of the Common Fisheries Policy, but also to allow for its inspectors to be assigned to EU waters. However, to truly make use of the Agency's experience and resources in the fight against IUU fishing, a global scourge, EFCA's international role needs to be further defined and strengthened.

Recommendations

Modify Articles 4 and 7 of EFCA's Founding Regulation to expand its international role in the global fight against IUU fishing

EFCA has a strong track record in training EU inspectors and in relevant external missions to counter IUU fishing, improve risk management and fisheries surveillance systems, as well as to ameliorate stock management.

Given the Agency's experience, operational expertise and technical capabilities, it can directly enhance the Commission's level of interaction with non-EU countries on fisheries control measures and inform 'carding' decisions under the EU IUU Regulation at all stages.

We therefore propose the following amendments to the EFCA Founding Regulation (EC) n° 768/2005:

- Enlarge the Agency's international remit so it can provide assistance to third countries' authorities in the form of capacity building programmes for third-country officials and so that it can undertake joint inspections with such countries, particularly with a view to combating IUU fishing (Modify Art. 4);
- Allow EFCA to assist the Commission in its cooperation with third countries to combat IUU fishing, and especially with those countries found to be non-cooperating, or pre-identified as non-cooperating ('yellow carded') under the EU IUU Regulation (Modify Art. 7); and
- Give EFCA the mandate to lend active support through steady research and data analysis prior to and during the Commission's cooperation efforts with third countries (Modify Art. 7)

Support Articles 1 and 17 of the Commission's proposal on EFCA's Founding Regulation

We support the proposed changes to the Agency's Founding Regulation to:

- Include in EFCA's Objective the external dimension of the CFP (Art. 1); and
- the provision that EFCA officials can be assigned as Union inspectors in EU waters (Art. 17).

[Click here for the full set of NGO recommendations for the Revision of the EU Control Regulation](#)

⁴ Annual Report of the EFCA for Year 2017.