

# Ensuring better control of the EU's external fishing fleet

## One number, one boat. The need for mandatory IMO numbers for EU vessels fishing outside of European Union waters

### Introduction

The Environmental Justice Foundation (EJF), Oceana, The Pew Charitable Trusts and WWF are working together to secure the harmonised and effective implementation of the European Union's (EU) Regulation to end illegal, unreported and unregulated (IUU) fishing<sup>1</sup>.

The EU has been active in fighting IUU fishing at a global level through its innovative and ambitious IUU Regulation, which came into force in 2010. It has also strengthened the standards applying to Union vessels operating both within and outside EU waters through the reform of the EU Common Fisheries Policy (CFP), effective from 2014<sup>2</sup>. The legal framework governing the activities of the European external fishing fleet is a crucial part of the fight against IUU fishing and is currently being revised<sup>3</sup>. A robust new external fishing fleet regulation will bring it in line with the CFP and the EU's global policies to prevent, deter and eliminate IUU fishing.

**The revision of the EU's external fishing fleet regulation is a critical opportunity to ensure that all of the Union's fishing vessels, whether operating within or outside Union waters, are subject to common standards and requirements. This will make competition fair and secure more transparent, accountable and sustainable fisheries practice.**

One of the main improvements in the proposal for a regulation on the external fishing fleet is to require that all EU vessels seeking authorisation to fish outside of Union waters register and carry an IMO number<sup>4</sup> a global unique vessel numbering system set up by the International Maritime Organization and administered by IHS Maritime and Trade. The IMO number is a permanent seven-digit number that stays with a vessel from construction through to disposal, regardless of any changes in the vessel's flag or where it operates.

The current EU system governing external fishing authorisations does not require vessels to carry IMO numbers<sup>5</sup>. As a result, it has been possible for EU vessels to operate "under the radar" as they can switch between the flags of EU member states and other non-EU countries, with limited possibility for oversight by authorities in the EU. At the same time, upon returning to a flag of an EU member state, these vessels have benefitted from EU taxpayers' money<sup>6</sup>. These are benefits that are given with no accountability regarding a vessel's previous activities, which may have been conducted under the flags of countries sanctioned by the EU for failing to ensure legal, sustainable fishing.



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<sup>1</sup> Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.

<sup>2</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy.

<sup>3</sup> The legal framework that sets standards for obtaining such authorisations is now being revised. The European Commission's (EC) proposal for a regulation on the sustainable management of external fishing fleets (2015/636) was published in December 2015 and will replace the current Fishing Authorisation Regulation (Council Regulation (EC) No 1006/2008).

<sup>4</sup> <http://www.imo.org/en/OurWork/MSAS/Pages/IMO-identification-number-scheme.aspx>

<sup>5</sup> Since January 2016, IMO numbers have been a requirement for EU vessels above 15 metres in length that fish outside EU waters. However, to fish in non-EU waters all activity should be monitored, regardless of the size

of the vessel. Therefore, any fishing vessels applying for a fishing authorisation should have an IMO number in order to increase transparency and allow the effective tracking of the vessels' behaviour. Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 amending Implementing Regulation (EU) No 404/2011, laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the CFP.

<sup>6</sup> It has been observed that vessels returning from carded countries such as *Simonas Daukantas* were granted authorisation to fish under official EU fisheries agreements within weeks of reflagging to their respective flags. In the case of *Simonas Daukantas* it gained access to the EU agreement with Mauritania. The EU pays considerable sums for access to fish stocks in third country waters – in the case of Mauritania, a sum of €59,125,000 annually.

## The EU Vessel Numbering System

The EU monitors the behaviour of its fishing fleet and tracks fishing vessels by using the unique vessel identifier of the EU – the Community Fleet Register (CFR) number<sup>7</sup>. This is a unique vessel identifier that is permanently assigned to an EU vessel: a CFR number cannot be reassigned to another vessel, and it is in breach of EU law to issue a new CFR number to a vessel that has previously had one<sup>8</sup>. However, CFR numbers are for vessels flagged to EU member states only. The number is not used outside the EU, but is preserved if the vessel comes back to the flag of an EU member state. In other words, when a vessel that was previously in the EU register wants to return to the flag of a member state, the historic CFR number should be used. The fact that CFR numbers only apply to vessels within the EU is a significant loophole, as a CFR number cannot be used to identify any illegal behaviour that a vessel has been involved in when flagged to a non-EU country.

