Specific Convention no15.

Analysis of expected consequences for developing countries of the IUU fishing proposed regulation and identification of measures needed to implement the regulation - phase 2.

Terms of references

Contents

Commission européenne, B-1049 Bruxelles - Belgique. Téléphone: (32-2) 299 11 11.
Bureau: J-99 3/10. Téléphone: ligne directe (32-2) 2993224.

1. BACKGROUND

Illegal, Unreported and Unregulated (IUU) fishing is a major threat worldwide to sustainability of fish stocks and marine biodiversity. It also causes considerable economic losses to coastal communities, in particular in developing countries, and to fishermen operating legally.

The Commission adopted a proposal for a Council Regulation on 17 October 2007, establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (COM(2007)602). This text has been transmitted to the Council and the European Parliament for discussion and adoption. The proposal aims at addressing the loopholes in the current Community legal order which contributes to encourage the continuation of IUU fishing activities.

The absence of a proper tool to monitor the legality of fisheries products imported into the EU is considered by the Commission as one of the main shortcomings of the current approach.

As a consequence, the Commission has proposed the introduction of a new regime governing the access to the Community territory of third country fishing vessels and imported fisheries products. This regime should be based on the principle that only those fisheries products certified as legal by the Flag State concerned are entitled to be exported to the Community. This regime, which is described in Chapter III of the proposed Regulation, shall enter into force one year after the adoption of the Regulation by the Council.

According to this Chapter, a state wishing to export to the EU fisheries products caught by vessels flying its flag should firstly have to notify to the Commission information pertaining to:

- its national arrangements for the implementation, control and enforcement of relevant conservation and management measures which must be complied with by its fishing vessels;

- the public authorities empowered to attest the veracity of the information contained in catch certificates and to carry out verifications of such certificates on request from the Member States.

Once that information has been considered as complete by the Commission, the exporting state will be placed on a public list of states entitled to export to the EU, fisheries products caught by vessels flying its flag. However, to gain access to the EU territory, the legality of such products should be certified by the exporting State for each consignment. In practice, the exporting state would have to certify that the products concerned have been harvested in conformity with relevant domestic and international norms. The information which needs to be provided in the catch documentation scheme features in Annex I to the Regulation.

New requirements should also apply towards States where fisheries products are re-exported to the EU after processing or in the same form. The importers in the Community shall submit documented evidence:

(1) that fisheries products re-exported under the same form did not undergo any transformation in the "re-export state", or
(2) that the fisheries product has been processed in that third country from imported fish accompanied by catch certificates validated in the flag state in accordance with the regulation.

This evidence on traceability shall be accompanied by the catch certificates referred to above.

Products stemming from inland fishing or aquaculture (from fry or larvae) and some other non relevant products are excluded from the scheme.

In its Communication[1] accompanying the proposed Regulation, the Commission stated that "*the implementation of the Community system to prevent, deter and eliminate IUU fishing shall be accompanied by actions and initiatives to enhance the capacity and means of developing countries to establish the proposed certification system and for better management and monitoring of fishing activities. This objective should also be pursued at regional level, via ad hoc schemes with coastal countries and regional organisations, on the model of the regional plan for fisheries surveillance in the southwest Indian Ocean agreed in January 2007. Financial contribution will notably help coastal developing countries to fulfil the requirements of the Community certification scheme applying to imports of fisheries products into the EU which the Commission intends to propose. The Commission will further assess the consequences of the IUU regulation on developing countries and the need for accompanying measures. The EU will in particular carry out training programmes in developing countries to ensure a smooth application of this scheme and avoid that it impedes trade of legally harvested fisheries products*".

Against this background, the Commission launched a first study in view of the identification and classification of different categories of developing countries exporting fisheries products to the EU. The impact of the certification scheme will indeed differ in the countries concerned depending on various criteria.

The study resulted in the identification of different groups of countries, on the basis of the following main criteria pertaining to the countries concerned:

- the characteristics of their fishing industry which is export-oriented, and notably the importance of processed fisheries products exported compared to non-processed fisheries products;
- the degree of dependence on the Community market for fisheries products exported from those countries;
- the origin of fisheries products exported to the EU, depending notably on the fleet concerned (artisanal or industrial, national or foreign-flagged) and the location of the fishing grounds (EEZ from the country concerned, from another country or international waters);
- the commitments by, and means of the countries concerned to implement conservation and management measures (reflected notably in their membership to

[1] Communication on a new strategy for the Community to prevent, deter and eliminate illegal, unreported and unregulated fishing (COM(2007)601)

RFMOs and the track records of their vessels and administrations in terms of compliance and enforcement).

In addition, the volume of fisheries products exported and the geographical repartition of developing countries exporting to the EU have been taken into account. This resulted in the identification of the following countries, which should be considered as "test cases" for the assessment of the implementation of the certification scheme, and which shall be the subject of the present study:

- Ecuador
- Namibia
- Mauritius
- Indonesia
- Thailand
- Mauritania
- Senegal
- Morocco

2. PURPOSE AND OBJECTIVES OF THE STUDY

- The purpose of the study should be to assess the consequences of the proposed regulation, in particular the certification scheme, in different developing countries. It will notably identify the difficulties which those states would face in implementing it and what would be the expected benefits of the system. On this basis, the study would also allow to provide information as to the measures/arrangements that the selected developing states would have to put in place in order to implement the certification scheme.

- This analysis provided by the study on the expected consequences of the certification scheme will help define which accompanying measures could be carried out by the Commission towards developing countries in order for them to comply with the regulation (in line with the commitments as laid down in the Communication).

3. METHODOLOGY

►The study should focus on the consequences linked to the establishment of the certification procedure for operators (fishers, including artisanal, traders and processors) involved in the export of fisheries products to the EU, as well as for national administrations, notably those in charge of customs, fisheries control and sanitary inspections.

►The analysis will describe the types of practical arrangements (technical and administrative) which would have to be put in place to ensure a proper functioning of the certification scheme, as well as an estimation of their costs for each category of countries.

►The study should also further analyse the medium to long term expected consequences for developing countries, notably in terms of potential reduction of IUU fishing activities in their waters and all associated impacts, including on tax revenues, food availability, artisanal income generation... The risk that a country chooses to halt exporting towards the EU given its reluctance to abide by the scheme, or that a country is not anymore in a

position to re-export because its supplier-country is not able to implement the regulation must also be covered by the study.

► The study will require the conduct of missions in countries specified under point 1.

► Missions to third countries will be launched by the consultants when the Commission confirms that the competent authorities in the third countries selected for study have 1) been informed of the content of the proposed measures by the relevant Delegation, 2) have agreed to receive the consultants for the study of the impacts, and 3) have nominated a contact point to assist with coordination of the mission. The Commission will inform the consultants in writing of the readiness of each third country to receive the mission.

► On the spot, missions should focus on identifying:

- the main actors and the features of exportation of fisheries products;
- the existing system in place to ensure a proper control of fishing activities carried out by the national fishing fleet and to trace the origin of the fishery products for countries where the national fleet is not the only (main) provider; and
- the existing mechanisms designed to monitor how exported products comply with applicable norms (for ex. in the field of hygiene, certification of origins, RFMOs rules, CITES convention...), and the extent to which these mechanisms are in force and applied in practice.

This should imply meetings with economic operators involved in the trading of fisheries products towards the EU, as well as with public authorities in charge of fisheries control and customs operations, and, possibly, NGOs.

Missions will be programmed in close collaboration with the EC Delegation in the country.

► Based on the field mission and further analyses, the study should:

- confirm/modify the group of countries as defined earlier;
- explain more specifically to what extent the EU certification scheme will require new arrangements for those countries (and the nature of these arrangements); where applicable, the study will present how the arrangements of the EU certification scheme can rely on other mechanisms, or can help implementing other mechanisms needed to comply with other organisations rules, such as RFMOs, CITES, ...
- identify how they would fit with the existing regime and what would be their cost.

The main potential difficulties should be listed. A methodology for defining/computing the elements of a cost-benefit analysis for a specific country should be proposed and illustrated for the countries where a mission took place. This methodological tool should be generic in order to be applied to other countries presenting the same characteristics (or belonging to the same category).

► Where relevant, the study would need to operate a distinction between countries where the certification scheme could generate serious problems and those where its implementation is not likely to trigger major difficulties.

Meetings:

A meeting with DG MARE, DEV, RELEX and AIDCO will be organised in Brussels for the launching of the study, during which the consultant will be provided with more details on each of the aspects subject to this study. Another meeting will be held in Brussels to discuss the draft final report, with the same DGs represented.

4.5.2. Schedule

The draft final report shall be submitted no later than 5 months after the signature of the specific convention and in any case before the 31 January 2009. The Commission will comment on this draft final report within 2 weeks after receipt within a meeting with the consultants in Brussels. The final ***report*** will be presented not later than 1 week after this meeting. If for *force majeure* circumstances, the times limits cannot be respected, the 2 parties can on mutual agreement prolong or change the time limits.

ANNEX 2: INFORMATION NOTE ON IMPACT ASSESSMENT MISSION

Council Regulation establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing

Oceanic Développement/Megapesca Lda

1. Introduction

DG MARE of the European Commission has recruited consultants Oceanic Développement/Megapesca to undertake a study of the impacts of the new IUU fishing regulation in developing countries. A number of countries which represent different stages of development and fisheries conditions have been selected as candidates for detailed study. As part of this study the consultants will undertake field mission to each of the following countries: Ecuador, Indonesia, Mauritania, Mauritius, Morocco, Namibia, Senegal and Thailand. The duration of each field mission will be approximately one week.

2. Objectives of the Field Mission

The field mission aims to meet with key governmental, industry and NGO stakeholders in the third country with a view to gathering data to:

- Describe what are the national arrangements in place *i)* to regulate and monitor the fishing fleet flying its own flag, and *ii)* to ensure traceability of nationally landed and imported fisheries products
- Define possible support measures which the Community could undertake, to increase the potential for successful implementation of the regulation in the third country, and to ameliorate any potential negative impacts.
- Support the analysis and quantification of the positive and negative impacts of the newly adopted IUU fishing regulation, with particular reference to the certification scheme defined in Chapter III of the Regulation and its further provisions to provide cooperation and exchange of information with third countries in Chapters II, IV, VI and XI

3. Outputs of the Mission

Outputs from the field missions will be used to support an overall analysis of the impacts of the IUU certification scheme on developing countries. This report will be finalised after the field mission and shall be submitted to DG MARE by 31 January 2009.

4. Proposed structure of the field mission

4.1 Kick-off Meeting

The Consultants propose that the mission commences with a round-table hosted by the EC Delegation and attended by the consultants and all relevant stakeholders.

This meeting would serve the purpose of discussing the relevant issues according to the agenda proposed below, and to plan further specific meetings to take place during the duration of the mission.

1. Introduction by the EC Delegation
2. Introduction by the consultant of mission objectives

3. Introduction by Competent Authority for fisheries management, on existing control system in place for fishing by national vessels in national, international and other third country waters (including transhipments)
4. Identification and discussion on existing mechanisms used at national level for certification of trade in fishery products (e.g. certification for sanitary conditions, origin, CITES, under RFMOs programmes, etc)
5. Identification of areas of potential difficulty for implementation by the third country
6. Discussion on known extent and nature of IUU fishing and its environmental and economic impacts on the third country, when undertaken by:

    a) vessels flagged by the third country (the mission country) in all waters
    b) vessels flagged by other third countries in the national waters of the mission country

7. Preliminary identification of views regarding costs and benefits of the EC's new IUU Regulation to the third country.
8. Discussion of arrangements for follow-on meetings and clarification of technical data requirements

4.2 Stakeholders

The kick-off meeting, and the detailed discussions should seek to consult representatives from the following stakeholders:

- Competent Authority for fisheries management
- Competent Authority for fisheries monitoring control and surveillance (eg. Navy or Coastguard)
- Competent Authority for the operation of the fishing fleet register
- Customs Authorities
- Competent Authority for the certification of origin for fishery products
- Competent Authority for certification of sanitary conditions for fishery products
- Competent Authorities responsible for certification of fishery products for conservation or environmental purposes(e.g. CITES[1], RFMOs[2])
- Industry associations (ship owners, fishermen's unions, processing industry, small scale fisheries)
- Representatives/agents of fishing vessels from other third countries which are authorised to fish in the waters of the mission country
- Fisheries research (with emphasis on fisheries economics and IUU fishing)

4.3 Follow-on meetings with stakeholders

A programme of subsequent meetings with individual stakeholders will be arranged at the kick-off meeting, to be undertaken by the consultant in the country. These meetings will be held at the premises of the stakeholders. The purpose of these meetings will be to:

- Fulfil the technical data requirements for impact assessment (see below for detailed list of data to be collected by the consultants)
- Explore in more detail the foreseeable potential impacts of the IUU fishing regulation, in terms of legal, economic, political, human resource, social and developmental impacts
- Investigate the options available to the third country for the development of procedures to implement the catch certification scheme in Chapter III of the Regulation and the related provisions on cooperation (see section 2)

[1] Convention on the International Trade in Endangered Species
[2] Regional Fisheries Management Organisations

- Explore the potential for support measures that could be launched by the European Community to enhance the positive and mitigate the negative impacts of the regulation in the third country.

4.4 De-briefing of EC Delegation

Prior to his departure, the consultant will meet with the EC Delegation staff for a debriefing, at which he will summarise the meetings held, and the main findings obtained. Any outstanding matters to be addressed will also be identified (for example supplementary information to be supplied by the third country).

5. Preparatory actions requested from the EC Delegation

In advance of the field mission, the EC Delegation is requested to undertake the following arrangements, to ensure the most effective use of time and a successful mission.

1. Communicate content of the new regulation to relevant authorities, along with explanatory information produced by DG MARE
2. Arrange for the principal point of contact for the consultant's mission to be nominated from the third country's principal Competent Authority for fisheries
3. Communicate the consultants' data and field mission requirements to the principal Competent Authority for fisheries
4. Arrange a suitable week for the mission to take place, in consultation with the Commission, the relevant third country Competent Authorities and the consultants (megapesca@mail.telepac.pt)
5. Arrange the venue and invitations for the kick-off meeting

6. Consultants' Technical Data Requirements (from third country administration/industry operators)

In general any relevant and recent reports/studies describing the fishery sector in the mission country, and in particular to which describes the export of fishery products and the extent to which the sector relies on export (notably into the EU).

