
**COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF
HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL
PACIFIC OCEAN**

**FIRST MEETING OF THE TECHNICAL AND COMPLIANCE COMMITTEE
[5 – 9 DECEMBER 2005]
and
SECOND ANNUAL SESSION
[12 – 16 DECEMBER 2005]**

4 January 2006

NATIONAL REPORT

EUROPEAN COMMUNITY

1. INTRODUCTION

The two principal European fisheries for highly migratory fish stocks in the Western and Central Pacific Fisheries Convention Area are:

- The purse seine fishery that targets skipjack tuna (*Katsuwonus pelanis*) and yellowfin tuna (*Thunnus albacores*).
- The longline fishery that targets swordfish.

2. ANNUAL FISHERIES INFORMATION

The Scientific Committee document, Summary of Fisheries Report of EU-Spain for the year 2004 (WCPFC – SC1 FR WP – 16), provides a detailed report of the active fleet structure of European fisheries in the Convention Area. The European fleet in 2004 (active) comprised five purse-seines and eight surface longliner.

Fleet structure

The European purse-seine fleet has operated in the Pacific since 1978. This fleet has been made up of five large tuna purse-seine vessels whose fishing activity has been primarily carried out in the EPO although they have operated taking some sporadic catches in the WCPO since 1999.

The total hold volume of these vessels is 11.997 m³ (ranging from 1.881 m³ to 3.161 m³).

The number of vessels of this category has been stable during the past five years.

Concerning the surface longline fleet, there was no fishing activity in the Convention Area prior to 2004.

During 2004 two experimental fishery activities began, targeting swordfish with the surface longline gear in the Convention Area. The gear used by these eight vessels cited was the “American style” (Florida style modified) surface longline with an average of 1.055 hooks per set.

The European fleet operates inside and outside the EEZ. The fleet operate inside the EEZ in accordance with the bilateral agreements concluded between the European Community and some coastal states (Kiribati, Solomon Isles, Federated States of Micronesia).

Annual catches in the WCPF Convention Area 2004

The Scientific Committee document SC1 FR WP – 16, Summary of Fisheries Report of EU-Spain, 2004, provides a detailed report of the catch and bycatch of European fisheries in the Convention Area.

Provisionally the catches of the purse-seine fishery in 2004 were 5.517 mt in total:

- Yellowfin tuna: 1.196 mt
- Skipjack tuna: 3.479 mt
- Bigeye tuna: 842 mt

Provisionally the catches of the surface longline in 2004 to the West of 130° W were:

- Swordfish: 692,5 mt
- Blue shark: 1.291,4 mt
- Shortfin mako 238,3 mt
- Tunas: 88,8 mt
- Billfish: 38,2 mt
- Other species: 1,2 mt

The principal research work undertaken in 2004 was as follows:

- Opportunistic tagging and release activities were carried out during the two experimental fishery activities targeting swordfish with the surface longline gear in areas of the WCPFC. Around 400 different individuals were tagged and released: 148 swordfish, 145 shortfin mako, 11 blue shark, 47 *Carcharhinus* spp., 39 tunas and 19 billfishes. In addition, biological samples were collected for use in future studies on reproduction, sex, ratios, genetic analyses.
- One descriptive document (WCPFC – SC1 FT WP-2) has been presented detailing a project on tuna acoustic selectivity using echo-sounder and sonar and new FAD designs to reduce by-catches species.
- Development and update of the oceanographical database “GAO” enabling marine biologists to have ready access to verified data relating to various spatial/temporal stata for tropical tuna.

3. RESEARCH AND STATISTICS

Research

All the Member States of the European Community have national research establishments or, in certain cases, regional laboratories, supervised by the principal universities of the country.

Regarding the tropical tuna fisheries, Member States work in close cooperation with the research establishments of the third countries in which the fleets concerned land all or part of their catch.

Scientists of the European Community and its Member States take part in the scientific meeting organised by the WCPFC.

Under the respective national Data Collection Programmes, the European Community partially finances biological data collection in order to carry out additional studies to support stock evaluation. In addition the European Community fully or partly finances research programmes on highly migratory species carried out jointly with the concerned Member States.

Statistics

Both the European Community and its Member States continued their close cooperation with the Scientific Committee in 2004.

The European Community has binding legislation for its Member States fleets, fishing for highly migratory species throughout the range of their fishing activity.

The instruments used (vessel logbooks, landing declaration) and the possibilities of exchanging data, in terms of speed and accuracy, are aimed at improving the monitoring of catch data.

