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Illegal fishing and Endangered Species

Greens call on Commission and member states to oppose new rules that could undermine fight against illegal fishing

CITES is an international agreement to regulate international trade in endangered species. It is currently discussing new rules that have the potential to create loopholes allowing illegally caught fish onto the EU market. The Greens wrote to the Commission last week highlighting these concerns, and explained the damage they could cause in the European Parliament today



The Convention on International Trade in Endangered Species of Wild Fauna and Flora ([CITES](#)) has measures ranging from prohibition of international trade to some trade being allowed with special permits. In the case of the oceans, CITES regulates the international trade of animals like eel, whales, dolphins, sea turtles and sturgeons. In order to make this work, it is the flag state, the state under whose laws the vessel is registered, that is responsible for the activities of a fishing vessel. The flag state must control and report what vessels catch, make sure that vessels respect the relevant rules and sanction vessels that break the rules. If the flag state does not perform its duties, it can itself be sanctioned according to international law, as well as multi- and unilateral mechanisms, such as the EU regulation to prevent, deter and eliminate Illegal, Unreported and Unregulated fishing (IUU regulation). Both EU rules and UN Law of the Sea rules against illegal fishing are based upon the concept of flag state responsibility. Sometimes, however, a coastal state has more fish quota than they have the capacity to catch, and they therefore charter vessels from other states. And now, ahead of a decisive CITES meeting from 23rd–27th July 2012, Brazil has proposed to assign to the chartering state the right to provide the CITES documentation attesting to the legality of the product caught on the high seas, instead of the flag state. If this proposal is adopted, it would create a loophole for illegal fish to be exported, including to the EU market. This is because unlike 'flag state', 'chartering state' is not a status defined under international law, nor is it attached to any rules and sanction mechanisms. Moreover, many of these states chartering vessels claim they do not have the means to control fishing activities in their own waters, let alone on the high seas. The proposal is supported by some EU member states, notably large fish importing states such the UK and Germany, but opposed by

large fishing states such as Spain. It is still not clear whether EU member states will agree on a common position ahead of the 23rd–27th July CITES meeting. On Wednesday 27th June, the Greens [sent a letter](#) to Commissioners Damanaki (fisheries) and Potocnik (environment), insisting on the primacy of flag State responsibility, without any derogation or special conditions allowed for chartering States. Today in the European Parliament, Isabella Lövin spoke on behalf of the Greens during a plenary debate following an oral question to the Commission about the proposed CITES rules. She explained the enormous loophole that empowering the concept of 'chartering state' would cause and the dangerous precedent it would set. If chartering states are allowed by CITES to certify catches of marine species on the high seas, it is more than likely that it will also spread to other fora, in particular Regional Fishery Management Organisations (RFMOs), which would seriously undermine the combat against illegal fishing. It would also support the relentless efforts of many 3rd countries who are attempting to weaken the EU IUU system. Those defending the proposal say that it stipulates clear conditions for how a flag state can delegate responsibilities to a chartering state. But the problem remains that the conditions are far from sufficient to prevent abuses. Moreover, such a transfer of responsibilities is not provided for in international law and there are no legal means of recourse if a chartering state breaks the rules. Chartering arrangements create confusion around who is ultimately responsible for a fishing vessel's activity. More than 20 percent of the world's catches are IUU and confusion over who has responsibility when it comes to oil spills or dumping of toxic waste is already too great. To allow a loophole that would only add to this and unravel the work done so far is the last thing we need.

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