Specific data regarding the following (in order of priority):

6.1. Certification systems

Organisation structures/staffing/budgets and standard operating procedures/periodic reports of the Competent Authorities responsible for:

- fisheries management
- sanitary controls and export certification of fishery products
- certification of origin of exported fishery products
- RFMOs and CITES certification (if applicable)

6.2. Traceability systems

- extent of adoption of systems of traceability in fishing, fish processing and/or trading operations;
- extent of any verification steps by Competent Authorities
- costs of traceability systems

6.3. Legislation

Copies/translations of legislation concerning export of fishery products e.g.:

- sanitary controls (including traceability requirements)
- transhipment of fishery products
- foreign fishing activities

6.4. Fisheries MCS system

List of means (human resource, equipment, vessels, technology, financial budgets) for fisheries monitoring control and surveillance

If available:

- No of inspections (land, air, marine)
- No. of infractions detected
- No. of successful prosecutions concluded
- Annual MCS plans and reports

6.5. Fleet structure and outputs

Structure of the fishing fleet exporting its catches, notably into the EU (industrial/artisanal & domestic/foreign owned, no. of vessels):

- Transhipment of catches from different sources (including high seas)

Quantities of raw materials entering fish processing by source, including:

- Catches of artisanal and industrial vessels flagged by mission country (by fleet segment if available) and share of the catches exported (notably into the EU) compared to total catches
- Landings in the mission country of industrial vessels flagged by other third countries
- Imports of fish for processing

6.6. IUU fishing data

- Data on extent and nature of IUU fishing (no. vessels, fleet segments, estimated catches and composition) NB. This should include IUU fishing by vessels from the mission country, and IUU fishing by vessels from other third countries in the waters of the mission country (e.g. reports on seized vessels, confiscated catches, estimates of IUU vessels/activity, etc.)
- Estimates on environmental and economic impacts of IUU in national waters

6.7. General fisheries economic data

- Structure of fisheries processing industry including data on major exporters, sources of raw material, products, sales
- Trade in fisheries products including detailed data on imports, exports, and trading partners (i.e. to identify also possible re-exports)
- Financial data on fleet operations (cost structure & margins) of main fleet segments involved in trade relations with the EU
- Financial data on principal export species, notably average annual prices (most recent years)Financial data on processing operations (cost structure & margins) of main exported products

If available:

- Employment in fishing (by fleet segment) and in processing (by segment)
- Average incomes of fishers (by fleet segment)

ANNEX 3: REVIEW OF EXISTING MANDATORY CERTIFICATION SCHEMES FOR TRADE IN FISHERY PRODUCTS

CONTENTS

TABLES

FIGURES

1 SANITARY CERTIFICATION PROCEDURES

1.1 Introduction

Since 1991 the EC has required third countries which supply fishery products tot he Community to implement a series of sanitary controls regarding fishery products which are consigned to the EC market.

These requirements were originally contained in Council Directive 91/493/EEC (on "*Health conditions for the production and placing on the market of fishery products*"). The basis of the requirement was that the fishery industry in these third countries should meet the hygiene and HACCP[1] conditions. In addition, in each country a Competent Authority must establish health controls over the sector which are considered to be *at least equivalent* to those defined in EU legislation. The health controls would include a system of inspection and approval of establishments and vessels (subject to meeting sanitary conditions set out in national legislation), and sampling and monitoring of fishery products, using laboratories which meet international standards set by ISO. The legislation established a requirement for certification of each consignment by the Competent Authority, to the effect that the conditions of production were "*at least equivalent*".

The introduction, and subsequent progressive implementation and development of these requirements have had a major impact on the international trade in fishery products. In many countries, including the EC Member States, the measures have contributed to the development of a improved fish processing capacity and supported the integration of fishery sectors into global trade. However, third countries, and particularly those in less developed countries, have been required to make significant efforts to design suitable institutional frameworks and procedures to ensure the continuation of international trade to the EC market.

1.2 EC legal basis and requirements

The hygiene conditions are presently set out in Community legislation, and in particular technical conditions set out in the most recent form in the 2004 "hygiene package" comprising the following legal instruments:

REGULATION (EC)No 882/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.
REGULATION (EC)No 852/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 April 2004 on the hygiene of foodstuffs
REGULATION (EC)No 853/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 April 2004 laying down specific hygiene rules for food of animal origin
REGULATION (EC) No 854/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption.

Only those third countries which can provide the relevant guarantees are subject to a specific decision of the Commission, which thus allows access to the EC market for products from that country.

Within each country, specific export establishments are listed by the nominated Competent Authority of the third country. This list, which can be varied according to the findings of the Competent Authorities, is circulated by the Commission to EC Border Inspection Posts, such

[1] HACCP - Hazard Analysis and Critical Control Point

that only products consigned from approved establishments in listed third countries are approved for entry. For several years, countries which were not subject to a specific decision were allowed to access the EC market (under bilateral arrangements until 1998).

Furthermore, until 2006 the countries permitted to supply fishery products and bivalve molluscs to the EU were set out in two lists in the Annex to Commission Decision 97/296/EC. List I covered countries which were subject to a specific Commission Decision, usually following a favourable report as a result of an inspection mission by the Food and Veterinary Office of DG SANCO and/or submission of satisfactory guarantees. List II covered those countries which were not subject to a specific decision. However Decision 2006/766/EC of 6 November 2006 "as regards the list of third countries and territories from which imports of fishery products in any form for human consumption are permitted" provides only for imports of fishery products and bivalve molluscs from third countries when subject to a Specific Decision.

The list of third countries which are subject to a specific decision was amended most recently by Commission Decision 2008/156/EC of 18 February 2008. To avoid disruption of trade, the List II countries which cannot be made the subject of a specific decision in the meanwhile are provided with a derogation to this requirement by Commission Regulation (EC) No 1666/2006 of 6 November 2006, under which their products may be imported by EC Member States on a bilateral basis, providing that the Competent Authority of the importing country guarantees that the products will not enter intra-community trade.

Under this measure, the following ACP and OCT countries have restricted access to the EC market: Angola, Benin, Republic of Congo, Cameroon, Eritrea, Solomon Islands, St Helena, and Togo. Furthermore, a number of important ACP fishing nations have not been able to provide any form of guarantees and at present have no access to the EC market, these include: Sierra Leone, Guinea Bissau, São Tomé & Príncipe, Liberia and Vanuatu. Fiji was "de-listed" by the European Commission as recently as May 2008, as a result of a highly negative finding of a FVO inspection mission in July 2007. As a result these countries fishery sectors' do not have access to the EC market.

1.3 Approval conditions

The assessment of the health conditions will take into account (Article 11 of Regulation 854/2004):

- the legislation of the third country (including powers and sanctions)
- the organisation of the third countries competent authorities
- the training of staff in the performance of official controls, including in-service training and skills updating:
- the resources, including diagnosis facilities available to competent authorities;
- the existence and operation of documented control procedures
- the extent and operation of official controls on imports of animals and products of animal origin;
- the assurances which the third country can give regarding equivalence to Community requirements;
- the hygiene conditions of production, manufacture, handling, storage and dispatch
- the performance of the traceability system
- experience of marketing of the product from the third country and the results of any import controls carried out;
- results of Community controls carried out in the third country
- existence, implementation and communication of an approved residue control programme.

The specific import conditions are set out in Article 48 of Regulation 882/2004 and will generally set out:

- the list of approved establishments and factory and freezer vessels[2]
- the format and content of model certificates,
- any special import conditions or limitations set by the Commission. This may be used for example to limit exports to certain categories of fishery products considered to be lower risk and subject to adequate health controls, or to limit the territorial origin of certain products.

When a Specific Decision is made by the Commission, this is published in the Official Journal of the European Communities. This is available in its daily edition at the EUR-Lex website:

http://europa.eu.int/eur-lex/lex/en/index.htm

The Specific Decision is periodically updated, for example when there is a change in the name of the Competent Authority, or the list of establishments is updated.

1.4 Institutional aspects

Much of the content of this section is based on the Manual/Handbook for the Execution of Sanitary Inspection of Fish as Raw Material and Fish-Products as Food for Human Consumption, published by the Strengthening Fishery Products Health Conditions project in 2006[3].

1.4.1 Nomination of the Competent Authority

A key implication of the EU requirements is the lawful nomination of a unitary Competent Authority responsible for the implementation of fish health controls for export fishery products. Jurisdictional competition is frequently encountered (on the basis of professional or financial competition).

Experience has shown that it is crucial that the nomination of the Competent Authority should be by a cabinet level decision (i.e. involving all Ministries), and that it is desirable that this should be implemented through the passage of primary legislation.

In general, the nomination will be for a unitary authority. Whilst responsibilities shared between one or more organisations are legally acceptable, experience in many countries has shown that the implementation arrangements are insufficiently flexible to respond quickly and effectively to the needs of the industry.

Some examples of organisations which are Competent Authorities for the purpose of the fish hygiene controls are:

- National Standards Organisation, Ministry of Trade and/or Industry
- Veterinary Department, Ministry of Agriculture
- Fisheries Department, Ministry of Agriculture
- Inspection and Control Department, Ministry of Fisheries
- Public Health Department, Ministry of Health
- Food Standards Agency

The allocation or delegation of powers between the parent ministry and the Competent Authority should be understood, as well as the proper authorisation of officers.

---

[2] **Factory vessels** are vessels on which processing takes place; this does not include removing viscera and/or head followed by freezing. Vessels on which these operations take place are considered to be **freezer vessels**. Since regulation 254/2004 both types of vessel should be specifically approved and listed as such.

[3] Available at: http://www.sfp-acp.eu/

1.4.2 Organisation structure and functions of the Competent Authority

The internal organisation of the Competent Authority reflects the nature, technical level and geographical location of the tasks to be accomplished. The key needs to be addressed are:

- Need for rapid decision making in respect of procedures for certification and suspension of approval, so that non compliant products can be prevented from reaching the market. This means that powers should be delegated to a sufficiently low level in the organisation for effective on the spot decision making.
- Sufficient number of technically competent inspectors. It cannot be over emphasised that the most effective means of control is the regular presence of a technically competent inspector at the point of the production (whether vessel, market, factory).
- Sufficient resources to allow the inspectors to function effectively, including transport, communication facilities, field equipment, access to testing laboratories, and operational budget to ensure that these means can be employed effectively
- Sufficient administration and information system support, to ensure that there is a comprehensive record of relevant information available to inspectors regarding the establishments and products they are responsible for.

A typical arrangement for the organisation structure could be represented by the following diagram:

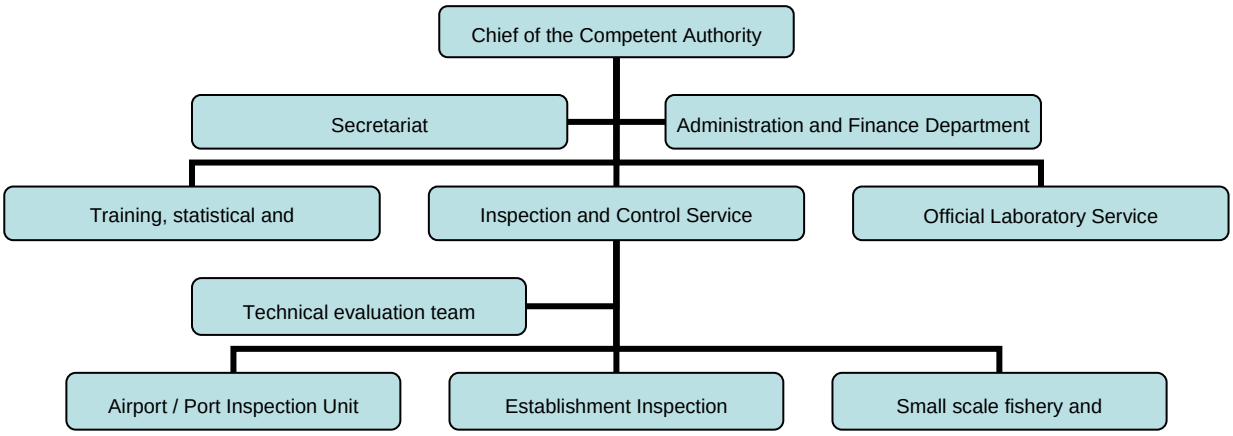


Figure 1: Example Organisation structure for an inspection service

1.4.3 Inspection staff training and competences

Technical staff of the Competent Authority must have adequate educational level and technical training to ensure that they can carry out their tasks with an adequate level of technical competence. Some of the areas in which fish inspectors are qualified typically include:

- Veterinary science
- Public health
- Food microbiology
- Food science and technology
- Food/agricultural engineering

EU law places no specific professional qualification requirements for the inspection of products of fishery products. However, inspectors must be adequately qualified and experience for their job and it does define the topics which should be covered in training. Food safety inspection is a multidisciplinary activity, which will combine elements of the following disciplines. EU regulation 882/2004 requires that inspectors should have a commitment and capacity to work within a multidisciplinary framework.

The following list of subjects defines the minimum requirement for the technical training of Competent Authority inspection staff, as required in Annex II of Regulation 882/2004.

SUBJECT MATTER FOR THE TRAINING OF STAFF PERFORMING OFFICIAL CONTROLS

1. Different control techniques, such as auditing, sampling and inspection
2. Control procedures
3. Feed and food law
4. The different stages of production, processing and distribution, and the possible risks for human health, and where appropriate for the health of animals and plants and for the environment
5. Assessment of non-compliance with feed and food law
6. Hazards in animal feed and food production
7. The evaluation of the application of HACCP procedures
8. Management systems such as quality assurance programmes that feed and food businesses operate and their assessment in so far as these are relevant for feed or food law requirements
9. Official certification systems
10. Contingency arrangements for emergencies, including communication between Member States and the Commission
11. Legal proceedings and implications of official controls
12. Examination of written, documentary material and other records, including those related to proficiency testing, accreditation and risk assessment, which may be relevant to the assessment of compliance with feed or food law; this may include financial and commercial aspects

In addition, for fish inspection staff, it is recommended that additional training is provided in the areas of:

- Fish biology, taxonomy, identification and composition
- Fish deterioration mechanisms and freshness evaluation
- Biotoxicology of fishes
- Aquaculture and fishing technologies
- Commonly used fish processing technologies
- Specific hazards related to fish in general and certain species and preparations

In addition for HACCP inspection, the inspector must be aware of the technical requirements of the regulation in respect of HACCP. This is presently Commission Decision 94/356/EC, introducing the HACCP methodology as own- checks methodology.

It is essential that the inspectors acting as auditors of a HACCP system have undertaken HACCP training courses to be able to evaluate the HACCP implementation by the company.

2 PROCEDURES FOR SANITARY CONTROLS IN THIRD COUNTRIES

2.1 Approval system for establishments and factory vessels

Approval of establishments (and factory vessels) is the principal means of control used by the EU for official control of food safety conditions for all products of animal origin.

Regulation 853/2004 states that: "*establishments handling those products of animal origin for which Annex to this regulation lays down requirements shall not operate unless the Competent Authority has approved them….*"

National legislation of the third country must therefore provide the legal basis for the approval of establishments, which should include provision for:

- Provisional approval for new establishments, vessels
- Technical conditions for approval
- Circumstances for suspension and withdrawal of approval
- Routine monitoring and supervision

The technical conditions for approval will therefore correspond to Annex III of Regulation 853/2004, Section VII (for bivalve molluscs) and Sections VIII (Fishery products). These are described in more detail below.

The specific conditions and procedures must be laid down in national legislation, and this provides the fundamental legal basis for the work of the inspectors of the CA. For third countries supplying the European Community, this legislation (and its implementation) must be "*at least equivalent*" to the conditions set out in Regulation 853/2004.

As noted above, the Competent Authority should submit the list of approved establishments and factory vessels to the European Commission. Only products certified as originating from approved establishments and factory vessels and which are formally approved and listed will be allowed entry at the EU BIP. New lists of establishments are periodically submitted by the Competent Authority of the third country to keep the system up to date. The CA must therefore have the capacity to control the list, and ensure that the technical conditions for approval are applied in a rigorous, scientific manner, not subject to external influences. This is the task of inspectors employed by the CA or its nominated inspection body.

2.2 Inspection functions

2.2.1 Inspection process and procedures

Inspection of establishments and vessels is required to determine compliance or other otherwise, with the legally established conditions for approval under national regulations. This requires a degree of technical skill to be able to evaluate compliance under widely different conditions, but with the overall application of food safety criteria. To avoid wide variations in application, it is therefore important that inspectors are well trained in the basis science, as well in specific points of interpretation of the legal requirements. The use of checklists and regular benchmarking exercises helps to establish standardised procedures and limits variation over time and between inspectors.

