

CHAPTER 4

Inventory of National Measures Against IUU Fishing Activities

Introduction

As a core part of its study of IUU fishing activities, the Committee decided to develop an inventory of national measures in place against IUU fishing activities. This chapter outlines existing frameworks for measures in place in Member countries against IUU fishing activities on the high seas as well as in national EEZs. According to a questionnaire prepared by the Secretariat (reproduced in Annex 1 of Chapter 3), the country notes provide detailed information on individual OECD countries' national measures in place as well as other potential legal measures that are being considered within the framework of a national plan of action on IUU fishing activities, economic measures, and social/ethical measures.

In the section on legal measures, there is emphasis on the rules and regulations dealing with national flagged vessels' fishing activities within other country's EEZs and on the high seas. It also includes extra-territorial application of regulatory measures and regulations to foreign fishing vessels' activities. It includes information on the responsibilities of foreign vessels (such as installation of VMS, catch reporting etc.) and on the penalty structures including fines, confiscation of catches and vessels, and the detention of vessels and crews. Economic measures encompass investment rules regarding fishing vessel ownership. Trade rules on fish and fish products of IUU origin are included under economic measures. Restrictions on foreign direct landings (including use of ports) and transshipments from foreign fishing vessels are referred to in this section. Other moral/ethical measures to prevent IUU fishing activities focus particularly on largely non-economic and social mechanisms that discourage engagement in IUU fishing activities.

Ireland

1. Legal measures and regulations

As a Member State of the European Community, Ireland is responsible for the implementation of all Community legislation concerning IUU activities and otherwise (as detailed separately in the section on the European Union). These legislative requirements emanate primarily from the CFP Framework Regulation 2371/2002 and the associated fisheries control Regulation 2847/1993 as amended.

The Sea Fisheries Acts 1959 to 2004, and secondary legislation made thereunder, are the primary legislative instruments deployed in controlling the activities of (a) Irish flagged vessels **wherever they operate in the world** and (b) fishing vessels of all third countries operating within the EEZ of Ireland, as may be authorised under bilateral agreement between the EU and the third country concerned.

The measures and regulations in place embrace the requirements of the Common Fisheries Policy and include in particular provisions concerning VMS installation and operation, catch reporting, acceptance on-board of inspectors and observers and landing controls. These requirements apply to all fishing activities by Irish flagged vessels within Ireland's EEZ, in other countries' EEZ and on the high seas. They are enforced through extensive patrolling both within Ireland's EEZ and on the high seas in the context of control activities undertaken within the framework of Regional Fisheries Organisations such as NEAFC and ICCAT. These provisions also apply to third countries operating within Ireland's EEZ.

Legal provisions exist in Irish law that enable the Irish authorities to institute legal proceedings against any Irish flagged vessel committing IUU or other fisheries offences. Irish flagged vessels are required by national law to comply with all of the provisions of the Common Fisheries Policy in all EEZs and on the high seas. These provisions also apply to third country vessels operating within Ireland's EEZ.

Penalties available to the Courts for such offences reflect the requirements of the Common Fisheries Policy and thus include, for example, gear and catch forfeiture, licence withdrawal, substantial financial penalties etc.

There have been no instances to date of Irish flagged vessels engaging in IUU activity.

Registration/licensing is required by the Irish authorities for all commercial sea-fishing vessels. The licensing authorities have legal discretion to refuse the issue of licences on any grounds that it sees fit and licences may also be suspended or revoked.

2. Economic measures

With regard to inward investment rules on fishing vessel ownership, economic linkage is the critical component. It is a requirement that vessel owners are from the EU, it is necessary to establish a business base in Ireland and insofar as vessel crews are concerned a minimum of 50% must be from the EU.

With regard to outward investment, permission is required from the Irish authorities to export a fishing vessel outside the State. There are no specific rules precluding the ownership of foreign fishing vessels by Irish citizens – relevant requirements would be for the flag State concerned.

In relation to commercial or trade-related rules, the requirements of the Common Fisheries Policy apply (see the section on the European Union for further details).

Landings, transshipment and marketing of fish and fish products are also governed by European Community legislation. In particular, landings by third country fishing vessels are subject to strict rules on permission to land, prior notification of intention to land and the confining of any permitted landing to designated ports. The Irish authorities have specific legal powers to refuse any vessel permission to land.

3. Other Measures

During Ireland's Presidency of the European Union in the first six months of 2004, it strongly advocated the need to fast-track the development of environmentally-friendly fishing which culminated in the European Fisheries Council adopting a set of Conclusions in June 2004, which includes an Action Plan.

This initiative has been widely welcomed by fishers from many countries and given that IUU fishing is, by definition, anathema to environmentally-friendly fishing, it can be asserted that it has encouraged fishers to increasingly recognise the need to work against those involved in IUU activities that are so evidently harmful and damaging to the legitimate interests of the vast majority of responsible fishers.