In addition, Community Regulation EC n° 1543/2000 stipulates the necessary requirements for the collection and management of data for stock assessments (national Data Collection Programmes). Within this Framework, the European Community finances actions aimed at improving fishing statistics:

- Sampling plan and verification of the vessels logbooks.
- Data collection systems and processing of catch data and fishing effort for the various fleets concerned.
- Size sampling at landing.

Moreover, Member States adopt national regulations which implement and supplement in certain cases the Community legislation, to take account of the specific nature of the national fisheries.

Finally, the European Commission adopted in February 2003 a Communication on the improvement in scientific and technical advice intended for fishery management.

4. MONITORING AND MANAGEMENT

Fisheries are managed on the basis of Council Regulation (EC) n° 2371/2002 of 20 December 2002 on the conservation and sustainable exploration of fisheries resources under the common fisheries policy.

The objectives of the Common fisheries policy were reviewed and re-orientated towards the sustainable development of living aquatic resources, on the basis of well founded

scientific advice and on the precautionary principle in the management of the fishery, on the one hand, and on sustainable aquaculture, on the other.

The main issues can be summarised as follows:

- A long-term approach for fisheries management, including the adoption of multi-annual recovery plans for stocks which are under biologically safe limits and multi-annual management plans for other stocks.
- A new fleet policy: a simpler fleet policy for which Member States have the responsibility of ensuring that fishing capacity corresponds to fishing opportunities, a phasing out of government aid for private investors.
- Improved compliance with the rules: adoption of measures to develop cooperation between the various actors concerned and to improve the consistency of controls and sanctions to apply throughout the Community. The powers of Community inspectors have been widened to enable them ensure equal and effective controls in the Community.
- Participation of the stakeholders: creation of Regional Advisory Committees (RACs) to improve the participation of fishermen and others with interests in the common fisheries policy.

This reform of the common fisheries policy will make it possible to arrive at sustainable fishing from the legal, environmental and economic point of view.

The European Community has adopted a control regime under the Community fisheries policy which imposes on the Member States specific obligations as regards control. In this regard, each Member State must control, inspect and supervise all fishing activities within its territory and in the maritime waters under its sovereignty or jurisdiction and in particular directed fishing, transshipment, landing, marketing, transport and storage of fish products and the recording of the landing and sale of fishery products (Council Regulation EEC n° 2847/93 of 12 October 1993 establishes a control regulation for the compliance with the common fisheries policy EU, Official Journal n° L 261 of 20.10.1993, p. 1). The Member States shall also control access to waters and resources and fishing activities outside Community waters by Community fishing vessels flying their flag and without prejudice to the primary responsibility of the flag state of their nationals.

This control regulation was strengthened following the reforms introduced in the common fisheries policy.

Fishing activities under the common fisheries policy shall be prohibited unless the following requirements are met:

- a) A fishing vessel shall carry on board its licence and where provided for its authorisations for fishing.
- b) A fishing vessel shall have installed on board a functioning system which allows detection and identification of that vessel by remote monitoring systems.

- c) The master shall without undue delay record and report information on fishing activities, including landings and transshipments. Copies of the records shall be made available to the authorities.
- d) The master shall accept inspectors on board and cooperate with them, and where an observer scheme applies, the master shall also accept observers on board and cooperate with them.
- e) The master shall respect conditions and restrictions relating to landings, transshipments, joint fishing operations, fishing gear, nets and the marking and identification of vessels.

The European Commission shall evaluate and control the application of the rules of the Common Fisheries Policy by the Member States and facilitate coordination and cooperation between them.

The European Community has also adopted the following specific programmes for certain species and gears:

- The prohibition of the use of driftnets to catch highly migratory species since 1 January 2002.
- Obligatory Community log book.
- Monthly transmission of catch data for all species subject to TAC and quotas and quarterly transmission for other species.
- Adoption of Council Regulation (EC) n° 1185/2003, regarding the practice of shark finning.

In addition, the fight against illegal fishing (IUU) is one of the priorities of the Community with a Commission Communication on this topic linked to the implementation of the FAO Plan of Action.

After each plenary session of Regional fisheries organisation, such as the WCPFC, the European Community transposes the adopted conservation measures into its legislation so that they are binding on its member States and nationals within the defined implementation period as set by Regional fisheries organisations.