In addition, the inspection system should set clear targets regarding frequency and type of inspection in the form of an annual inspection plan. Ideally the objects of inspection (establishments, landings sites, vessels) should be inspected according to a risk profiling activity, such that higher risk activities (those most likely to give rise to serious food safety hazards). This means that the inspection programme should be driven by an assessment of the products/processes and the effectiveness of the internal control system applied by the establishment or vessel. This approach to risk management is an important tool in ensuring that the official controls focus on the issues which are most need to be subject to control. With regard to findings of inspections, there should be in place clear sequential procedures for dealing with non-compliances identified, with clear outcomes defined such as suspension or withdrawal of an establishment's approval, and/or criminal fines.

2.2.2 Inspection logistics

The Competent Authority must have flexibility to be able to deploy inspectors at times and in locations outside the normal governmental or civil service employment conditions. Fishery sector activities (such as stuffing containers for export) often take place at remote locations and outside normal working hours, and the Competent Authority organisation must accommodate the industry practices. A key issue to be addressed is the regional presence of the Competent Authority. This gives rise to logistic issues such as transport and accommodation to allow inspectors to operate away from their bases.

In maritime law, the origin of a fishery product from capture fisheries is determined by the flag of the vessel from which it was caught, not by the country in whose waters it is caught or in which it is first landed. The origin of aquaculture products is derived from the country in which the juveniles are produced. Inspection by the Competent Authority should take into account the jurisdictional issues regarding flag of fishing vessels.

This is a particularly difficult issue when considering the inspection of distant water fishing vessels flagged by the third country. These may operate in high seas with infrequent visits to the ports of the flag state. However, the responsibility for inspection is clear. Thus the logistics of the inspection service may also need to be considered on an international level.

As an example, inspectors from Seychelles are known to travel to Kenya, Yemen and Europe to inspect Seychelles flagged fishing vessels. Alternative approaches include the possibility of subcontracting the inspection of such vessels to a third party inspection body with a presence in the port state. Belize has investigated this option, but has so far not implemented such a system.

2.2.3 Inspections regarding raw materials originating in other third countries

There are specific provisions in EU legislation regarding the controls to be placed on fishery products which do not originate in their own country. This can occur in two main circumstances, when:

- Freezer and factory vessels from other third countries land fishery products in the third country, for processing and onward trade
- Processing establishments import raw material product from another third country for further processing and re-export

In all circumstances EU law is quite clear. Fishery products must always originate from a country which is allowed to export to the EU (i.e. on List I or List II of Commission Decision 97/296/EEC). It must originate from an approved establishment or an approved factory or freezer vessel under the control of the Competent Authority. The originating establishment or vessel must therefore be subject to inspection and control by the Competent Authority of the originating third country.

Article 15 of Regulation 854/2004 provides two derogations to this requirement. Firstly, when a third country vessel lands fish directly into the European Community, there are separate Community inspection and certification procedures which may be invoked.

Secondly, products may be derived from a third country vessel landing in another third country, providing that:

- both countries are authorised for supply of fishery products to the Community
- a joint communication is in place, under which the inspection authority is delegated from the flag to port state Competent Authority
- the Competent Authority of the port state has inspected the vessel and found it to be of a satisfactory standard
- on the basis of the inspection the Competent Authority of the flag country has included the vessel on its list of approved vessels

These provisions are important since it is well documented that some traders/fishers do attempt to circumvent the health and hygiene controls by exporting under the name of an approved establishment in another country. This typically occurs in cases where:

- A country is not listed on List I or II
- A freezer/factory vessel is not approved by the flag state Competent Authority
- A temporary ban is put in pace on certain products originating from the flag state

The Competent Authority of the state of import is therefore required to track the international trade patterns in fishery products in their country, both formal imports and landings from foreign flagged vessels, so that the certification of the exported products can be undertaken with confidence regarding the provenance of the consignments.

Therefore checks on internal traceability systems are an important part of the inspection and certification process. Traceability systems of enterprises receiving imported fishery products for re-processing should clearly distinguish the country of origin of fishery products where this is not the country from which they are exported. In such enterprises inspectors need to be especially vigilant and aware of the potential for fraud, and ensure that certification criteria fully take into account the origin of the fishery products being exported.

2.3 Export certification procedures

2.3.1 Legal basis for certification

The EU defines specific requirements in respect of fishery products imported from a third country into the European Union. Before a specific decisions is made the certificate to be used is set out in Commission Regulation (EC) No 1664/2006 of 6 November 2006 amending Regulation (EC) No 2074/2005 as regards implementing measures for certain products of animal origin intended for human consumption and repealing certain implementing measures. This establishes the wording and format for health certification for fishery products from third countries which are not yet covered by a specific decision. The model certificate is shown in Annex II of the regulation.

When a specific decision is made in respect of a country, the specific decision will name the recognised Competent Authority, set any conditions (for examples limiting the nature of fishery products), listing the establishments which are approved and set the content of the certificate to be used.

According to Commission Regulation (EC) No 1663/2006[4], certificates must be drawn up at least in the official language or languages of the Member State of destination and those of the Member State in which the border inspection takes place, or be accompanied by a certified translation into that language or languages. However, a Member State may consent to the use of an official Community language other than its own.

The terms of the certification are important. The certificate makes the “health attestation”:

[4] COMMISSION REGULATION (EC) No 1663/2006 of 6 November 2006 amending Regulation (EC) No 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption

ATTESTATION

I, the undersigned, declare that I am aware of the relevant provisions of Regulations (EC) No 178/2002, (EC No 852/2004, (EC) No 853/2004 and (EC) No 854/2004 and certify that the fishery products described above were produced in accordance with those requirements, in particular that they:

- come from (an) establishment(s) implementing a programme based on HACCP principals in accordance with Regulation (EC) No 852/2004
- have been caught and handled on board vessels, landed, handled and where appropriate prepared, processed, frozen and thawed hygienically in compliance with the requirements laid down in Section VIII, Chapters I to IV of Annex III to Regulation (EC) no 853/2004
- satisfy the health standards laid down in Section VIII, Chapter V of Annex III to Regulation (EC) 853/2004 and the criteria laid down in Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs
- have been packaged, stored and transported in compliance with Section VIII, Chapters VI to VIII of Annex III to Regulation (EC) No 853/2004
- have been marked in accordance with Section I of Annex II to Regulation (EC) No 853/2004
- the guarantees covering live animals and products thereof, if from aquaculture origin, provided by the residue plans submitted in accordance with Directive 96/23/EC, and in particular Article 29 thereof, are fulfilled

and

- have satisfactorily undergone the official controls laid down in Annex III to Regulation (EC) No 854/2004

It should be noted that the certificate does not certify the actual compliance of the consignment with any specific products standards, but certifies the provenance of the consignment as being an approved establishment which meets the conditions set out in the legislation. Certificates should be printed forms with consecutive numbering. Certificates and stamps should be kept under lock and key, and effective records kept of distribution of certificates to inspectors.

All the information should be provided on a single sheet. Multiple language certificates are acceptable. Copies are generated by having multi-part carbon copy forms. Photocopies are not acceptable.

2.3.2 Export Certification procedures

The certification process should be undertaken by the inspector, who is required to undertake at least documentary and integrity checks of the fishery products. Documentary checks should ideally confirm that the product has been under official controls throughout the supply chain. An integrity check ensures that any product descriptions and batch numbers indicated on the export documentation match the batch numbers in the export consignment. A physical check may also be undertaken to ensure that the actual consignment is compliant with specific conditions.

2.3.3 Documentary checks

HACCP records for the batches being consigned may be consulted as a means of checking that the production was carried out under controlled conditions. Central to this checking of records regarding the conditions of production is the checking of the provenance of the fishery products. Thus the inspector should conform that the products were landed from a vessel

which is under control (either an approved factory vessel, a listed freezer vessel, or if from the small scale sector, landed at a port where there is regular inspection of the conditions of the fishing vessels and landing). This requires that the exporter maintain a system of traceability.

Traceability is a general requirement placed on food business operators under Regulation 178/2002. This states that:

"The traceability of food, feed, food-producing animals, and any other substance intended to be, or expected to be, incorporated into a food or feed shall be established at all stages of production, processing and distribution."

The Regulation requires that food business operators, with respect to any food item, are able to identify the supplier and the customer (the so-called one-up and one-down traceability).

A special condition applies when the fishery products are derived from imports (including landings by a vessel of another third country). In this case the inspector is required to establish that the supplying third country and vessel are properly authorised, that is that the attestation which he signs is true. A variation of this special case arises in relation to fishery products which are transhipped under the jurisdiction of the Competent Authority of the third country which consigns the fishery products to the EC, and this is considered separately below.

The inspector should also take steps to ensure that the consignment is not tampered with between the moment of certification and the despatch. If the certification takes place outside a customs controlled area (for example the stuffing of a container at the establishment or cold store) then the consignment should be sealed by the inspector after certification.

In practice it is not possible to investigate the detailed *ex-ante* provenance of every export consignment. Ideally, the Competent Authority should undertake a routine ex-*post* verification exercise based on a sample of certified export consignments. This should seeks to investigate the detailed provenance of the fishery products defined, by following up on recorded to batch numbers, the integrity of the "chain of custody", to identify suppliers at each stage of the supply chain, back to the origin. One issue to determine is the level of resolution at which the origin is to be defined. This is likely to depend on the nature of the fishery. In the case of industrial vessels (factory or freezer vessels) it is common practice that the origin be defined as the vessel. For smaller vessels, this is more difficult, due to the larger number of vessels and the practice of mixing together products from different vessels at the landing site. In the case of products from small scale fisheries, the landing site is commonly accepted as the point of origin for the purposes of the traceability system.

2.3.4 Physical checks

This could include taking the temperatures of the consignment should be checked where they are critical to the safety of the products (e.g. frozen and chilled products), along with the hygiene of any containers or transport facilities being used. It could also include the taking of samples and submitting for laboratory testing. It is not a specific requirement that the export consignment is sampled and tested before certification, although this may be done if considered necessary. Given the time delays encountered in generating test results this is often not a practical option, especially for fresh fish, and tests which may take some considerable time to generate results.

2.3.5 Certification of transhipped consignments

The CA may be requested to issue health certificates in respect of product transhipped to reefer transporters from vessels flagged by other third countries. These must be listed vessels, and the flag states must be authorised to supply the EC with fishery products for human consumption.

Article 15 of regulation 854/2004 para 2, indicates that the port state CA can inspect such a freezer/factory vessel subject to an agreement to this effect being in place with the flag state CA. However, Article 15 does not to extend this delegation of authority to certification *per se*.

In the case of *factory vessels* Annex VI of the regulation provides for the CA of the flag state to delegate authority for signature of health certificates directly to the Master of the Vessel. Para 3 of Article 15 provides for replacement of certification of products "imported directly from a *fishing or freezer vessel*" by a document signed by the captain. It is not clear in Para 3 whether the term "*imported directly*" includes fishery products which are transhipped to the EC via a reefer vessel. There have been a number of reports that some BIPs in the EC have refused to accept such a captain's declaration, and have demanded certification from the CA of the third country which has consigned the fishery products to the EC.

Article 14 and Annex VI of Regulation 854/2004 indicate that it is the CA of the country of *despatch* which is required to issue the health certification. Since transhipment takes place within territorial waters, it could be argued that the such products are not being imported directly by the Community, but are being imported by the third country in which transhipment takes place, and then re-exported to the EC.

The country of transhipment is therefore considered to be the country of despatch and the CA therefore has powers for issuing the certificate, indicating where appropriate the origin. The conditions for the issuance of the certificate may be set by the CA, and at a minimum these are required to be:

- Flag state authorised to supply the EC
- Vessels listed by flag state as authorised to supply the EC

In addition, there should be in place the following:

- MoU in place with flag state CA delegating inspection authority to FIQC or copy of recent satisfactory inspection record supplied (e.g.<6 months) to allow lawful inspection of the conditions of production
- Satisfactory testing results of a sample of fishery products (taken at the discretion of the CA)

2.4 Verification steps by the Commission

The European Commission is charged with the responsibility of assessing the capacity of the third countries to provide the relevant guarantees, with on the spot verification by the Commission Services. Presently DG Health and Consumer protection undertakes this task through the Food and Veterinary Office, located at Grange, Ireland.

To commence the application for listing, a third country is required to submit a dossier of relevant information. The FVO has established a checklist which is sent to the relevant authorities. Based on the dossier, the FVPO will make a recommendation to the Commission, regarding the possibility of listing. In establishing the response and priority of the field missions, the FVO appears to apply an internal (and not published) risk assessment procedure, which takes into account volume and nature of trade, and the risk of serous food safety impacts on the EC consumer. For example, frozen at sea demersal fish and shrimp are rarely implicated in food safety problems in imported fishery products (as evidenced by the rejections at BIPs recorded by the Community Rapid Alert System for Food and Feeds). Thus a third country which proposed the exports of these products only will most likely gain access, and inspection missions to verify the conditions will be scheduled with a lower priority.

When the FVP is proposing to undertake a verification mission in a third country, the staff use pre-mission questionnaires to ascertain the facts of the control system. The mission is considered to be a verification of those facts. Missions are often of 3-5 days in duration and conducted by FVO staff and inspectors nominated by one or more Member States. Mission findings are discussed in draft form before the departure of the inspection team. The final report is submitted in written form to the Competent Authority. The CA may also respond in writing, for example to correct any factual inaccuracies.

The Commission response to negative findings depends on the severity of the risks to consumer health. Where there is a high risk of serious negative impacts, the Commission will act to protect consumers directly. Tools for this include a total ban on all, or a specific group of products, or if imports are to be allowed to continue, the implementation of safeguard measures. Safeguard measures are steps taken to ensure that imported consignments are safe before they are released to market. Thus a safeguard measure may require sampling and testing of all consignments of a particular product or group of products from a specific country, with such testing to be undertaken at importers expense and consignments detained until results are known and the consignment found to be safe. Commission Decisions of this nature are taken by a qualified majority vote of the Member States.

In addition to the measures to protect consumers by measures applied at EC BIPs, the Commission will also require third countries to submit an action plan of corrective measures. A deadline is usually established for the submission of such a plan. This should set out the steps to be implemented over time by the CA, with measurable indicators of progress. Continued access to the EC market is conditional on acceptance by the Commission of a suitable action plan. Following the acceptance of the action plan, and in the short term, rather than undertake a series of additional verification missions, the Commission seeks written guarantees from the third country that the agreed actions have been undertaken. The Commission will however modify risk assessments in scheduling future mission.

Mission reports regarding the findings of inspectors and the degree of compliance in third countries (and Member and applicant States) are published on the Europe website, along with the third countries written responses. The documents are not published until an action plan is agreed and guarantees are accepted, so as to minimise the chance of the publication event disrupting trade. Action plans from the CA are not published.

2.5 Implementation in less developed countries

2.5.1 Implementation Problems experienced

It is clear that many less developed countries find it difficult to guarantee the health standards necessary to meet the EU's requirements for fishery products. Even countries which have long established access to the EC market, experience problems in meeting all the conditions, as evidenced by recent FVO mission reports e.g. Angola (November 2007), Gabon (August 2007), Senegal (April 2007) and Guinea (November 2006).

Increasingly lack of, or weak compliance, with EC requirements also limits options for international marketing, since other markets are increasingly applying similar standards. This lack of compliance can severely undermine sectoral development. The main problems identified in these countries are:

- The weaknesses of the institutional basis for control, including inadequate legislative framework, poorly staffed and qualified Competent Authorities, weak governance giving rise to extra-professional influences (including corruption), and lack of appropriate systems of official control and budgetary structures.
- The failure of the fishing industry (fishing vessels and processing plants) to comply with health conditions for export, especially due to lack of awareness and training on hazards in fishery products, and weak implementation of HACCP systems.
- Poor handling practices in the small-scale fishing sector, combined with lack of, or poor, distribution infrastructure (ice plants, landing sites, roads); general lack of sanitation and high temperatures contributing to poor public health situation.
- Non-existent or unreliable testing laboratories and inappropriate use of testing laboratories.
- Weak governance in relation to the flagging of fishing vessels (“flags of convenience”).