Our investigation looked into the behaviour of every EU vessel over 50 metres included in the EU fleet register since its creation in 1989<sup>9</sup>. Information on IMO numbers was accessed via the IHS Maritime Sea-web database, and used to track vessels and any changes in CFR numbers upon re-entering the EU register. The results revealed nine cases where EU countries awarded vessels a new CFR number when they re-entered the flag of an EU member state in breach of EU law.

It remains unclear why the authorities concerned assigned new CFR numbers to vessels re-entering the EU register

in the cases highlighted in this research. It is possible that EU authorities do not have a subscription to IHS Maritime's database. This holds data on all fishing vessels with an IMO number, including whether a vessel had previously been issued a CFR number, and allows the effective tracking of a vessel's history and activity. It may also be that operators did not provide the correct information in their application to re-enter the EU register. Whatever the reason, it is clear that this should not be happening under EU law.

Four out of the nine vessels that were wrongfully given a new CFR number gained immediate access to taxpayer-sponsored EU fisheries agreements<sup>10</sup>. No information could be found on fishing activities in non-EU waters of the remaining five vessels. Effectively, any misconduct that a vessel might have been sanctioned for by the member state to which it was previously flagged, or any previous activities that might not have been in line with EU standards or its fisheries rules, are lost by awarding it a new CFR number.

The story of the vessel *Simonas Daukantas* clearly illustrates the need for IMO numbers. This vessel entered and exited flags of EU member states on several occasions, in each case reflagging to countries that had been pre-identified (yellow-carded) by the European Commission as potentially non-cooperating in the fight against IUU fishing.

In addition to the case of *Simonas Daukantas*, eight other cases of CFR changes in breach of EU law are included in **Table 1** below.

**TABLE 1**  
Additional cases of CFR number changes in breach of EU law that were detected during our investigation

No.	Vessel names	Original CFR number	Member State	Left EU	Returned to EU	New CFR Number	Member State
1	<i>Paradanta Primero</i>	ESP000015003	Spain	26/04/1995	15/04/2015	ESP000027678	Spain
2	<i>Golden Touza, Terre de Lemos, Touza de Mar</i>	ESP000015094	Spain	01/04/1998	10/02/2015	ESP000027666	Spain
3	<i>Madrus, Heroya Primero</i>	ESP000014634	Spain	28/04/1998	01/05/2004	EST030715149	Estonia
4	<i>Senator, Ottar Birting, Safco Endeavor, Dalborg, Prestland, Otto</i>	GBR000B10272	UK	10/02/1991	01/05/2004	LVA000000071	Latvia
5	<i>Lebedevo Swanella, Irvana, Gudmunda Torfadottir, Olympe, Stamsund</i>	FRA000716702	France	18/02/1993	20/04/1994	GBR000B14074	UK <sup>i</sup>
6	<i>Swordbridge, Juanitoba Numero Uno, Argos Georgia</i>	ESP000002644	Spain	03/04/2000	25/01/2006	GBR000C20003	UK <sup>ii</sup>
7	<i>Havilah, Havsnurp, Brestur</i>	DNK000041932	Denmark	02/07/2014	11/07/2014	GBR000C20553	UK
8	<i>Eyram, Avel Huel</i>	FRA000291620	France	26/03/1991	10/03/1995	FRA000854428	France <sup>iii</sup>

Source: EU fleet register (<http://ec.europa.eu/fisheries/fleet/index.cfm>) – for details per vessel see online version on [www.iuuwatch.org](http://www.iuuwatch.org)

<sup>i</sup> This vessel has now left the UK flag

<sup>ii</sup> This vessel has now left the UK flag

<sup>iii</sup> This vessel has now left the French flag

<sup>7</sup> Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register.

<sup>8</sup> Article 10, Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register.

<sup>9</sup> EU fleet register: <http://ec.europa.eu/fisheries/fleet/index.cfm>

<sup>10</sup> It has been observed that vessels returning from carded countries such as *Simonas Daukantas* were granted authorisation to fish under official EU fisheries agreements within weeks of reflagging to their respective flags. In the case of *Simonas Daukantas* it gained access to the EU agreement with Mauritania. The EU pays considerable sums for access to fish stocks in third country waters – in the case of Mauritania, a sum of €59,125,000 annually.

