Impacts of the EU IUU Regulation on China’s Fisheries Laws

10th Annual Colloquium of the IUCN Academy of Environmental Law Baltimore, 1-5 July 2012

Qin He
Ph.D. candidate
Department of International Public Law
Faculty of Law of Ghent University
Qin.He@UGent.be
Illegal, Unreported and Unregulated Fishing

10-20% per year

Marine living resources and ecosystem overfishing
In maritime waters under the jurisdiction or sovereignty of other coastal countries

On the high seas

In maritime waters under the jurisdiction or sovereignty of the MS

Third countries (China)
1. Introduction of the EU IUU Regulation

2. Impacts of the Regulation on Conservation and Management of China’s Fisheries

3. Recommendations for Development of China’s Fisheries Laws
1. Introduction of the EU IUU Regulation

- Port control of third country vessels
- Catch certification schemes
- Community IUU vessel list
- Non-cooperating third countries list
- Community alert system
1.1 Catch Certification Scheme

- Catch certificates
  core
  fishing vessel; catch; transshipment; importation…
  validation
  the authenticity; the compliance verifications

- The Statement of the Processing Plant
  processed in a third country
1.2 Community IUU Vessel List

- Access to MS’ ports; importation
- IUU vessels lists of regional fisheries management organizations (RFMOs)

Diagram:
- European Commission
  - 1. identification
  - 2. Official request
- Fishing vessel
- Flag state
  - 3. inquiries
1. Introduction of the EU IUU Regulation

2. Impacts of the Regulation on Conservation and Management of China’s Fisheries

3. Recommendations for Development of China’s Fisheries Laws
2.1. Impacts of the EU’s Catch Certification Schemes

- the Fishery Bureau of Ministry of Agriculture
- the EU’s assistance and checks on catch certification and documentation system
  - traceability
  - flag state responsibilities
2.2. Impacts of the EU’s IUU Fishing Vessel List

- “North Ocean” and “West Ocean”

**Diagram:**
- CCAMLR → SEAFO → EU
1. Introduction of the EU IUU Regulation

2. Impacts of the Regulation on Conservation and Management of China’s Fisheries

3. Recommendations for the Development of China’s Fisheries Laws
3. 1 China’s Domestic Fisheries Legislation

- Fisheries Law
- Regulation for the Implementation of the Fisheries Law
- Rules of Administrative Sanctions on Fisheries
- Interim Provisions on the Fishery Activities of Foreigners or Foreign Ships on the Sea Areas under the Jurisdiction of the People's Republic of China
- Provisions on the Administration of Fishery Licensing
- Provisions on Ocean Fishery Administration
3.2 China’s Coastal and Flag State Responsibilities against Illegal Fishing

- Fishing License System (type of operation, location, time limit, quantity of fishing facilities and fishing quota)
- Sanctions (confiscation, fine, revocation of fishing license, criminal liabilities)

3.3 China’s trade-market measures

- Passive
Recommendation

• Strengthening the flag State responsibilities
  formal catch certificates – fishing overseas; export

• Establishing China’s own trade-market measures
  more challenges in the future
  re-export
Thank You!