2.5.2 Donor support for sanitary controls for exported fishery products

Since the early 1990s many donor projects have sought to the support the development of strengthened sanitary controls for fishery products in poor countries. One such major Project, supported by the European Development Fund is the project “Strengthening fishery product health conditions in ACP/OCT Countries”, The budget for the five-year period is EUR 56.6 million, with EUR44.9 million contributed from European sources. The project has sought to build capacity in four main result areas, shown below. The scope of the activities is typical of all of the donor interventions in this area. This gives a good indication of the type of capacity building required to develop a new inspection and certification system.

RESULTS FOR ACP/OCT STRENGTHENING FISHERY PRODUCT HEALTH CONDITIONS PROJECT

1. **National health conditions and control capacity for fishery products improved**

   Legal framework to support inspection and control appraised and improved; staff in competent authorities (CA) and inspection services in participating states trained; technically sound system of health controls established which are "at least equivalent" to those described in EC directives; cost-effective and sustainable national system of controls prepared and implemented; measures to reduce corruption implemented; standards of food safety for national consumers and exported fishery products improved; regional and sub-regional professional networks developed and maintained.

2. **Testing laboratories and technical institutes established to provide technical scientific support**

   In each country where sustainable, one or more testing laboratories and technica institutes providing training and support to the health control system for fishery product set up and organised; sub-regional technical institutes and laboratories benefiting smaller countries nominated and approved; suitable quality assurance systems in lin with international standards established; routine environmental and residue monitorin plans financed and implemented; professional information disseminated through th internet.

3. **Improved level of Fish industry (fishing vessels and processing establishments) compliance with health conditions for export.**

   Fishery products produced in accordance with health conditions required by international markets; access to foreign markets improved; private investment to support export trade undertaken; fisheries products’ processing and trade safeguarded and localised in ACP countries; trade associations encouraged; feasibility studies and business plans for investment undertaken.

4. **Improved handling practices and infrastructures for small-scale fisheries**

   Technical knowledge in relation to food safety strengthened; credit needs of artisan fishers (including small-scale women processors and traders) studied and support when feasible; small-scale systems of hygienic handling, storage, smoking a distribution developed and introduced; fisheries and social infrastructure prioritised a undertaken in landing places (roads and paving in market areas, sheds, potable wat and sanitation, jetties, etc); procurement of small-scale equipment assisted throu feasibility studies.

3 CITES CERTIFICATION - BACKGROUND

3.1 Introduction

CITES is the Convention on International Trade in Endangered Species of Wild Fauna and Flora. This is an international agreement between governments which aims to ensure that international trade in specimens of wild animals and plants does not threaten their survival. CITES was drafted as a result of a resolution adopted in 1963 at a meeting of members of IUCN (The World Conservation Union). The text of the Convention was finally agreed at a meeting of representatives of 80 countries in Washington DC, USA on 3 March 1973. The Convention entered in force on the 1 July 1975 CITES.

There are 173 members. All EC Member States are members of CITES. Although it is not yet a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in its own right, the European Community has been fully implementing the Convention since 1 January 1984.

3.2 Basis for trade controls in endangered species

3.2.1 Overview of system

CITES works by subjecting international trade in specimens of selected species to certain controls. All import, export, re-export of species covered by the Convention has to be authorized through a licensing system, as well as “introduction from the sea” which is also considered to be a form a trade. Each Party to the Convention must designate one or more Management Authorities in charge of administering that licensing system and one or more Scientific Authorities to advise them on the effects of trade on the status of the species.

In each signatory country, the Management Authority is obliged to issue a certificate in respect of all trade of species listed in one of three Appendices to the Convention, according to the degree of protection they need. About 5,000 species of animals and 28,000 species of plants are protected by CITES. They include some whole groups, such as primates, cetaceans (whales, dolphins and porpoises), sea turtles, parrots, corals, cacti and orchids. In some cases only a subspecies or geographically separate population of a species (for example the population of just one country) is listed.

The species are grouped in the Appendices according to how threatened they are by international trade. The listing of the species in the Appendices is a decision taken by the signatories of the Convention acting in the Conference of the Parties (CoP, held every 2 or 3 years). This is the supreme decision-making body of the Convention. A resolution of the CoP in 1985 established the biological and trade criteria to determine whether a species should be included in Appendices I or II.

- Appendix I includes species threatened with extinction. Trade in specimens of these species is permitted only in exceptional circumstances.
- Appendix II includes species not necessarily threatened with extinction, but in which trade must be controlled in order to avoid utilization “incompatible with their survival”.
- Appendix III contains species that are protected in at least one country, which has asked other CITES Parties for assistance in controlling the trade. Changes to Appendix III follow a distinct procedure from changes to Appendices I and II, as each Party’s is entitled to make unilateral amendments to it.

A specimen of a CITES-listed species may be imported into or exported (or re-exported) from a State party to the Convention only if the appropriate certificate has been obtained, and presented for clearance at the port of entry or exit.

3.2.2 Implementation of CITES by the EC

Whilst the EC is not a signatory of CITES, and the obligations of the European Community are met by the commitments of the Member States, the operation of the single market has required that the EC regulate in this area. Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein, sets out the implementation measures, including the requirement for certification). Detailed implementation requirements (such as forms and technical requirements) are set out in Commission Regulation (EC) No. 865/2006 of 4 May 2006 which came into force in July 2006. The EC Wildlife Trade Regulations are directly applicable in all EU Member States and form the legal basis for the implementation of CITES in the EU. These legal measures regulate international as well as EU internal wildlife trade, and contain additional provisions to CITES.

The EC requires (Article 4b) that for CITES listed species:

"*the applicant provides documentary evidence that the specimens have been obtained in accordance with the legislation on the protection of the species concerned which, in the case of import from a third country of specimens of a species listed in the Appendices to the Convention, shall be an export permit or re-export certificate, or copy thereof, issued in accordance with the Convention by a competent authority of the country of export or re-export*"

The general conditions which apply to the trade for Appendices I and II are described below.

3.2.3 Appendix I procedures

For import of each consignment of a listed Appendix I species, or a product derived from it, an import permit issued by the Management Authority of the State of import is required. This may be issued only if the specimen is not to be used for primarily commercial purposes and if the import will be for purposes that are not detrimental to the survival of the species. In the case of a live animal or plant, the Scientific Authority must be satisfied that the proposed recipient is suitably equipped to house and care for it.

1. For export of each consignment, an export permit or re-export permit issued by the Management Authority of the State of export or re-export is required. An export permit may be issued only if:
    - the specimen was legally obtained;
    - the trade will not be detrimental to the survival of the species (according to the relevant scientific authority; and
    - an import permit has already been issued.
2. A re-export certificate may be issued only if the specimen was imported in accordance with the provisions of the Convention and, in the case of a live animal or plant, if an import permit has been issued.
3. Finally, in the case of a live animal or plant, it must be prepared and shipped to minimize any risk of injury, damage to health or cruel treatment.

3.2.4 Appendix II procedures

For Appendix II species, no import permit is needed unless required by national law. However, an export permit, or re-export certificate issued by the Management Authority of the State of export or re-export is required. An export permit may be issued only if the specimen was legally obtained and if the export will not be detrimental to the survival of the species. A re-export certificate may be issued only if the specimen was imported in accordance with the Convention. In the case of a live animal or plant, it must be prepared and shipped to minimize any risk of injury, damage to health or cruel treatment.

3.2.5 Appendix III procedures

For Appendix 3 specimens an export permit issued by the Management Authority of that State is required. This may be issued only if the specimen was legally obtained and, in the case of a live animal or plant, if it will be prepared and shipped to minimize any risk of injury, damage to health or cruel treatment. There is no requirement for import permits, but in the case of re-export, a re-export certificate issued by the State of re-export is required.

3.3 Introduction from the Sea

A special case of international trade occurs when specimens undergo "*introduction from the sea*". This is defined as transportation into a State of specimens of any species which were taken in *the marine environment not under the jurisdiction of any State*. The Conference of the Parties decided in 2007 that '*the marine environment not under the jurisdiction of any State*' means those marine areas beyond the areas subject to the sovereignty or sovereign rights of a State consistent with international law, as reflected in the United Nations Convention on the Law of the Sea, for example, from international waters. This important decision essentially defined the EEZ as the extent of territoriality for the implementation of CITES, with any catches within the EEZ are not considered as being "introduced from the sea".

There are at least two CITES-listed marine species recognized under UNCLOS as being highly migratory, with their range encompassing high sea areas i.e. basking and whale Sharks. Specimens from these species clearly have the potential to be introduced from the sea as they may be harvested from the high seas as well as from coastal waters. Recent proposals (albeit until now unsuccessful) for listing of other shark species (such as the porbeagle shark) could result in more species being subject to this provision in future.

For species listed in Appendix I or II, in the case of specimens entering trade through introduction from the sea, a certificate has to be issued by the Management Authority of the State of Introduction.

A certificate of "introduction from the sea" may only be granted where specific conditions have been satisfied including, that a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved, and in the case of Appendix 1 species, that the specimens are not for commercial purposes. The IFS certificate is additional to the export permits required for the export of specimens of species included in Appendix I and Appendix II.

However, the Convention is not clear on how these provisions should be interpreted.

3.4 Export quotas

There is no specific requirement in the text of the Convention to establish quotas to limit the trade in CITES-listed species. However the use of export quotas has become an effective tool for the regulation of international trade in wild fauna and flora, and the Parties to CITES adopted, at the 14th meeting of the Conference of the Parties in 2007 a resolution on Management of nationally established export quotas.

Export quotas are usually established by each Party (Member State) unilaterally but they can also be set by the Conference of the Parties, and they generally relate to a calendar year (1 January to 31 December).

Before any Party may issue a permit to allow export of specimens of species in Appendix I or II, its Scientific Authority must advise that the proposed export will not be detrimental to the survival of the species (the so-called 'non-detriment finding). The setting of an export quota by a Party may meet this requirement by establishing the maximum number of specimens of a species that may be exported over the course of a year without having a detrimental effect on its survival. The responsibility for establishing quotas thus lies with each individual Party (unless they have been set by the Conference of the Parties).

When a country sets its own national export quotas for CITES species, it should inform the Secretariat which in turn informs the Parties. These quotas are published.

3.5 Institutional capacity and conditions for certification

Implementation of the convention requires the parties to develop relevant scientific and management bodies, as well as suitable enforcement mechanisms.

3.5.1 Scientific capacity for CITES certification

The text of the Convention suggests that for the certification of introduction from the sea as well as marine species which are taken inside territorial waters, then the nominated Scientific Authority should possess the technical capacity to assess whether the introduction will be detrimental to the survival of the species.

This suggests that there is at a minimum a requirement for a capacity to design and implement an analysis of population dynamics (e.g. stock assessment), to analyses the results (for example modelling the population and its demographic features) and to translate the findings into a meaningful form for sustainable management (such as a Total Allowable Catch - TAC).

3.5.2 Management capacity for CITES certification

With regard to Appendix 1 species there is an effective ban on a) catching for commercial purposes on the high seas and b) commercial international trade in species caught in territorial waters. For Appendix 2 species, commercial exploitation is permitted (subject to the overall non-detrimental to survival condition), but the specimens must have been obtained legally.

This suggests that the Parties must develop a legal framework for the exploitation of the species concerned, for regulation of the harvest of the species concerned. This should account for the setting of limits to the exploitation, based on the scientific advice, and may be in the form of management of the TAC by quota, effort limits or other means (including technical measures such as gear restrictions, closed seasons, minimum sizes). This may be undertaken in different ways, for example as part of the fisheries management functions of the state, or it may be undertaken as part of the nature conservation process.

There is also a need for field level enforcement and implementation, with capacity to police and enforce the prohibition on the exploitation of Appendix 1 species, and to ensure that Appendix 2 species which are presented for trade (whether introduction from the sea and/or export) are caught legally. In the context of fishing, this suggests the capacity to monitor and control the activities of vessels and their compliance with the management rules established.

With respect to marine species, CITES therefore implies the capacity to implement an effective and comprehensive fisheries management system, which will necessarily include the capacity for monitoring, control and surveillance. This should extend to extra-territorial (i.e. high seas fisheries) pursued by vessels carrying the flag of the party. In addition there is a requirement for systematic approach to the verification of the information submitted in applications for certification.

3.5.3 Export certification procedures

The Convention provides little guidance on procedural matters, these being left to each party to resolve. The issue of CITES certificates (introduction from the sea or export) is typically subject to:

- Pre-issue of a periodically renewable permit which authorises the consignee to undertake the activity

- An application for certification of each consignment, which provides relevant information regarding each specific consignment, supported by documentary evidence where appropriate.
- The issue of a permit, which authorises a legal person to undertake the trade in a CITES listed species is usually subject to conditions. These may include:
- Being a properly authorised and registered business with adequate managerial and financial capacity
- Suitable physical facilities for secure and safe storage, packaging and transport (including welfare issues if trade in live animals)
- Suitable systems of record keeping to ensure integrity of documentary record, including linking to physical specimens

The management authority will need to have a capacity for periodic inspection of permit holders and applicants, to ensure that the relevant conditions are met. Note that the conditions will be species dependent.

3.5.4 Enforcement actions

The Competent Authorities responsible for implementation of the CITES systems should have the capacity to:

- to enter and search premises and stop and search means of transport in order to ascertain the existence of illegal trade in CITES listed species
- to lawfully seize and dispose of illegal consignments
- to investigate suspected contraventions, including requiring the provision of written information, documents

Physical facilities and suitable equipment are also required for handling and disposing of seized specimens in a humane and sustainable manner.

Staff training and budgets for dissemination and awareness raising are also required for the management and scientific bodies.

4 CERTIFICATION OF ORIGIN FOR INTERNATIONAL TRADE

4.1 International basis for certification of origin

The need for certification of origin has arisen from the differential treatment of traded goods by importing countries, according to their sources. Differential treatments arise in terms of tariff duties, tariff quotas, anti-dumping measures or other trade measures which are applied by customs authorities to limit or control access to the markets which they represent. The procedures defined below deal mainly with requirements for COs in trade with the EU. However it should be mentioned that all trade agreements which provide for preferential treatment require as the base for that preference a declaration of origin. For the sake of efficiency, many countries seek to harmonise the institutional and procedural requirements for issue of COs, although the precise form of certificate may vary slightly depending on the requirements of the export market concerned.

The International Convention on the Simplification and Harmonization of Customs Procedures (the Kyoto Convention) is an international instrument on the harmonization of Customs techniques which covers all aspects of Customs legislation. It was done at Kyoto, Japan, on 18 May 1973 and entered into force in 1974. Since then the growth in international cargo, developments in information technology and a highly competitive international business environment have created conflict with traditional Customs methods and procedures. World Customs Organization (WCO) has therefore revised and updated the Kyoto Convention to ensure that it meets the current demands of international trade. The WCO Council adopted

the revised Kyoto Convention in June 1999 as the blueprint for modern and efficient Customs procedures in the 21st century. The amendment entered into force on 3 February 2006. The Convention sets out standardised approaches to customs procedures, with specific annexes covering a range of specific aspects (for example customs clearance, duties and taxes, appeals). One of the Annexes (Annex K) covers procedures for determining rules of origin.

Some of the study countries are contracting parties. These are (with dates of ratification) Morocco (16/6/2000), Namibia (03/02/2006) and Senegal (21/03/2006).