## The Case of the *Simonas Daukantas*

The *Simonas Daukantas* (previous names Beta 1 and Beta<sup>11</sup>) is an industrial-sized<sup>12</sup> trawler vessel. The vessel is currently owned by Baltlanta – a Lithuanian fishing company<sup>13</sup>.

Between 2005 and 2013<sup>14</sup> the *Simonas Daukantas* (then called Beta 1) was flagged to Belize. On 15 November 2012, Belize was given a warning, or yellow card, by the EU under the EU Regulation on IUU fishing<sup>15</sup> for failure to control its fleet and for non-compliance with its obligations under international fisheries law to combat illegal fishing<sup>16</sup>. The vessel continued to operate under the then yellow-carded Belizean flag for another six months, before entering the EU through a Polish flag – under CFR number POL035202225 – in June 2013<sup>17</sup>. It is not illegal for EU vessels to operate under a yellow-carded flag; however, when a country is awarded a red card<sup>18</sup> EU vessels are not allowed to continue fishing in the waters of that country, and fish products caught by vessels flagged to the red-carded country can no longer be exported to the EU.

After three months under the Polish flag, *Simonas Daukantas* (then called Beta 1) returned to Belize in September 2013. The following Spring, on 24 March 2014, Belize was red-carded because it failed to act on the EU's first warning in a timely manner<sup>19</sup>. The vessel continued to operate under the Belizean flag until 26 February 2014<sup>20</sup>, following which it returned to the EU under a Lithuanian flag. Upon re-entering the EU register in 2014, it was issued a new CFR – LTU000000357<sup>21</sup> by the Lithuanian authorities, in breach of EU law.

Although *Simonas Daukantas* (or Beta 1) was returning to the flag of an EU member state from a carded country, the Polish

and Lithuanian authorities granted the vessel authorisation to fish under an official EU fisheries agreement with Mauritania, within weeks of re-flagging to their respective flags<sup>22</sup>. The EU pays considerable sums for access to fish stocks in third country waters – in the case of Mauritania, a sum of €59,125,000 annually<sup>23</sup> – yet to obtain an authorisation to fish under the current external fleet regulation, EU vessels are not required to provide proof of their compliance with applicable conservation and management measures or laws while operating under a non-EU flag. Whilst technically no rules have been broken, it is clear that detailed scrutiny should be applied to all vessels returning from carded flag States to assess their historical compliance with applicable rules. An IMO number is the only way to enable such an investigation.



The vessel *Simonas Daukantas*. © Гена Анфимов

**The case of the *Simonas Dakauntas* is a clear example of how the CFR system is failing to allow adequate control of vessels moving between EU and non-EU flags. The most effective way to ensure proper transparency and monitoring of a vessel's history is for it to carry a unique IMO number which stays with the vessel wherever in the world it fishes, and whenever it changes flag.**

**To comply with the high standards for the EU external fleet as set out in the reformed CFP, it is particularly crucial that EU authorities have access to information on IMO numbers when determining whether or not to issue an authorisation for a vessel to fish in non-EU waters.**

**Therefore, in the future external fleet regulation:**

- 1. Any EU vessels applying for a fishing authorisation should be required to have an IMO number to allow for the effective tracking of the vessel's history and behaviour.**
- 2. IMO numbers should be included in a public database of EU vessels operating in external waters to improve transparency and fisheries management in the EU and in non-EU waters, and enhance fair competition.**
- 3. All vessels wishing to re-enter the EU fleet and applying for an authorisation to fish after being flagged to a non-EU country must demonstrate a record of compliance with applicable laws and conservation and management measures.**

<sup>11</sup> IMO number 8607220. Information through IHS Maritime Sea-web [www.sea-web.com](http://www.sea-web.com) - accessed June 2016.

