



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
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Mr. Guus Pastoor,
Chairman
Market Advisory Council
rue de la Science, 10
B-1000 Brussels

Subject: MAC Advice on Illegal, unreported and unregulated (IUU) fishing activities by Ghana's industrial trawl sector and the European Union seafood market

Dear Mr. Pastoor,

Thank you for your message dated 11th January 2021 on MAC Advice on Illegal, unreported and unregulated (IUU) fishing activities by Ghana's industrial trawl sector and the European Union seafood market.

I share the concerns raised in your advice. Fighting IUU fishing is part of the EU's commitment to ensure sustainable use of the sea and its resources under the European Green Deal and the EU Biodiversity Strategy. It is also an important pillar of the EU's ocean governance strategy, aiming to improve the international governance of the oceans.

Last March, the Commission adopted a Strategy for Africa, with the fight against IUU fishing as one of the key issues to address with our African partners. Indeed, the strategy states that in partnership with Africa, the EU should encourage better ocean governance, including the development of a sustainable fisheries and blue economy. The strategy reaffirms that the EU is ready to scale up the fight against IUU fishing to address the environmental threat it poses to the sustainability of fish stocks, the profits of fishermen and coastal communities, which follow the rules.

In the framework of these priorities, let me provide you with an overview of the actions we are already undertaking, in response to your recommendations:

- *Recommendation a) and b)*: Further to the lifting in 2015 of the pre-identification to Ghana as a possible non-cooperating third country in the fight against IUU fishing (the so-called yellow card) under the IUU Regulation, the European Commission and Ghana set up a permanent IUU Working Group to continue with the cooperation on the fight against IUU fishing, established in the framework of the yellow card. The last meeting took place at the end of November 2019.

Unfortunately, the current circumstances linked to the current COVID-19 pandemic did not allow my services to conduct a field visit, which was planned for the second quarter of 2020.

However, after the last IUU Working Group meeting, our exchanges with Ghana intensified, in light of information received by the Commission from several sources, also mentioned in your advice, referring to the increase of illegal fishing activities in Ghana.

The objective was to support and help Ghana to redress the situation through cooperation. Nevertheless, due to the lack of tangible improvements, we are in the process of analysing all the elements at our disposal and consider the best way forward.

- *Recommendation c), d) and f):* In line with the IUU Regulation, there are well-established mechanisms for mutual assistance between the Commission and the Member States. We continuously use such tools to bring the IUU fishing risks to Member States' attention. Furthermore, my services are in regular contact with Member States through dedicated meetings on the IUU fishing policy. During these meetings, DG MARE provides an update on the state of play of ongoing exchanges with third countries, including Ghana. The next meeting is provisionally scheduled for early this year. We will bring once again this issue to their attention.
- *Recommendation e):* In light of the concerns mentioned above, in 2020 DG MARE requested the European Fisheries Control Agency (EFCA) to conduct an analysis of samples of catch certificates and processing statements validated by the authorities of Ghana and submitted to the Member States' relevant authorities together with verification requests sent to Ghana. This analysis enabled my services to inform the ongoing assessment on the way forward, as mentioned above.
- *Recommendation g):* The European Commission regularly audits third countries with a view to ascertain that the authorities of those countries can provide adequate guarantees that the relevant EU rules, in this case food safety rules, are being applied and respected by all involved operators. In this context, Ghana was audited in 2019, and the Commission follows up on the audit outcome and the recommendations made. To date, the Commission can confirm that progress is being made by the Ghanaian authorities in addressing the identified shortcomings. As regards the issue of industrial trawler vessels (freezer vessels) flying the flag of Ghana but incorrectly included in the list of Chinese establishments authorised to export to the EU, this situation was raised with both authorities at that time and it was satisfactorily corrected.

Regarding labour conditions, the Commission deplores any violation of fundamental rights at work. Fishers work in high-risk jobs and thus special attention should be paid to protecting and safeguarding their fundamental labour rights. In the context of the EU's international ocean governance initiative and through its other policy dialogues with third countries, the Commission continues to promote decent working conditions around the world, including through the ratification of relevant International Labour Conventions, including the International Labour Organization's (ILO) Work in Fishing Convention No. 188, which sets out minimum standards for work in fishing.

- *Recommendations h), i) and j):* The ongoing revision of the EU Fisheries Control System includes amendments to a number of articles of the IUU Regulation in order to

make the use of the digital catch certificate (CATCH) obligatory for EU operators and Member States authorities. The co-decision process is still ongoing. Once concluded, the IT system will need to be aligned with its final outcome.

- *Recommendation k)*: The application of standardised risk analysis criteria and procedures for the verification of high-risk catch certificates and inspection of consignments, is indeed a very relevant and important point. Article 31 of Commission Regulation (EC) No 1010/2009 laying down detailed rules for the implementation of the IUU Regulation, established the Union criteria for verifications based on risk. This Article enumerates 15 criteria that the Member States authorities in charge of the controls of the Catch Certificates shall focus on to identify risk. Moreover, Article 17 of the IUU Regulation also allows Member States to establish their own national criteria for the determination of risk. The implementation of these provisions in a more harmonised manner will be facilitated by the use of the CATCH system, since it will establish automated alerts that will be launched on the basis of the risk criteria.

Let me thank you for your support in the fight against IUU fishing. Should you have any further questions on this reply, I invite you to contact Ms. Pascale Colson, coordinator of the Advisory Councils (pascale.colson@ec.europa.eu; +32 2 29 56273).

Yours sincerely,

Charlina VITCHEVA