These parties have only ratified the main text of the Convention and the General Annex. No specific chapters or Annexes are formally accepted by the above, and specifically they are not bound by the rules of origin (Annex K).

4.2 EU legal basis for certification of origin

In the case of the European Union, the legal basis for the certification of origin is Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code. This defines two origin scenarios according to the nature of the preference. The Customs Code's Implementing Provisions (CCIPs) are contained in Commission Regulation (EEC) No 2454/93.

Preferential origin of goods refers to origin for the purposes of determining tariffs according to agreements between the parties. This is defined in Article 20 of the Regulation 2913/92.

Non-preferential origin of goods refers to the origins as defined for other purposes, such as establishing tariff quotas, anti-dumping measures or the issue of certificates of origin. The conditions are set out in Article 22 and Articles 23 to 26 which define the non-preferential origin of goods for the purposes of: (a) applying the Customs Tariff of the European Communities with the exception of the measures referred to in Article 20; (b) applying measures other than tariff measures established by Community provisions governing specific fields relating to trade in goods; (c) the preparation and issue of certificates of origin.

Thus, all products have a non-preferential origin, but only certain products from particular countries can have preferential origin (depending on the existence of a trade agreement).

The terms for obtaining preferential origin are set out in the origin protocols to the agreements between the Community and the countries concerned or in the origin rules of the autonomous arrangements. The specific rules are of interest, since they determine the nature and extent of verification activities.

ARTICLE 23 OF THE CC AND ARTICLE 68 OF THE CCIP – RULES OF ORIGIN

1. The following shall be considered as wholly obtained in a

beneficiary country or in the Community:

(a) mineral products extracted from its soil or from its seabed;

(b) vegetable products harvested there;

(c) live animals born and raised there;

(d) products from live animals raised there;

(e) products obtained by hunting or fishing conducted there;

(f) products of sea fishing and other products taken from the sea outside its territorial waters by its vessels;

(g) products made on board its factory ships exclusively from the products referred to in (f);

(h) used articles collected there fit only for the recovery of raw materials;

(i) waste and scrap resulting from manufacturing operations conducted there;

(j) products extracted from the seabed or below the seabed which is situated outside its territorial waters but where it has exclusive exploitation rights;

(k) goods produced there exclusively from products specified in (a) to (j).

2. The terms 'its vessels' and 'its factory ships' in paragraph 1(f) and (g) shall apply only to vessels and factory ships:

— which are registered or recorded in the beneficiary country or in a Member State,

— which sail under the flag of a beneficiary country or of a Member State,

— which are at least 50 % owned by nationals of the beneficiary country or of Member States or by a company having its head office in that country or in one of those Member States, of which the manager or managers, Chairman of the Board of Directors or of the Supervisory Board, and the majority of the members of such boards are nationals of that beneficiary country or of the Member States and of which, in addition, in the case of companies, at least half the capital belongs to that beneficiary country or to the Member States or to public bodies or nationals of that beneficiary

country or of the Member States,

— of which the master and officers are nationals of the beneficiary

country or of the Member States, and

— of which at least 75 % of the crew are nationals of the beneficiary country or of the Member States.

3. The terms 'beneficiary country' and 'Community' shall also cover the territorial waters of that country or of the Member States.

4. Vessels operating on the high seas, including factory ships on which the fish caught is worked or processed, shall be considered as part of the territory of the beneficiary country or of the Member State to which they belong, provided that they satisfy the conditions set out in paragraph 2.

NB. Article 24 of the Customs Code states that goods whose production involved more than one country shall be deemed to originate in the country where they underwent their last, substantial, economically justified processing or working in an undertaking equipped for that purpose and resulting in the manufacture of a new product or representing an important stage of manufacture.

4.3 Origin of goods

The Regulation sets out the criteria for conferring on products the origin of the country where they were manufactured. This covers two types of origin for goods:

- non-preferential origin;
- preferential origin.

For **goods of non-preferential origin**, it specifies the working or processing needed to satisfy the criteria set out in the Customs Code. This confers on such products the origin of the country where they were worked or processed. As indicated in the Box above, the Customs Code lays down that goods whose production involves two or more countries originate in the country where the last substantial processing or working took place. For **preferential origin**, the Regulation sets out the conditions under which goods may acquire an origin that makes them eligible for preferential tariff measures. These preferential tariff

measures are adopted unilaterally by the Community for certain countries or territories (developing countries, via the generalised system of preferences (GSP), or countries and territories of the Western Balkans). To be granted such a preferential origin, a product must be wholly obtained in the beneficiary country, or result from sufficient processing of goods imported from a third country. The Regulation also sets out the criteria for sufficient processing for the various product categories, and the procedures that must be respected.

4.4 Types of Certificate of Origin

The certificate origin is accepted by the competent authorities for customs in Member States as prima facie formal evidence of origin on which to base preferential treatment whose form depends on the preference zone in question.

Different types of certificate are specified depending on the circumstances. Section 3 of the CCIP sets out the requirements for implementing provisions relating to certificates of origin. It considers three sets of conditions:

- Preferential origin (form EUR.1 or Form A for GSP)
- Non-preferential origin
- Non-preferential origin for agricultural products for which special import arrangements are in place

In addition (and not discussed here) additional arrangements apply to trade in textiles, EC imports from Turkey and EC trade within the Pan Euro Med Free Trade Area (this includes Morocco).

In all cases the certificate form and content are specified, either in the CCIP or in the relevant trade agreement. Typically this includes a requirement for numbered certificates, one original plus copies duly described, and a prohibition of retrospective issue. There is also a requirement for administrative cooperation between the Competent Authority and the Commission, regarding the communication of the nomination of the CA and the supply of specimen stamps and signatures.

Most certificates of origin issued for third country EC fish trade relate to trade under preferential terms (either GSP or other preference regime such as ACP, GSP+, or under a specific EU-Third country association agreement).

4.5 Certificates of origin from third countries

4.5.1 Preferential origin certificates under the GSP System

Article 80 of the CCIP deals with certification of origin for preferential origin under the Generalises System of Preferences. Products originating in the beneficiary country shall benefit from the tariff preferences on submission of either:

(a) a certificate of origin Form A, a specimen of which appears in Annex 17; or

(b) as noted above, for consignments of value less than EUR6000, a declaration, given by the exporter on an invoice, a delivery note or any other commercial document

Form A may be issued by the customs authorities or by other competent governmental authorities of the beneficiary country, provided that the third country communicates required information to the Commission and assists the authorities of Member States to verify the authenticity of the document or the accuracy of the information regarding the true origin of the products in question. The export must submit with the application any appropriate supporting documents proving that the products to be exported qualify for the issue of a certificate of origin. The form must be signed by an authorised representative of the nominated competent authority of the third country. Only in exceptional circumstances can the certificate be issued retrospectively.

4.5.2 Certificates of origin for non-preferential origin

The conditions for “universal certification of origin” are set out in Articles 46-54 of the CCIP. The certificate of origin should be made out by a competent authority of the third country authority or agency duly authorized for that purpose. As with EUR.1 forms. authorised agencies are often a Chamber of Trade, nominated by the relevant Ministry responsible for international trade. Certificate form and content are specified, including a requirement for numbered certificates. Copies may be made.

A special case is indicated in the case of agricultural products. Articles 56 to 65 lay down the conditions for use of certificates of origin relating to agricultural products originating in third countries for which special non-preferential import arrangements have been established (for example quantitative restrictions). These sections define a stricter procedure, in which the certificate may only be issued by the competent governmental authorities of the third countries concerned. A specimen certificate in Annex 13 of the CCIP. The certificate must also certify all necessary information provided for in the Community legislation governing the special import arrangements referred.

4.6 Administrative cooperation

To ensure an effective certification of origin, administrative cooperation is required between the Community and the Competent Authorities of the third county. The terms of this cooperation are specified in the appropriate trade agreement or in the CCIP (in relation to the GSP Form A certificates). General requirements include the provision of information regarding authorised competent authorities, and agencies to which specific functions have been delegated, and the communication of copies of official stamps and signatures.

4.7 Requirements for verification of the CO

In respect of certificates issued (both EUR.1 and Form A), the competent authority in the exporting country is required to undertake verification steps regarding origin where appropriate, and to check other information supplied. This means that there should be a regular programme of inspections by the Competent Authority to follow the documentary evidence in a sample of certificates to verify that the origin of goods is as declared. If the responsibility for issue of certificates is delegated (for example to a Chamber of Trade) then this organisation should also be subject to such periodic checks on a sample of certificates issued, and its self should be required to undertake verification steps in relation to a sample of the certificates issued.

Typically verification steps are required to be taken by the Community, either by the specific trade agreement, or through the relevant provisions of the CCIP. Whilst the precise requirements may vary, in general there is a requirement that these should be carried out at random and whenever reasonable doubt has arisen as to the authenticity of the certificate or the accuracy of the information it contains.

For verifications undertaken by the Community, for origin matters the verification shall be carried out on the initiative of the customs authorities in the importing Member State, and for the purposes of agricultural rules, the verification may be carried out, where appropriate, by other competent authorities. For the purposes of verification the competent authorities in the Community are required to return the certificate of origin or a copy thereof to the governmental authority designated by the exporting country, giving, where appropriate, the reasons of form or substance for an enquiry.

If the invoice has been produced, the original or a copy should be submitted to the returned certificate. The authorities shall also provide any information that has been obtained suggesting that the particulars given on the certificates are inaccurate or that the certificate is not authentic. The results of subsequent verifications shall be communicated to the competent authorities in the Community as soon as possible. If there is no reply within a maximum time limit of six months to requests for subsequent verification, the competent authorities in the Community shall definitively refuse to grant entitlement to the special import

arrangements. It is therefore important that the issuing authority has the capacity to verify the origin of the goods certified, in the context of the rules of origin in place at the time of issuance.

4.7.1 Procedures for issue of certificates of origin

The procedures for issue require the issuing authority to undertake a series of checks. These can be summarised as checking that:

- appropriate formal undertakings are held on file
- applications have been signed in original by an authorised signatory
- supporting documents are complete and consistent, and if required, notarised

The issuing authority may employ a checklist to guide the issuance procedure, as part of the internal control system, and to provide a guide to applicants, and a basis for staff training. Completed checklists will form part of the documentation retained by the issuing authority and produced as part of a verification procedure. Double checking" (using two staff to independently process the document) may also be employed.

Similarly, refusal to issue a certificate should also be recorded and a "refusal form" is frequently employed which records the grounds for refusal. The original is issued to the applicant and a copy retained on file with the application, and should state with clarity the grounds for refusal.

Issuance of the certificate of origin is undertaken by signature by the authorised signatory, and the placing of the official stamp or seal of the issuing body. The signature must always be original, and the official stamp should bear the name/branch of the issuing body. A "signature stamp" may be employed for copies, but should not be used for the original certificate.

Alterations to certificates may be made, by crossing out and replacing the incorrect information. The alteration should be signed by the authorised signatory. An "alteration approved" stamp is often employed in this case. Correction fluid should never be used.

All stamps should be help in a secure place when not in use.

4.7.2 Verification of origin

The checks made by the issuing authority should include verification of origin when appropriate, and in accordance with a sampling schedule, which ideally should be risk based. Risk can be assessed as the likelihood of a false declaration of origin. This should take into account the ease by which alternative and non-originating raw materials may be incorporated within the product. In this respect fishery products (produced by a mobile extractive process) should be regarded as high risk.

In order to support verification activities the following requirements should be met:

- The applicant should make available all financial and production records to the issuing authority. The issuing authority should have the right to ask for additional evidence, including invoices for raw materials, manufacturing costs statements, information from the applicants suppliers and other relevant information.
- If the goods were not manufactured by the applicant, then the applicant may be requested to furnish a suppliers invoice, and any other relevant information regarding the consignment
- If the goods were imported for re-processing and/or re-export, then the applicant should make available evidence to identify the re-exported goods with the goods previously imported, which could include inter alia:
    - Certificate of origin from a recognised authority in the original country of export
    - Declaration of the original producer
    - Copy of the import entry document
    - Suppliers invoice

- Copy of bill of lading
- Exporters invoice

This information is used to construct a trail of evidence to provide an evidential basis for certification. This is important, since reliance of an issuing body on "*local knowledge*" (i.e. knowledge which is not based on a systematic data acquisition) is likely to only reflects the status quo will be unlikely to meet the requirements of due diligence in a globalised trade environment. Where products may have changed hands through an extended supply chain, this presents a significant challenge. There is also a practical issue in identifying a particular document related to the supply chain with the physical goods in question through some form of batch coding, or labelling at each stage. Increasingly this data will include data held electronically. In the case of food and fishery products, many enterprises operating in international trade already implement traceability requirements for food safety purposes, with regard to meeting customer requirements or the legal requirements of destination markets.

5 RFMO CATCH DOCUMENTATION SCHEMES

5.1 Scope and requirements of RFMO documentation schemes

5.1.1 Description of catch documentation schemes

Bigeye tuna

Contracting parties shall require that all imports of bigeye tuna be accompanied by a Bigeye Tuna Statistical Document (i.e. applies in the case of ICCAT, IATTC, IOTC) which meets the requirements specified in the respective resolutions / recommendations, or a Bigeye Tuna Re-export Certificate.

Bigeye tuna caught by purse seiners and baitboats and destined principally for canneries are not subject to this statistical document requirement. These certificates are required only for frozen bigeye products in the initial stages, pending the preparation of guidelines for the handling of fresh bigeye at customs[5]. The certification is thus aimed specifically at longline fishing for bigeye tuna for export, Japan being the principal market.

Cooperating non-Contracting Party, Entity and Fishing Entity (hereafter referred to as CPCs) are requested to implement these same measures.

Swordfish

In the context of ICCAT, all imports of swordfish are to be accompanied by a Swordfish Statistical Document. The requirements and procedures are practically the same as specified above in the case of bigeye tuna. However, this applies to all swordfish products and not only frozen swordfish. Information shall also be given on whether the swordfish catch was taken inside or outside the Convention area.

[5] This appears not to have been implemented as of September 2008. The import of fish parts other than the meat, i.e., head, eyes, roe, guts, tails may be allowed without the document.

Southern bluefin tuna

In the context of CCSBT, all southern bluefin tuna shall be accompanied by a CCSBT Southern Bluefin Tuna Statistical Document in the case of imports into the territory of a Member. The requirements and procedures are essentially the same as specified above in the case of bigeye tuna. This applies to all southern bluefin products.

There is a further requirement that farmed southern bluefin tuna are to be identified to distinguish from wild catches. Members are required to maintain aggregated information on their tuna farms which raise exported tuna, and regularly submit this information to CCSBT.

Atlantic bluefin tuna

As mentioned in the introduction, the ICCAT documentation scheme for Atlantic bluefin tuna has evolved from a trade documentation system to a catch documentation scheme (i.e. including certification for the origin of catches/farmed fish and that this is a result of authorised activity) in order to provide direct control on catches from the bluefin tuna fisheries, including farming activities. However, ICCAT points out that this measure is being applied on an exceptional basis in order to help support the implementation of conservation and management measures as well as scientific research for bluefin tuna.

CPCs shall require a completed bluefin tuna catch document (BCD) for each bluefin:

a) Landed at its ports,
b) Delivered to its farms, and
c) Harvested from its farms

Thus, any movement of bluefin tuna such as landing, transfer, delivery, harvest, domestic trade, import, export or re-export of bluefin tuna without a BCD or a BFTRC (Re-export certificate) shall be prohibited. As a complementary measure, ICCAT has established and maintains a list of authorised farms as well as vessels and traps supplying farms.

