

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.

Norway

1. Legal measures and regulations

Combating IUU/FOC fishing activities has been a major focus for Norwegian Fishing Authorities for several years. Norway has been one of the initiators behind the current focus on combating IUU fishing activities in CCAMLR, FAO and IMO. Subjects have been to establish an international list of fishing vessels that have participated in IUU fishing activities, ban IUU landings globally, impede trade in IUU catches to avoid it entering the market and problems concerning ensuring a the "genuine link" between the vessel and the state whose flag it flies.

a) Fishing activities by national vessels

The Norwegian Act relating to Sea-water Fisheries, which among other things empowers the Ministry of Fisheries to establish measures concerning Norwegian flagged vessels in combating IUU fishing, is applicable in waters under Norwegian jurisdiction, in waters under national fisheries jurisdiction of a foreign State and on the high seas.

It is prohibited to carry out fishing operations on the high seas without first obtaining authorization to register the fishing vessel with the Directorate of Fisheries. Such registration is valid for one calendar year. There are reporting requirements in place, including the maintenance of a logbook. Further all fishing vessels above 24 meters in length are obliged to carry VMS. The vast majority of Norwegian vessels operating on the high seas does this in areas governed by RFMOs, and is thus obliged to fish in accordance with the applicable measures established by a particular RFMO.

Example: Norwegian authorities withdraw the permit to fish in the CCAMLR-area for a Norwegian registered vessel, because the owner - a shipping company - behind the vessel previously had extensively violated fisheries regulations.

b) Fishing activities by foreign vessels within EEZ

Norway has an extensive system of agreements with other states and a large licensing program for foreign vessels, with approximately 1 200 licenses granted annually.

Foreign vessels have the duty to report to the Directorate of Fisheries concerning their activities (entry, weekly catch, exit and transshipment), including the maintenance of a logbook. All foreign vessels above 24 meters are obliged to carry VMS. When a vessel discontinues fishing operations and plans to leave Norwegian waters, it shall present itself at one of special designated control points for a possible check by the Coast Guard. If the vessel is landing in a Norwegian port, the inspection will take place there. The Norwegian national fleet has similar obligations.

For all foreign fishing vessels a licence (or permit) is required. A vessel that contravenes the applicable legislation is liable to a fine. Further the vessel used and its fittings, any catches onboard and gear may be confiscated (instead of any object, its value may be confiscated). The licence may also be withdrawn and refused in future years.

Example: When a vessel, or the vessels owner, has either participated in IUU-fishing on the High seas, or has violated rules set by a RFMO, the vessel do not get the necessary permissions, concessions etc. that is required to be a Norwegian flagged fishing vessel.

c) Registration of fishing vessels

Before a vessel can be used for commercial fishing, the owner has to obtain a licence from the fisheries authorities. Such a licence can be granted only to Norwegian citizens or likewise. Further special licences are required in order to carry out specific fishing operations such as for example trawling, purse-seining etc. When a vessel is granted a licence, information concerning the vessel (name, radio call sign, tonnage, capacity, length etc.) shall be entered into a register of fishing vessels. A fishing vessel cannot be included into the Norwegian shipping register unless a licence is issued by the fisheries authorities.

In an attempt to target IUU fishing activities Norway has established a regulation stating that authorisation to fish in Norwegian waters may be denied if the vessel in question, or its owner, has participated in an IUU fishing activity. This means that a vessel may be denied authorisation to fish in Norwegian waters also if it is operated by others than those who participated in the unregulated fishery concerned. A list of such vessels has been established. As this has reduced the second-hand market value of the vessel that has participated in IUU fisheries, it has proved to be an effective tool in combating IUU fishing activities.

A licence can be granted only to Norwegian citizens or likewise (i.e. limited liability companies and other companies with limited liability, if the head office and the seat of the board are in Norway; the state, facilities and funds administered by the state, and Norwegian municipalities).

For reflagging of national flagged fishing vessels to alternative registries outside Norway, a permission is required if a particular vessel has been involved in schemes for adjustment of fishing capacity.

No other measures are in place to prevent flag hopping, but if a vessel is removed from the register a new licence will be required in accordance with the rather rigorous regulations as outlined above.

2. Economic measures

a) Investment rules

According to the Act of 26 March 1999 No. 15 relating to the right to participate in fishing and hunting at least 50% of the share capital must be held by so-called "active" fishermen, i.e. working as a professional fisherman on a Norwegian fishing vessel for at least 3 of the 5 last years and is still working within the fishing industry. Given that this requirement is met, only the following may acquire ownership to Norwegian fishing vessels:

- Norwegian nationals and persons who are resident in Norway,
- limited companies and other organisational forms with limited liability, if the head office and the seat of the board are in Norway, and the board consists of Norwegian nationals who are resident and are shareholders or unit holders, and at least six tenths of the share capital or limited partnership capital is owned by Norwegian nationals,
- the state, facilities and funds administered by the state, and Norwegian municipalities.

In special cases where companies are engaged in Norway's fish processing industry, foreigners may be allowed to hold more than 40% of the share capital of a fishing vessel if the vessel is in direct conjunction with a processing unit.

Norway has no specified rules regarding Norwegian resident investment in foreign fishing vessels. However, both Norwegian industry organisations and the government have established recommended ethical guidelines for companies and affiliates that perform foreign investment. In general, it is expected by the general opinion in Norway that both public and private sector investments are based on an ethically sound foundation.

b) Trade rules (including trade-related rules)

As a member of CCAMLR, Norway has implemented the catch documentation scheme for Patagonian toothfish.

c) Rules regarding landing, transshipments and marketing

There is a prohibition against landing of IUU catches taken in Norwegian waters, in waters of another State and on the high seas. Norwegian authorities may also deny access to its ports in special circumstances.

d) Penalties, fees and restrictions to GFTs

A vessel (Norwegian or foreign) that has contravened the applicable legislation is liable to a fine. Further the vessel used and its fittings, any catches onboard and gear may be confiscated (instead of any object, its value may be confiscated).

All foreign vessels fish in Norwegian waters on a reciprocal bilateral arrangement with other States and are not subject to fees.

Governmental support to the shipbuilding industry in relation to building of fishing vessels can only be granted if the vessel is to be flying the flag of a party to the 1995 UN Fish Stocks Agreement.

3. Other measures

At the initiative of the Norwegian Fishermen Association and the Norwegian Federation of Fish and Aquaculture a project that focuses on ethics among people engaged in fisheries has been initiated. The project will focus on giving the fishermen an ethical focus as to resource utilization, towards your fellow fishermen, buyers and other stakeholders etc. The project is co-financed of public and private sector funds. The initiative seeks to explore the possibilities of establishing a certificate for fishermen and/or fishing vessels that comply with a set of ethical standards, providing them “preferred customer status”.

As of January 2003 the Norwegian Government and the various industry organizations have signed a co-operation agreement on how to fight illegal activities. Following the agreement, a forum for discussing these issues has been established.

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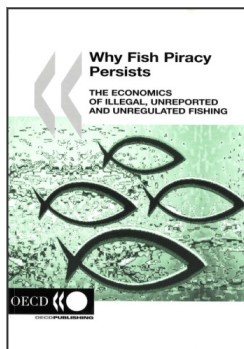
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LIST OF ACRONYMS

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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