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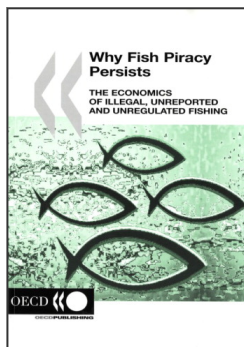
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LIST OF ACRONYMS

Acronym	Definition
AAFC	Atlantic Africa Fisheries Conference
ACFR	Advisory Commission on Fisheries Research
AFMA	Australian Fisheries Management Authority
AMLR Act	Antarctic Marine Living Resources Act (New Zealand)
APFIC	Asia Pacific Fishery Commission
BOBP	Bay of Bengal Programme
CARPAS	CARPAS Regional Fisheries Advisory Commission for Southwest Atlantic
CCAMLR	Convention for the Conservation of Antarctic Marine Living Resources
CCSBT	Convention on the Conservation of Southern Bluefin Tuna
CDS	catch documentation scheme
CECAF	Fishery Commission for the Eastern Central Atlantic
CEPTA	Council of the Eastern Pacific Tuna Fishing Agreement
CIFA	Committee for Inland Fisheries of Africa
CMIT	Capital Movement and Invisible Transaction
COLTO	Coalition of Legal Toothfish Operators
COPESCAL	Commission for Inland Fisheries of Latin America
COREP	Regional Fisheries Committee for the Gulf of Guinea
CPPS	South Pacific Permanent Commission
CWP	Co-ordinating Working Party on Fishery Statistics
DAFF	Australian Government Department of Agriculture, Fisheries and Forestry
EPBC Act	Environmental Protection and Biodiversity Conservation Act, 1999
EEA	European Environment Agency
EEZ	Exclusive Economic Zone
EIFAC	European Inland Fisheries Advisory Committee
FAO	Food and Agriculture Organisation of the United Nations
FAO S.A.	FAO Statistical Area
FFA	South Pacific Forum Fisheries Agency
FFV	Foreign fishing vessel
FIRB	Foreign investment review board
FMA	Fisheries Management Act 1991
FONC	Flag of Non Compliance
FPZ	Fisheries Protected Zone
GFCM	General Fisheries Council for the Mediterranean
GFT	Government Financial Transfer
GRT	Gross Registered Tonnage
GT	Gross Tonnage
HSVAR	High Seas Vessel Authorization Record
IATTC	Inter-American Tropical Tuna Commission

IBSFC	International Baltic Sea Fishery Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
ICES	International Council for the Exploration of the Sea
ICSEAF	International Commission for the Southeast Atlantic Fisheries
ILO	International Labor Organization of the United Nations
IMO	International Maritime Organization of the United Nations
IOTC	Indian Ocean Tuna Commission
IPHC	International Pacific Halibut Commission
IPOA-IUU Fishing	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unregulated and Unreported Fishing
ITF	International Transport Workers' Federation
IUU fishing	Illegal, unreported and unregulated fishing
IWC	International Whaling Commission
LVFO	Lake Victoria Fisheries Organization
MCS	Monitoring Control and Surveillance
MoU	Memorandum of Understanding
MRC	MRC: Mekong River Commission
NACA	NACA: Network of Aquaculture Centres in Asia-Pacific
NAFO	Northwest Atlantic Fisheries Organization
NAMMCO	North Atlantic Marine Mammal Commission
NASCO	North Atlantic Salmon Conservation Organization
NBF	National Board of Fisheries (Sweden)
NEAFC	North-East Atlantic Fisheries Commission
NGO	NGO: Non-Governmental Organization
NMFS	National Marine Fisheries Service (United States)
NPAFC	North Pacific Anadromous Fish Commission
NVDC	National Vessel Documentation Center (United States)
OLDEPESCA	Latin American Organization for the Development of Fisheries
OPRT	Organization for the Promotion of Responsible Tuna Fisheries
PICES	North Pacific Marine Science Organization
PSC	Pacific Salmon Commission
RECOFI	Regional Commission for Fisheries
RFMO	Regional Fisheries Management Organisations
SAG	Stock Assessment Group (CCSBT)
SBT	Southern Bluefin Tuna
SCRS	Standing Committee on Research and Statistics (ICCAT)
SEAFDEC	Southeast Asian Fisheries Development Center
SEAFO	Southeast Atlantic Fisheries Organization
SOLAS	The International Convention for the Safety of Life at Sea
SPC	SPC: Secretariat of the Pacific Community
SRA	Shipping Registration Act 1982
SRCF	Sub-Regional Commission on Fisheries
STCW-F	Standards of Training, Certification and Watch-keeping for Fishing Vessel Personnel Convention
SWIOFC	Southwest Indian Ocean Fisheries Commission
TAC	Total Allowable Catches
TDS	Trade Documentation Scheme

TIS	Trade Information Scheme (CCSBT)
TRAFFIC	Wildlife Trade Monitoring Network
TSPZ	Torres Strait Protected Zone
UNCED	United Nations Conference on Environment and Development
UNCTAD	United Nations Conference on Trade and Development
UNFSA	United Nations Fish Stocks Agreement
VMS	Vessel Monitoring System
WCPFC	Western Central Pacific Fisheries Commission
WECAFC	Western Central Atlantic Fishery Commission
WIOTO	Western Indian Ocean Tuna Organization
WWF	World Wildlife Fund



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