Patagonian toothfish

The Catch Documentation Scheme introduced by CCAMLR, as the name implies, places generally stricter requirements than those in place for bigeye tuna or swordfish. It attempts to trace the catches of toothfish from its origin to the final market.

There is an explicit requirement that each Contracting Party to take steps to identify the origin of toothfish imported into or exported from its territories and to determine whether toothfish harvested in the Convention Area that is imported into or exported from its territories was caught in a manner consistent with CCAMLR conservation measures. Vessels have to be checked for proper licensing and these have to complete a *Dissostichus* Catch Document (DCD) for the catch landed or transhipped on each occasion that this occurs.

The import, export or re-export of toothfish without a DCD is prohibited.

5.1.2 Catch documentation schemes in mission countries

In summary, catch documents schemes in the mission countries are required for the different species under RFMO management, as shown in Table 4

Table 1: Mission countries and catch documentation schemes required under RFMO management requirements

Country	Species	RFMO
Ecuador	Bigeye tuna	**IATTC**
Indonesia Mauritania	Bluefin tuna*	**CCSBT**
	Bigeye tuna	**IOTC**
Mauritius	Dissostichus	**CCAMLR (CS)**
	Bigeye tuna	**IOTC**
Morocco	Bluefin tuna*	**ICCAT**
	Bigeye tuna	**ICCAT**
	Swordfish	**ICCAT**
Namibia	Dissostichus	**CCAMLR**
	Bluefin tuna*	**ICCAT**
	Bigeye tuna	**ICCAT**
	Swordfish	**ICCAT**
Senegal	Bluefin tuna*	**ICCAT**
	Bigeye tuna	**ICCAT/IOTC**
	Swordfish	**ICCAT**
Thailand	Bigeye tuna	**IOTC**

*Refers to both Atlantic bluefin tuna and Southern bluefin tuna

5.2 Implementation at National level

It is under the responsibility of Members and Cooperating non-Members to ensure that action is taken under their national legislation to implement conservation and management measures, which become binding on it.

It was not possible to find any guidelines issued by RFMOs on the implementation of documentation/certification schemes at the national level. No requirements or guidelines are specified in relation to the nomination of government officials or institutions that are authorised to validate certificates such as requirements on functions, structure, capacity, or staffing.

Nomination of authorized officials/institutions for validation purposes

It is implied that the Members and Cooperating non-Members are to nominate authorized individuals or institutions for the purpose of validating these documents/certificates. These appear to be typically customs institutions and individuals. Information concerning authorized government officials or institutions, including a sample of signatures and seals, are to be

communicated to the RFMO. This list of authorized institutions/individuals is maintained by the respective RFMOs, which is generally kept confidential.

5.3 Implementation by the European Community

Community obligations for implementation of catch documentation schemes for bluefin tuna, bigeye tuna and swordfish in relation to ICCAT and IOTC are implemented by Council Regulation (EC) No 1984/2003 of 8 April 2003 introducing a system for the statistical monitoring of trade in bluefin tuna, swordfish and bigeye tuna within the Community.

Community obligations for implementation of catch documentation schemes for toothfish in relation to CCAMLR are implemented by Council Regulation (EC) No 1035/2001 of 22 May 2001 establishing a catch documentation scheme for *Dissostichus spp* as amended by Council Regulation (EC) No 1368/2006 of 27 June 2006.

These measures set out the requirements for the operation of the catch documentation schemes, including the form and content of certificates to accompany consignments. They prohibit the import of consignments of fish of these species which are not accompanied by properly validated catch documents. Validation is to be undertaken by a civil servant duly approved by the flag State of the vessel which carries out the fishing. ICCAT members may authorise any other person or institution duly approved by that State. Where the fishing vessel operates under a charter arrangement, provision is made for an official of an exporting state to validate the certificate.

ANNEX 4: NAMIBIA CASE STUDY

CONTENTS

TABLES

FIGURES

1 FISHERY SECTOR

1.1 Fishery resources and production

Namibia is located on the west coast of southern Africa. It has one of the most productive fishing grounds in the world, based on the Benguela Current System, a major upwelling system. Namibia's 200 nautical mile Exclusive Economic Zone (EEZ)'s commercial biomass contain about 20 different species consisting primarily of small pelagic species (pilchard, anchovy, horse mackerel and mackerel) and lobster along the shallower onshore waters on the continental shelf, as well as large pelagic species including tuna, shark and swordfish, demersal hake and other deep sea species (monkfish, orange roughy, kingclip, sole and crab) in the waters further offshore.

Out of the 20 fish species commercially exploited in Namibia, seven species are regulated through TACs (Total Allowable Catch), these are pilchard, hake, horse mackerel, monk, red crab, rock lobster, and orange roughy.

Landings are shown in Table 1. The state of the stocks is fair for most of the species, despite alleged overfishing in the period immediately after independence in 1991. The pilchard population was seriously reduced during the 1990s due to negative environmental circumstances between 1993 and 1995 (so-called 'Benguela-Niño'). In 2001, the stock assessment was indicating less than 100,000 MT. The Ministry of Fisheries and Marine Resources made the decision to set zero quotas for pilchard in 2002 in order to allow the rebuilding of the stocks. In October 2003, the adult stocks of this short-lived species were estimated to be 300,000 MT. Despite a recovery in 2003-2005, catches again collapsed in 2006. Similar management measures implemented for hake appear to have helped stock recovery. However, horse mackerel stock was found in 2006 to have the lowest abundance since the start of surveys, resulting in the setting of lower TACs in 2006 of 360,00 tonnes in 2006 (down from 410,000 in 2001).

Table 1: Landings of commercial species in Namibia 2001-2006

SPECIES	2001	2002	2003	2004	2005	2006
Pilchard	10,763	4,160	22,255	28,605	25,128	2,314
Hake	173,277	154,588	189,305	173,902	158,060	135,771
Horse mackerel	315,245	359,183	360,447	310,405	327,700	309,980
Monk	12,390	15,174	13,135	8,961	10,466	9,816
Kingklip	6,607	7,210	6,603	7,067	5,567	4,193
Tuna	3,198	2,837	3,371	3,581	3,654	2,903
Crab	2,343	2,471	2,092	2,400	2,480	2,228
Rock lobster	365	361	269	214	248	285
Other fish species	30,810	77,407	33,644	31,997	18,934	36,891
Total fish harvest	554,998	623,391	631,119	567,133	552,164	504,382

Sources: MFMR, Annual report 2006.

1.2 Fleet segments and activities

Overview

Namibia's marine capture fisheries sector is exclusively industrial. The demersal fishery targets mainly hake in deep water and monkfish, sole, snoek and kingklip inshore. The mid-water trawlers target horse mackerel, purse-seiners target pilchard, juvenile horse mackerel and anchovy (the latter species are for fishmeal). Other fisheries at the industrial level include tuna fishing by pole and line (albacore), surface longlining for tunas, swordfish and sharks, rock lobster fishing, deep-sea red crab fishing and line-fishing (snoek, kob and west steenbras).

Fishing rights are allocated by the MFMR. Fishing rights are allocated through a tendering process to right holders for periods of 7, 19, 15 or 20 years, according to availability of resource. In December 2006 there were 158 fishing rights in operation (including 5 for seals and one for guano). Annual fishing quotas are allocated to rights holders according to the shares held.

The development of the Namibian marine fishing was made possible following the independence of Namibia in 1990, by the declaration of an EEZ of 200 nautical miles and the full control obtained over the marine resources. A total of 228 vessels were licensed for commercial fishing in Namibian waters in November 2008, compared to 283 in 2005, 302 and 312 in 2003 and 2004 respectively. In 2008, 158 of the licensed vessels, (70%) were Namibian flagged. Of these, some 44 are registered as Factory vessels and 26 as freezer vessels, all approved for supply of fishery products to the EC market. About 70 vessels were flagged by a number of different countries, as can be seen in Table 2.

Table 2: Flagging of Freezer vessels

Code	Country	No. of vessels
RSA	South Africa	34
RUS	Russia	4
SPA	Spain	11
ARG	Argentina	1
BEL	Belize	2
FOR	St.Vincent & Grenadines	5
GEO	Georgia	1
ICL	Iceland	1
PHL	Philippines	2
SL	Sierra Leone	1
TAI	Taiwan	1
UK	UK	3
URK	Ukraine	1
VAN	Vanuatu	3
Total		**70**

These foreign flagged vessels operate under joint venture or charter arrangements in collaboration with Namibia rights holders.

Demersal hake trawlers

Around 77 demersal trawlers (19-77m length) are currently licensed to fish for hake. These comprise 62 wet trawlers (i.e. landing chilled fish on ice), all but 3 of these are Namibian flagged, and 15 freezer trawlers (including 3 Spanish and one Argentinean vessel). Their principal target species is hake (*Merluccius capensis and M. paradoxus*), caught in deeper waters (trawling is not permitted in less than 200 m depth). Monkfish (*Lophius* spp.) and kingclip (*Genypterus capensis)* are important bycatches. Around 22 smaller Namibian flagged wet trawlers fish closer to shore for monkfish, sole and kingclip, although 3 of these also target hake at certain times.

Long lining

The longline segment comprises two sub-segments. One targets hake with smaller quantities of kingklip and snoek in demersal set lines, and large pelagics in surface long lines. In 2008 there were 14 demersal long-liners (19-55 m length range, all Namibian flagged) and 44 surface longliners (32 of which were Namibian flagged). An additional eleven longliners also take licences for both demersal fishing and for surface longlining at different times of the year. Surface longliners either target tunas/sharks for the Asian market, or swordfish/sharks/tunas for the EC market, depending on the fishing gear and set pattern. Eight of these vessels are Spanish flagged. Three Vanuatu flagged, one Taiwanese and two Philippine flagged vessels are also operating in this segment.

Mid water trawl

The mid-water trawl fishery targets horse mackerel (*Trachurus capensis*), and is pursued, in 2008, by 10 large foreign flagged mid-water trawlers in the 62-120m length range. These are mostly Russian built Atlantic class vessels, and largely comprises of joint ventures between Namibian and Russian operators. Five of the vessels are flagged in St.Vincent and Grenadines, one in Belize and four in Russia. A significant number of these vessels are reported to be wholly owned by Namibian nationals, but retain foreign flag in order to facilitate work permits for the largely eastern-bloc crews. The average catch is about 20,000 to 25,000mt per vessel per year.

Purse seine and industrial fishery

A fleet of 10 Namibian flagged purse-seiners (21-47 m length range) was licensed to target pilchard (*Sardinops ocellatus*) for canning in 2008. Juvenile horse mackerel and anchovy (*Engraulis capensis*), which occurs sporadically in Namibian waters, are also caught for fishmeal. Due to the collapse in the pilchard fishery, the fleet size has shrunk considerably in recent years.

Pole and line

A fleet of 40, mainly smaller tuna vessels in the 6-25m length range utilise pole-and-line gear to target albacore (*Thunnus alalunga*), and skipjack (*Katsuwonus pelamis*). Of these vessels 8 are Namibian flagged (one of which also takes a surface long line licence) and the rest are chartered on a seasonal basis from South African enterprises.

Handline fishing

The handline sector targets the snoek (*Thyrsites atun*) a medium-size, pelagic predator. Other targets are kob and steenbras. A total of 11 harvesting rights were extant in 2006, accessed by 15 vessels (down from 26 in 2002). The sector appears to be in decline. Fish is salted onboard and consumed locally, and exported to S.Africa and EC markets.

Deepwater trawling

Until 2006, 4 deep-water trawlers were licensed to target orange roughy *(Hoplostethus atlanticus*) and alfonsino *(Beryx splendens*). Only two of these licences were fished, with a catch of 433 tonnes. The fishery commenced in 1994 and Namibia became the world's second largest supplier of Orange roughy. However low catch levels have since reduced the value and importance of the fishery and no activity is reported in 2008.

Crustacean fisheries

The fishery for rock lobster (*Jasus Ialandii*) is based in the southern port of Lüderitz. IN 2006, 18 vessels (7-21 m), all Namibian flagged, were licensed to undertake trap fishing for rock lobster.

There is also a deep-sea red crab fishery using traps targeting red crab (*Chaceon maritae*). Only 2 vessels were licensed in 2006 in this fishery. There is no data on the flags of these vessels.

Landings by foreign vessels

An important part of the fishery profile is landings by foreign vessels, since Namibian ports (mainly Walvis Bay) provide an important transhipment point for vessels operating in the ICCAT, CCAMLR and IOTC regions. During the period January to March 2008 there were 33 landing events by foreign flagged vessels in Namibia, accounting for some 2,700 tonnes of fishery products. Most of this was large pelagic fish (sharks, tunas, swordfish) from longliners operating outside the Namibian EEZ in the ICCAT area. About 20 tonnes was crabs and shrimps landed from an Angolan vessel. The destination of the product is not known (but product is known to be both transhipped to another destination and to enter processing in Namibia). Of the 33 landings, 15 were Japanese vessels (one vessel made four landings) and 15 were Spanish vessels. This level of activity would suggest some 130 landing/transhipment events annually, delivering some 10,000 tonnes of fishery products, providing important levels of associated port activities (stevedoring, harbour dues, bunkerage, crew change and input supplies). These activities, being mostly linked to catches in the ICCAT area, were all subject to the ICCAT port state control scheme (see section 1.3).

There are two bilateral fisheries agreements in place, with Mozambique and Angola. Both agreements involve exchange of quota (hake/horse mackerel in the case of Angola, and shrimp/horse mackerel in the case of Mozambique) with resources accessed by joint venture operations in each case. However the terms of the Agreements are not in the public domain.

1.3 Fish processing and distribution

Marine catches are landed at two major ports: Walvis Bay and Luderitz. Because of its strategic location in the middle of the fishing grounds, most of the landings and processing plants are located in Walvis Bay. All landings are directly into private processing establishments, each of which operates its own quay facilities. There is no central market. Foreign flagged vessels which are not licensed (i.e. which land fish caught outside the EEZ) are required to land in the main commercial port, under customs supervision.

Currently a total number of 30 marine resources processing plants operate in Namibia. Of these 26 are approved for supply to the EC market (i.e. are compliant with the sanitary conditions set out in Regulation 852/2004). Because of the emphasis placed on creation of employment, catches are almost entirely industrial and onshore processing particularly for wet fish including hake is promoted. FAO reports that about 85 per cent of the fish landed is processed for subsequent export.

1.4 International trade

1.4.1 Exports

Fishery products are the country's second most important source of foreign exchange (after minerals). Exports of fishery products are shown in Table 3. Export values have shown a steady rise (from EUR222 million in 2005 and EUR302.4 million in 2006 to EUR325.7 million in 2007). The most important export product is hake and other demersal white fish (monk and kingclip). Hake alone accounts for some 50% of export value and other white fish (whole and fillets) a further 20%. Much of the exports of white fish are in the form of value added retail packs. The other very significant export is horse mackerel. Almost the entire catch is exported – accounting for 37 million in 2007, about 11% of export values. The main markets are Angola, Mozambique

and other southern African countries where there are expanding markets for low cost small pelagic fish.

Table 3: Exports of fishery products from Namibia in 2007

	NS$ million	EUR million	%
Chilled flat fish	85.4	8.85	3
Chilled tunas	24.7	2.56	1
Chilled fish	31.8	3.30	1
Chilled fillets	49.2	5.10	2
Frozen tunas	27.5	2.85	1
Frozen sardine	19.2	1.99	1
Frozen horse mackerel	357.7	37.09	11
Frozen shark	30.7	3.18	1
Frozen hake	1,575.4	163.34	50
Frozen fillets	420.3	43.58	13
Other frozen	211.4	21.92	7
Lobster	27.8	2.88	1
Crab	35.5	3.68	1
Others	243.5	25.25	8
TOTAL	**3,140.1**	**325.57**	**100 %**

Source; Ministry of Trade and Industry, Windhoek
NB. June 2007 1 EUR =N$9.64

The European Union is the most significant market. EC imports from Namibia are shown in Table 4. Exports include, as noted above the hake and other whitefish species.