All the technical conservation measures in force for the highly migratory species are consolidated in the comprehensive Council Regulation (EC) n° 973/01 laying down technical conservation measures for certain highly migratory fish stocks (OJ L 137/01 of 19.05.2001).

The control measures adopted by Regional fisheries organisations are also transposed into Community law by Council Regulation (EC) n° 1936/2001 establishing certain control measures applicable to the fishing activities for certain highly migratory fish stocks (OJ L 236/01 of 3.10.2001).

The measures adopted by WCPFC in 2005 will be transposed into Community law in 2006.

1. OTHER ACTIVITIES

The Community Fisheries Control Agency

In December 2003 the European Council in Brussels welcomed the Commission's intention to submit a proposal on the establishment of a Community Fisheries Control Agency and they agreed on the urgency to establish such an Agency, which shall have its offices in Spain. The Commission presented its proposal in April 2004 and it was adopted by the Council in April 2005. Council Regulation (EC) No 768/2005 establishing the Agency entered into force in May 2005 and the Agency must be fully operational by May 2006.

The main task of the Agency will be to ensure operational co-ordination of fisheries control activities at Community and international levels. This will be achieved by pooling national inspection information to ensure that there will be an effective inspection presence whilst avoiding a duplication of effort. The Agency will develop joint deployment plans that target specific stocks identified as being under threat.

As a specialised technical Community body, the Agency will carry out in addition to operational coordination, other tasks in the area of control and inspection within the scope of the CFP, including tasks relating to the obligations of the Community under regional fisheries organisations and bilateral fisheries agreements.

The satellite based VMS established by the European Union

The European Union introduced a satellite based Vessel Monitoring System (VMS) in 1998. In the first phase, from 30 June 1998, vessels exceeding 20 metres between perpendiculars or 24 metres overall length in the following categories were required to be equipped:

- vessels operating in the high seas, except in the Mediterranean Sea,
- vessels catching fish for reduction to meal and oil.

In the second phase, which commenced on 1 January 2000, all vessels exceeding 20 metres between perpendiculars or 24 metres overall length wherever they operate were subject to VMS. Since 1 January 2000 *third country* fishing vessels operating in the Community fishing zone must also be equipped with a VMS position monitoring system.

In the final phase in accordance with Article 22 (1b) of EU regulation 2371/2002 all EU fishing vessels exceeding 18 metres in length overall must have installed onboard a fully functioning Vessel Monitoring System (VMS) unit from 1 January 2004 and this has applied to all vessels exceeding 15 metres in length overall since 1 January 2005.

The satellite tracking devices fitted on board the fishing vessels shall enable the vessel to communicate its geographical position to the flag state and to the coastal Member State simultaneously (and from 1 January 2006 at the latest, their speed and course). In practice position reports are retransmitted in near real time from the flag state to the coastal state.

The data obtained from VMS shall be treated in a confidential manner.

Tampering with VMS has been defined as a serious infringement¹.

An obligation is placed on Member States to establish and operate Fisheries Monitoring Centres (FMC) which will be equipped with the appropriate staff and resources to enable Member States to monitor the vessels flying their flag as well as the vessels flying the flag of other Member States and third countries operating in the waters under the sovereignty or jurisdiction of the FMC Member State.

Member States shall take the necessary measures to ensure that the position reports received from fishing vessels to which a VMS applies are recorded in computer-readable form for a period of three years. The European Commission shall have access to these computer files on the basis of a specific request.

Each FMC receives a substantial amount of position reports. Although not an explicit requirement, it is commonly considered to be good practice to analyse incoming reports automatically in order to detect "events" which may be of interest for MCS activities. Such "events" include:

- a vessel failing to report on schedule,
- a vessel reporting a position which is inconsistent or not credible compared to previously received reports,
- a vessel entering or leaving a specific area,
- a vessel travelling at, above or below a given speed,
- a vessel landing abroad.

Sophisticated VMS software may be capable of detecting complex events which might be a combination of those referred to above. Furthermore with VMS the time of arrival in port and the time of arrival on a specific fishing ground can be predicted.

The detailed rules for the implementation of VMS are contained in Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems, the general obligation to be equipped with VMS being set in Article 22(3) and Article 23(5) of Council Regulation (EC) N° 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the CFP.

The main provisions of the detailed rules concern:

- the requirements for the satellite tracking devices,
- the frequency of reporting,
- the format for transmission to the coastal Member State,
- the procedures in case of technical failure,
- access to computer files by the European Commission, and

¹ Council Regulation (EC) No 1447/1999 of 24 June 1999 establishing a list of types of behaviour which seriously infringe the rules of the common fisheries policy.