<sup>12</sup> *Simonas Daukantas* has a length of 120 metres and a GT of 7765. See EU fleet Register <http://ec.europa.eu/fisheries/fleet/index.cfm>

<sup>13</sup> <http://www.iccat.int/en/VesselsRecordDet.asp?id=27711> – accessed May 2016

<sup>14</sup> Information through IHS Maritime Sea-web [www.sea-web.com](http://www.sea-web.com) – accessed June 2016

<sup>15</sup> Under the EU Regulation to end illegal, unreported and unregulated (IUU) fishing (Council Regulation (EC) No 1005/2008), the European Commission can pre-identify or yellow card “non-cooperating third countries” that are not supporting the fight against IUU fishing. The yellow card is linked to an action plan detailing necessary improvements in fisheries management and monitoring, control and surveillance procedures. If yellow-carded, the Commission works closely with the third country to develop and support implementation of the plan to fight IUU fishing. Failure to enact the plan can result in a “red card” or a trade ban on all seafood products regulated by the IUU Regulation into the EU, and a prohibition on EU vessels operating in the country's waters, among other sanctions.

<sup>16</sup> Commission Decision of 15 November 2012 on notifying the third countries that the Commission considers as possible of being identified as non-cooperating third countries pursuant to Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (2012/C 354/01).

<sup>17</sup> Information through IHS Maritime Sea-web [www.sea-web.com](http://www.sea-web.com) and [http://ec.europa.eu/fisheries/fleet/index.cfm?method=Search.ListSearchSimpleOneVessel&COUNTRY\\_CODE=&CFR\\_CODE=POL035202225&search\\_type=CFR&search\\_id=3068&CFID=355546&CFOKEN=ab884a23c7ab866a-472471A4-DAD4-9911-41B0F0E1DCC75E67](http://ec.europa.eu/fisheries/fleet/index.cfm?method=Search.ListSearchSimpleOneVessel&COUNTRY_CODE=&CFR_CODE=POL035202225&search_type=CFR&search_id=3068&CFID=355546&CFOKEN=ab884a23c7ab866a-472471A4-DAD4-9911-41B0F0E1DCC75E67) – accessed May 2016.

<sup>18</sup> See above.

<sup>19</sup> Council Implementing Decision of 24 March 2014 establishing a list of non-cooperating third countries in fighting IUU fishing pursuant to Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.

<sup>20</sup> [http://ec.europa.eu/fisheries/fleet/index.cfm?method=Search.ListSearchSimpleOneVessel&COUNTRY\\_CODE=&CFR\\_CODE=LTU000000357&search\\_type=CFR&search\\_id=623&CFID=355546&CFOKEN=ab884a23c7ab866a-472471A4-DAD4-9911-41B0F0E1DCC75E67](http://ec.europa.eu/fisheries/fleet/index.cfm?method=Search.ListSearchSimpleOneVessel&COUNTRY_CODE=&CFR_CODE=LTU000000357&search_type=CFR&search_id=623&CFID=355546&CFOKEN=ab884a23c7ab866a-472471A4-DAD4-9911-41B0F0E1DCC75E67) – accessed May 2016 and information through IHS Maritime Sea-web: [www.sea-web.com](http://www.sea-web.com)

<sup>21</sup> [http://ec.europa.eu/fisheries/fleet/index.cfm?method=Search.ListSearchSimpleOneVessel&COUNTRY\\_CODE=&CFR\\_CODE=LTU000000357&search\\_type=CFR&search\\_id=623&CFID=355546&CFOKEN=ab884a23c7ab866a-472471A4-DAD4-9911-41B0F0E1DCC75E67](http://ec.europa.eu/fisheries/fleet/index.cfm?method=Search.ListSearchSimpleOneVessel&COUNTRY_CODE=&CFR_CODE=LTU000000357&search_type=CFR&search_id=623&CFID=355546&CFOKEN=ab884a23c7ab866a-472471A4-DAD4-9911-41B0F0E1DCC75E67) – accessed June 2016.

<sup>22</sup> Access to Mauritania FPA June – September 2013 under Beta I (<http://www.whofishesfar.org/vessels/4208>) and under *Simonas Daukantas* from April 2014 (<http://www.whofishesfar.org/vessels/3015>)

<sup>23</sup> [http://ec.europa.eu/fisheries/cfp/international/agreements/mauritania/index\\_en.htm](http://ec.europa.eu/fisheries/cfp/international/agreements/mauritania/index_en.htm)