The data show that in 2007, the EC imported fishery products valued at EUR231.7 million, and that imports have been relatively stable over the period. As indicated, whole frozen fish and frozen fish fillets account for the majority of the trade (20% and 68% respectively). This mainly includes frozen fillets of hake, kingclip and monk, often in value added retail packing. However the trade also includes significant quantities of shark, tunas (including albacore) and swordfish. Chilled fish (mainly hake, tuna loins and monkfish, air freighted via South Africa) accounted for about 10% of the trade in 2007 (5,000 tonnes). There are two companies working exclusively with exports of fresh fish. There is a smaller trade (less than EUR1 million/year on salted and dried fish, mainly snoek). Only small amounts of lobsters are exported to the EC, along with some re-exports of frozen shrimp. The majority of the EUR1 million of crustacea exported to the EC were red crab. The main EU point of entry for all of the above products is Spain. Canned pilchards exports to the EC have also been significant, but due to the collapse of the fishery have declined from EUR6.4 million in 2005 to just EUR64,530 in 2007 . The main market for this product is in the UK.

Table 4: EC imports of fishery products from Namibia, 2005 to 2007

	2005		2006		2007	
	Tonnes	**EUR**	**Tonnes**	**EUR**	**Tonnes**	**EUR**
Chilled fish	6,557	26,748,060	5,141	22,634,620	4,660	22,308,300
Frozen fish	19,962	53,084,762	20,942	58,039,693	16,118	47,193,490
Chilled fillets	0	0	226	1,010,190	422	2,200,070
Frozen fish fillets	52,539	135,165,949	46,464	133,992,738	46,594	157,936,180
Dried and salted fish	206	544,630	234	628,100	258	791,730
Crustacea	47	523,850	40	735,700	244	1,086,910
Molluscs	145	310,450	280	819,820	76	132,350
Canned and preserved fish	4,641	6,389,990	1,543	2,146,510	11	64,530
TOTALS	84,097	222,767,691	74,870	220,007,371	68,383	231,713,560

Source: EUORSTAT, 2008

1.4.2 Imports

Imports of fishery products in 2007 were valued at about EUR21 million, as shown in Table 5. Imports in 2005 and 2006 were approximately half of this level. This includes landings in Namibia from foreign flagged vessels operating under Namibian fishing licences. Main sources of supply were Republic of S.Africa (about 70% by value in 2007) and South American countries (Chile, Argentina). The main species were hake and similar products (a total of 57% of imports) and frozen small pelagic fish (15% of imports). Imports provide important inputs to the white fish processing sector. They also have helped to maintain cannery operations in the collapse of the domestic pilchard stock, and to sustain exports of small pelagic fish to southern African countries (Angola and Mozambique). Imports form an increasingly important part of the supply to fish processing and export sector, and are required to ensure that productivity of processing remains competitive in the global environment, in the face of fluctuating supplies if fish from domestic sources.

Table 5: Imports of fishery products by Namibia, 2007

	NS$ million	**EUR million**	**%**
Frozen sardine	15,9	1,65	8
Frozen mackerel	14,6	1,51	7
Frozen hake	96,4	9,99	47
Frozen fillets	21,1	2,19	10
Frozen crustacea	6,7	0,69	3
Frozen molluscs	11,1	1,15	5
Others	41,3	4,28	20
Total	207,1	21,47	100

Source; Ministry of Trade and Industry, Windhoek
NB. June 2007 1 EUR =N$9.64

1.4.3 Fleet dependency on fishery exports to the EC

The EC is the most important market for Namibian fishery sector, accounting for two-thirds of the export revenues in 2007. Almost all of the fleet segments, with the exception of the midwater trawl targeting horse mackerel and the rock lobster pot fishery have significant levels of dependency on the EC market. The horse mackerel fishery is directed at regional markets in Southern Africa, and the rock lobster fishery is almost entirely directed at the Japanese market. However all demersal fisheries (freezer trawl, wet trawl and demersal long lines) are almost entirely dependent on the EC as the primary market destination. The albacore pole and line fishery also consigns products mainly to Spain, with only small quantities (Japan, S.Africa and USA). The surface long line sector also relies substantially on the Iberian market for swordfish, shark and tuna products, although Asian markets are the destination for shark fins, and relatively small quantities of sushi grade tunas (big eye) to Japan. Japan accounts for some two thirds of the export revenues from red crab, with the balance to the EC. The purse seine fishery relies on the EC as the only significant market for canned pilchards, although it gains revenues

also from fishmeal exports to several destinations. The handline fishery, producing salted and dried fish, relies on the regional markets (S.Africa, Angola, Zambia and Zimbabwe). However about half of the export revenues are generated by sales to the EC (Spain).

1.5 Institutional framework

1.5.1 Fisheries Policy

Prior to 1969 administration of the fishery resources was under the jurisdiction of the South West Africa Administration. In 1969 this function was taken over by South Africa, and then handed back to Windhoek in 1978. All licence and concession holders were required to re-apply on independence in 1991. The newly independent Government of Namibia declared a 200 mile EEZ in 1990 (Act NO.3, 1990).

The main objectives of policy are expressed in the system of long term fishing rights and vessel quotas that were set out in the *Policy Statement on the Granting of Rights of Exploitation to Utilise Marine Resources and on the Allocation of Fishing Quotas* of 8 July 1993 Fisheries policy is currently expressed in Namibia's Marine Resources Policy "Towards responsible development and management of the marine resources sector, of August 2004", and defined in the box below:

- *Maintaining stock recovery*

This is required to ensure the sustainable utilisation of marine resources. This will be achieved by the promotion of stock recovery to long term sustainable yield levels through the conservation of marine resources and the protection of the Namibian EEZ. The current strategy is setting total allowable catches (TACs) at levels low enough to promote recovery of depleted stocks.

- *Compliance control*

To protect the Namibian EEZ, the Ministry will continue to curb illegal fishing and harmful fishing practices. Monitoring, control and surveillance will become an even more important issue in the future, since the enhanced status of fish stocks will become an increasingly attractive target for illegal fishing.

- *Industrial development*

To ensure that gains in rebuilding fish resources are translated into economic gains in terms of increased private incomes, employment and government revenue, the industry must be given a viable economic environment. Furthermore, to ensure that the central importance of maintaining a policy environment that encourages investment is recognised. This is especially important in on-shore processing and in areas such as quality control and export promotion.

- *Namibianisation*

To be able to take up opportunities provided by development of the fisheries sector, Namibians must be able to acquire skills through training. In addition, to increase the role which Namibian businesses play in the sector, supporting policies and programmes are needed for the allocation of fishing rights and quotas. This goal will be achieved by strengthening the research and training capacities of the fishing industry.

- *Advancement of socially or educationally disadvantaged persons*

To ensure greater beneficial participation in the sector for Namibians coming from groups previously subject to discriminatory laws and practices. This will be achieved through affirmative action.

- *Improving the services of the Ministry of Fisheries and Marine Resources*

This is required to ensure effectiveness, efficiency and economy of the Ministry. Achieving this requires the training of qualified and competent personnel in the fishing industry, as well as the Ministry. Also, fair returns from the fishing industry to the government need to be ensured. The Ministry must guarantee the conservation and protection of Namibia's freshwater fish resources. To remain a focused Ministry and to keep abreast of the changes in the industry, the Ministry has developed a strategic plan spelling out strategies and initiatives for a period of five years.

- *Successfully promoting regional co-operation in marine fisheries*

Regional co-operation is to be enhanced through the activities of the SADC Sector Co-ordinating Unit for Marine Fisheries and Resources.

In addition, the policy has an objective of "enhanced participation for Namibians" (referred to as Namibianisation), which encourages the utilisation of marine resources by Namibian vessels.

1.5.2 Fisheries legislation

The criteria for granting rights and allocation of quotas are spelt out in the **Marine Resources Act of 2000** (Act no.27, 2000). This sets out the policy and powers of the Minister and authorised fisheries officers. It defines fisheries observers and establishes a Fisheries Observers Agency for their management, supported by a fisheries observer fund. The Minister may require any person harvesting marine resources to carry a fisheries observer and to provide facilities for their use. The Act also establishes the system of fisheries management, providing for the issue of access rights to be issued for limited terms. Quotas may also be issued to rights holders by the Minister, but may not exceed the total allowable catch. Rights and quota holders who wish to use a fishing vessel (of any flag) must apply for a licence. Licences are also required for Namibian flagged vessels which wish to fish outside Namibian waters. The law states (Section 40) " a licence to use a fishing vessels to harvest a marine resource shall only be valid of the licensee holds a right for that resource". Transhipment is controlled under Section 50, which prohibits any transhipment or landing, by both Namibian licensed vessels and foreign vessels, within the territorial sea without authorisation of the Ministry.

Further provisions are prescribed in the **Regulations Relating to the Exploitation of Marine Resources** No.241 of 2000. This defines the forms, procedures and fees for the issue of fishing rights, quotas and licences. Prohibited areas are defined; 48 hours notice must be given before departure and entry of fishing ports, port inspections are required before departure for fishing; technical measures (mesh sizes, trawl design are defined; lobster minimum sizes are defined; prohibited species are defined (include a ban catching, pr injuring great white shark); fees are introduced for the landing of bycatches

In line with Namibia's obligations under the RFMOS (CCAMLR, ICCAT and SEAFO) the **Vessel Monitoring Regulations** (No.65, 2005) were promulgated to define the requirements for the carriage of satellite automatic location control system. Vessels may be required to carry such a system as part of their fishing licence conditions. The system must comply with the technical specifications as specified by the MFMR, which is also required to establish a vessel monitoring centre.

Vessel registration

Vessel registration in Namibia is the responsibility of the Maritime Affairs Department of the Ministry of Works and Transport. Vessel registration is subject to the Ship Registration Act and the Ship Registration Regulations. There is no specific procedure for the registration of a fishing

vessel, nor a separate registry. The registry lists some 250 vessels, almost all of which are fishing vessels. There are no reefer transport vessels.

MCS system

The Directorate of Operations of the Ministry of Fisheries and Marine Resources is responsible for the monitoring control and surveillance of fisheries activity. The Directorate is based at Walvis Bay and is well founded with a full time staff of 18. The organisation structure is shown in Figure 1.

MCS assets include two modern patrol vessels (65m and 56m respectively), fully operated by the MFMR, with in-house jetties and maintenance facilities. Each vessel carries two full time fisheries inspectors. Duration of patrols is c.12 days- IN addition the MFMR has recently taken delivery of a Cessna 406 for air surveillance, with night flight capacity.

The annual MCS budget for 2007 was N$76.6 million (about EUR6.2 million), which excludes salaries and inland fisheries operations, but includes capital upgrades to existing equipment. The Operations Directorate has participated in the EDF funded SADC Regional Fisheries MCS project[1], under which it benefited from training of fisheries officers in MCS methodologies, supply of computer and communication equipment, and support for drafting of legislation. Under this project Namibia also provided access to its MCS assets for undertaking of joint patrols in the Angola EEZ, with the fisheries administration of Angola.

Observers perform a central role in the MS system, providing information to the vessel control centre regarding the activities of the vessels on which they are stationed. The observer corps of more than 200 staff is managed by a non-profit making agency “the Observer Agency”, established in 1993 and which is funded partially by budgetary contributions and partially by direct charges to vessel operators (based on the time at sea). Observers make daily reports on vessel location and catches, and also undertake checks on technical measures. Since 2006, scientific data (e.g. on weight length, maturity) has been collected separately.

The MFMR has contracted Blue Ray for the provision of the satellite VMS system, but this is currently only partially functional due to a dispute with suppliers over ongoing technical support. Nevertheless, vessels are successfully polled and located, and data is correlated with observer reports. Every landing event is supervised by a fisheries inspector, who attends the direct discharge into factories, or in the commercial port (in the case of foreign non-licensed vessels). Actual landed quantities are weighed on entry to the establishment, and cross checked against daily catch reports submitted by observers and recorded in the vessels’ log books. The recorded weights are used to determine the fisheries levy and for statistical and quota management purposes. The data also provides the basis for the issue of catch certificates where they are required under the conditions of membership of a relevant RFMO (CCAMLR or ICCAT).

Reefer vessels are required to report to the national port authority, NAMPORT. Licensed fishing vessels may only tranship catch under supervision of the MFMR. Transhipment may only take place with 48 hours notice and in Walvis Bay Harbour (although for practical reasons horse mackerel is allowed to be transhipped off port limits).

Whilst the MCS system provides for a strong level of controls at the operational level, there are no checks made on the relative quantities of input and outputs to fish processing. Especially in the case of the white fish (hake, kingclip and monkfish), and given the sourcing of fish from large numbers of vessels, with different flags, from freezer and factory vessels (including processed at sea), supplemented by imports from several different destinations and the weak traceability onshore in this sector, such checks provide the only means of identifying the presence or otherwise of fish from non-authorised sources. Such forensic style checks may be

[1] The SADC - EU MCS Programme was financed by the European Union to a total of EUR14.55 million. The overall objective of the Programme was to improve management of marine resources in the SADC region. The Programme, which commenced in February 2001, had a duration of five years, effectively terminating at the end of March 2006.

carried out at the level of the sector, or at the level of the enterprise, and have proved instructive in identifying IUU fishing in other regions.

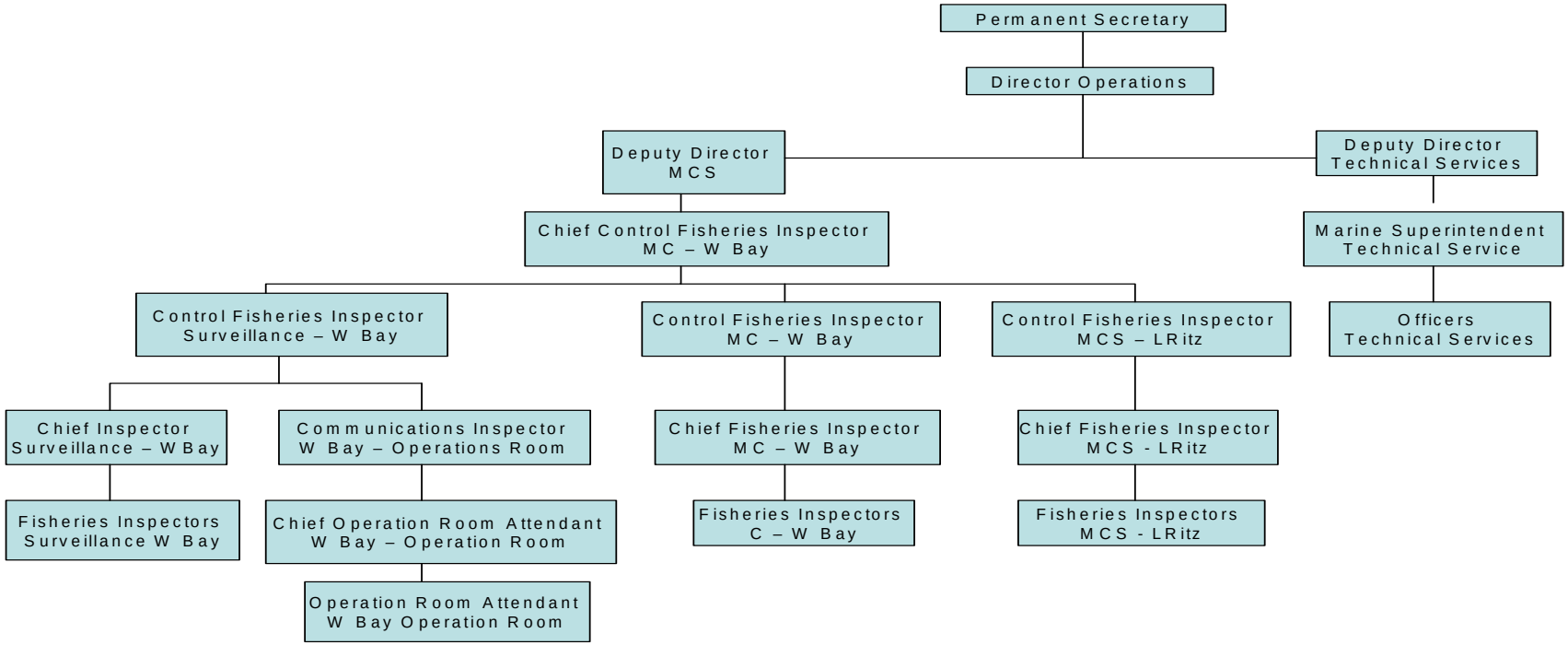


Figure 1: Namibia's Fisheries MCS Structure

2 EXISTING CERTIFICATION SYSTEMS FOR FISHERY PRODUCTS

2.1 Certification of origin

In Namibia, the institutions that are authorised for the issue of Certificate of Origin are the Department of Customs and Excise of the Ministry of Finance, and the Namibian Chamber of Commerce and Industry, and its three regional branches. The Chambers issue all non-preferential certificates of origin, and only issues preferential COs in a very limited number of commodities. The EUR1 and the GSP COs for fishery products are issued exclusively by the Customs Department of the Ministry of Finance.