- a number of administrative arrangements between Member States and the Commission.

Several satellite systems exist that meet the requirements of the EU Regulations. Neither the Council nor the Commission have imposed a particular system. Therefore any solution that meets the requirements is acceptable, and different vessels may be equipped with different systems.

VMS has not replaced conventional enforcement tools such as patrol vessels and aircraft, it nevertheless improves the efficiency and effectiveness of their deployment.

Besides monitoring fisheries in Community waters, the European Union is also responsible for a significant number of its vessels operating in different parts of the oceans.

Outside Community waters, fishing must take place with due regard to the management measures adopted by the competent international and regional bodies, and by the coastal states. Furthermore, where applicable, masters of Community fishing vessels must comply with the national laws and regulations governing the waters of the coastal state, as well as with the specific provisions contained in the Fisheries Agreements.

The European Union is determined to ensure that its vessels respect the various rules applicable in waters of third countries and on the high seas.

Since the satellite tracking devices installed on board EU fishing vessels must be operational at all times, wherever the vessels operate, the control of the fleet operating outside Community waters is being increased significantly by the introduction of VMS. Indeed, the flag Member State knows at all times where its vessels are operating. Therefore the European Union ensures that VMS is used in bilateral fisheries agreements with third countries and in the framework of regional fisheries organisations.

Developments in electronic reporting and remote sensing systems

The reinforcement of the system of control and enforcement of fishing activities was one of the pillars of the reform of the CFP adopted in 2002, as defined in Council Regulation (EC) No 2371/2002. Within this framework, the basic Regulation foresaw that the Council would decide in 2004 on the obligation to transmit information on fishing activities electronically, including landings, transhipments and sales notes as well as on the obligation on authorities to put in place means of remote sensing. The Commission therefore presented in 2004, a proposal for a Council Regulation on electronic recording and reporting of fishing activities and on means of remote sensing.

Electronic reporting

Under Community rules, masters of fishing vessels of an overall length greater than 10 metres are required to keep a logbook of their operations, indicating particularly the estimates of the quantities of each species caught and kept on board, the date and location of such catches and the type of fishing gear used. Logbooks must be brought up to date on a daily basis and at the time of arrival in port. This information is currently recorded by the masters of fishing vessels in a paper logbook. Information concerning transhipments, landings, sales and transport is also recorded on paper. The process of gathering, analysing and transmitting the information to authorities is slow, costly and can be prone to errors which can hinder the quality of the data. In order to make it more efficient, accurate and less

costly, the Commission favours an electronic recording and reporting system which will replace the current manual process.

Remote sensing

VMS has greatly strengthened fisheries control. However the system only monitors the behaviour of those who obey the VMS rules. It does not check those whose system is switched off or malfunctioning and it cannot identify vessels from non EU countries which do not have the system fitted. Vessels that do not obey the rules can be detected using remote sensing technology known as the Vessel Detection System (VDS) which relies on remote sensing through satellite radar technology. The aim of the Vessel Detection System (VDS) is to determine the number of fishing vessels and their position in a given area, to cross-check the positions of the fishing vessels detected by VDS with position reports from VMS and signal the possible presence of fishing vessels from which no position reports have been received through VMS. The Commission would therefore like to ensure that Member States make the necessary arrangements with existing monitoring centres to that they can carry out such cross-checks.

Community financial assistance for fisheries control

The Community has been providing financial assistance to Member States for fisheries control since 1991. This policy is based on the fact that policing involves high costs, particularly on action at sea, and that such policing in no few occasions involves co-operation amongst Member States, constant training needs, investment in technology and Information Technology (IT) networks and heavy expenditure on patrol vessels & aircraft used for control.

With this objective in mind, three Council Decisions have been adopted providing for Community financial support for Member States' expenditure on fisheries inspection (Decisions 89/631/EC, 95/527/EC and 2004/465/EC). Each decision provides for a financial envelope covering a multi-annual time-frame.

The Commission thereafter adopts each year a Decision on the eligibility of expenditure for the year concerned (providing for financial assistance for Member States that have foreseen expenditure on fisheries control in their yearly fisheries Control Programme)".

6. DEVELOPMENTS AND TRENDS

The European purse-seine and longline fishery patterns in 2005 are expected to be similar to those in 2004.

* * * * *