The procedures is as follows: the exporting company provides the relevant documentation, which includes at a minimum the vessel registration documents, the location of the catch, the crew list and copy of the validated landing document (which defines the area of catch, species, time and date of landing, countersigned by a fisheries office of the MFMR). The company must be on the list of registered exporters held by the Ministry of Finance. Most of the exporters are fishing companies and processors; only a small number are brokers, mainly in the horse mackerel sector.

On the basis of the documents (plus the bill of lading, invoice, the health certificate and the Bank of Namibia control document), the Customs Officer on the spot (Walvis Bay or Luderitz) will issue the relevant certificate of origin. For products consigned by sea, these are usually issues retrospectively, after consignment of the goods; the consignor then forwards the originals to consignee at the port of destination. For air-freighted products, the certificate accompanies the consignment to South Africa, which is consigned in a vehicle under a customs seal. South African customs break the seal, issue a “certificate of non-manipulation”, and supervise the transhipment to the aircraft.

Out of a staff of 30 field officers based in Walvis Bay and Luderitz, four officers are authorised signatories of the certificates of origin. The largest problems seem to be ensuring the precise application of the rules of origin (in relation to determining factors of crew composition, nationality of master, flag of vessel, cumulation) due to variation in these factors present in the different fleet segments and subsequent processing activities.

The Customs department has no routine system for tracking imports and re-exports. Officials report that there is no identification of sources of imports in the exports, particularly in the hake sector, which utilises significant quantities of imported products from S.America and South Africa. It is therefore possible that some fishery products are being falsely declared as being of Namibia origin. There are no checks on enterprises regarding overall quantities landed and imported against quantities exported.

The Customs Department undertakes routine follow up and confirmation regarding requests for clarification from authorities in EC Member States. In 2008 a total of about 200 enquiries were received (mainly from Spain), including some recent ones regarding hake. Two enquiries from EC member States are currently active regarding the certification of origin of large pelagic fish. Most of the enquiries are with regard to documentary inconsistencies, rather than issues regarding origin. The follow–up activity involves requesting the exporter to supply additional documents (copy of registration, crew list, fishing licence). No checks are made in relation to traceability of the consignment within the enterprise, to ensure the linkage between the fishery products which comprise the consignment and the fishery products defined in the catch/vessel documentation.

2.2 Sanitary certification

The nominated Competent Authority is the Ministry of Trade and Industry. Until 1st September 2008 the nominated inspection body was the South African Bureau of Standards (SABS), but

responsibilities were transferred under the National Regulator for Compulsory Specifications Act (Act 5 of 2008) to a new South African body, the National Regulator for Compulsory Specifications (NRCS). The Namibia Standards Institution was formed on 1 August 2007, and will take over the responsibilities of for inspection and certification from NRCS in the near future. In the meanwhile, NSI staff in Namibia undertake all the inspection and certification activities on behalf of the NRCS. The relationship is subject to a Memorandum of Understanding. The sanitary conditions and system for approval of establishments is specified under the Foodstuffs Cosmetic and Disinfectant Act No.29 of 1992, and the specific technical requirements specified under the Compulsory Specifications for Frozen Fish and Marine Molluscs.

The fish inspection and certification function is staffed by 2 inspectors in Luderitz and six in Walvis Bay, plus one manager. All are qualified to BSc level, and have received additional training in HACCP and food hygiene inspection skills.

The Ministry of Trade and Industry is responsible for maintaining the list of approved establishments and vessels, based on the recommendations of NSI following annual and interim inspections. In August 2008, a total number of 26 fish processing plants are approved for supply to the EC market (i.e. are compliant with the sanitary conditions set out in Regulation 852/2004). In addition, 44 factory vessels and 26 freezer vessels are approved. Establishments and factory vessels are inspected every 6 months, freezer vessels are inspected yearly. Other fishing vessels are inspected on average once/year, and are also subject to spot checks when they land fish. When non-compliances are observed certification is suspended, and only if the non-compliance continues are operators de-listed. NSI reports that about 30 freezer and factory vessel are operating at present, and it is apparent that about half of the vessels on the formal list are no longer operating in Namibian waters.

Export sanitary certification is only granted in respect of inspected and approved establishments and vessels. The application form for export certification requires the supplying vessel to be specified. The inspector then checks that it is listed. If it is not Namibian flagged, the inspector also checks to confirm that a) the flag state is permitted to supply fishery products to the European market (under Commission Decision of 6 November 2006 establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted) and that the supplying freezer or factory vessel is approved by that state. In case of the non-Namibian origin, the inspector will request the provision of the sanitary certificate issued by the Competent Authority of the flag state.

The inspector will then visit the establishment or vessel and undertake a documentary check and integrity check on the consignment. This may sometimes include a review of processing records to ensure that there is traceability to the declared supplying vessel, but this is not always undertaken. Furthermore there is no specific legal requirement for batch coding of finished product, which substantially undermines attempts to establish traceability. If the inspector decides it is appropriate then a sample is taken, and the export consignment delayed pending results. Sampling and testing of export consignments of frozen fish is routinely undertaken. Samples are sent to SABS for testing. The certificate is not issued until the results are available, often up to one week later. This causes some difficulties for exporters. Sampling and testing for fresh fish export is conducted only periodically, since testing delays would render the trade unfeasible.

The number of certificates issued is shown in Table 6. The total number of export consignments in 2006 was 3605, falling to 2608 in 2007, largely due to a fall in the number of fresh fish exports. Nearly 95% of the exports consignments are consigned to the EC, indicating a high level of dependency on this market. In 2006 about two thirds of the export consignments were frozen, and one third fresh. Frozen exports are usually in containers, typically 20 tonnes net weight. Fresh consignments are much smaller, typically less than 1 tonne.

Table 6: No of sanitary certificates issued for exported fishery products (2006 and 2007)

Product/destination	No. of certificates issues	
	2006	**2007**
Frozen fish (EU)	2,425	2,242
Chilled fish (EU	945	179
Canned fish (EU)	0	8
Total EU	3,370	2,429
Frozen fish Non-EU	235	179
TOTAL	**3,605**	**2,608**

Source: Namibian Standards Institution

2.3 Catch certificates (ICCAT/IOTC/CCAMLR)

Namibia is a contracting party to ICCAT, SEAFO and CCAMLR. Membership of these Regional Fisheries Management Organisations implies adherence to their rules on fisheries management. In the case of the ICCAT and CCAMLR, these rules include catch documentation schemes for sensitive species certification when consigned to international trade. The intention is to provide a cross check on catch declarations, and to provide additional levels of control by preventing products from known IUU fisheries entering trade. The measures apply to contracting and non-contracting cooperating parties. Namibia has therefore implemented the catch certification schemes for Patagonian toothfish (*Dissostichus* spp), unde CCAMLR, and for Bluefin tuna, Bigeye tuna and Swordfish under ICCAT.

The ICCAT bluefin tuna statistical document programme has been operational for several years. At the 2001 meeting, the ICCAT Commission decided to adopt similar programmes for swordfish and bigeye tuna, implemented in 2003. At present, some contracting parties also submit trade data relating to other species, data that are used to estimate unreported catches of tuna and tuna-like species. Namibia for example submits catch documents for albacore tuna. The requirement is that all movement events (landing, export and import) are recorded on a standard form, and the data is submitted to ICCAT. The responsibility for the implementation of the scheme is that of the port state in whose territory the movement is taking place.

The CCAMLR Catch Documentation Scheme (CDS) for toothfish is a global scheme open to all States which fish for, or trade in *Dissostichus* spp. irrespective of whether they are members of CCAMLR or not. All landings, transhipments and importations of toothfish into the territories of all Parties to the CDS must be accompanied by a completed Catch Document specifying information relating to the volume and location of catch and the name and Flag State of the vessel. The core element of the Scheme is a database where participating countries can access Catch Documents and related information through a secure Internet connection in order to verify Catch Documents. A summary of CDS data is published annually as part of CCAMLR's Statistical Bulletin.

Both ICCAT and CCAMLR schemes are implemented by the MFMR. The basis for the issue of certificates in relation to catches by Namibian licensed vessels (whether Namibian or foreign flagged) is the landing declaration. All landings are subject to inspection by a fisheries officer, which includes verification of the catch and species. When an exporter is due to submit a consignment of product for export, the relevant RFMO certificate is completed and submitted to the MFMR for validation. The MFMR in Walvis Bay cross checks the declaration on the certificate with the copy of the landing declaration, and if the details correspond then the certificate is validated.

In relation to landings of bluefin and bigeye tunas and swordfish by foreign vessels, the key elements required for issue of a certificate are:

- Copies of valid licences, registration documents, functional VMS requirement, flag state authorisations, crew list, log sheets, ICCAT registration document, vessel registry on ICCAT website and provisional cargo manifest must be faxed to the MFRM regional office 48 hours in advance of landing
- The flag state must issue a confirmation note of non-IUU activities and consent for discharge in Namibia
- On-the-spot monitoring of discharge by species and weight by MFMR inspectors
- Completion of a port state inspection form
- Reporting of event to Flag State and ICCAT secretariat using the required forms
- Issuance of ICCAT catch certificate in relation to relevant species (Big eye tuna, bluefin tuna and swordfish).

Where vessels cannot comply with the above requirements they are refused entry. MFMR officials report that this occurred once during 2007, when a Chinese vessel was refused permission to discharge in Namibia.

CCAMLR procedure operates similar procedures, except the application and permits are issued online via the CCAMLR website. The certifying port state authority is issued with a CCAMLR generated secure certificate number against each application, as an additional security measure against fraudulent issue of certificates. However, only 3 toothfish catch certificates have been issued by MFMR since the implementation of the scheme in 2007.

2.4 CITES

Namibia is home to four marine species listed in the Appendices to CITES. These are the white shark *Carcharodon carcharias,* and the smalltooth sawfish *Pristis pectinata* (both CITES Appendix I). Capture of the white shark is prohibited by the Marine Resources Act. Two species are listed in CITES Appendix II. These are the whale shark *Rhincodon typus* and the cape fur seal *Arctosephalus pusilus*. Namibia has a major harvest of seals (reportedly accounting for 10% of the world's sealing) with up to 80,000 seal culled on the beaches of Lüderitz and Cape Cross. Seal products (which including pelts, fats and dried penis) are an important export commodity. All of the routine CITES certification is undertaken in relation to seal products.

CITES controls are coordinated by the Scientific Services Department, Directorate of Parks and Wildlife Management of the Ministry of Environment and Tourism which is the nominated CITES Management Authority. The Ministry of Marine Resources and Fisheries is the nominated Scientific Authority for the marine species, and under he MFMR, the National Marine Information and Research Centre, in Swakopmund is charged with the responsibility for scientific studies.

Each year the Centre studies seal populations fecundity, birth weight and survival weights. Aerial surveys are also conducted every 2-3 years. Based on the data, the Centre estimates an annual TAC in terms of maximum number of seals that may be taken by the three concessionaires. Export permits are issued by the Ministry of Environment and Tourism, in response to an application in respect of each export consignment. The applications for CITES export certificates are passed to the MFMR, for comment. Following a check on the running total of exports against the annual TAC and providing that the TAC has not been exceeded for that year, the MFMR issues a "*non-detriment finding*". There are no export quotas allocated to individual exporters. Some problems are reported to have arisen when pelts are stored from one season to the next, giving rise to an apparent catch in excess of TAC.

On 23 July 2008, the European Commission adopted a proposal for a regulation banning the trading of seal products within, into, and from the European Union to ensure that products derived from seals killed and skinned in ways that cause pain, distress and suffering are not

admitted to the European market. Trade in seal products would only be allowed where guarantees can be provided that hunting techniques consistent with high animal-welfare standards were used, and that the animals did not suffer unnecessarily.

APPENDIX 1: LIST OF PERSONS MET

Name	Position/organisation	Email
Willem Nekwiyu	Deputy Director, Trade Policy and External Trade Relations, Ministry of Trade and Industry	nekwiyu@mti.gov.na
Peter Amutenya	Director, Operations, Ministry of Fisheries and Marine Resources	pamutenya@mfmr.gov.na
Peter K Schivute	Chief Control Fisheries Officer, Ministry of Fisheries and Marine Resources	pschivute@mfmr.gov.na
K.B. Amutse	Deputy Director, Ministry of Fisheries and Marine Resources	bamutse@mfmr.gov.na
Calie Jacobs	Director, Erongo Marine Enterprises (and Horse Mackerel Association)	cjacobs@erongo.co.za
Max Schwieger	Manager. Corvima Fishing (PTY) Ltd (and Large Pelagic Association)	max@corvima.com.na
Dr Moses Maurihungirire	Director, Resource Management, Ministry of Fisheries and Marine Resources	mmaurihungirire@mfmr.gov.na
Riundja Ali Kaakunga	Chief Executive Officer, Namibia Standards Institution	kaakunga@nsi.com.na
Mvula Eino	General Manager, Namibia Standards Institution	emvula@nsi.com.na
Afonso Barnuevo	Ambassador of Spain, Namibia	Alfonso.barnuevo@maec.es
Mark Bensberg	High Commissioner, British High Commission	Mark.bensberg@fco.gov.uk
Dr Elisabeth Pape	Ambassador, Head of Delegation, European Commission	Elisabeth.pape@ec.europa.eu
Joachim Knoth	European Commission Delegation	Joachim.knoth@ec.europa.eu
M. Hausen	German Embassy	v@wind.diplo.de
Christo October	Ministry of Fisheries and Marine Resources	coctober@mfmr.gov.na
Desmond Bester	Ministry of Fisheries and Marine Resources	dbester@mfmr.gov.na
Emma S Boys	Ministry of Fisheries and Marine Resources	eboys@mfmr.gov.na
Aina S Ipinge	Ministry of Fisheries and Marine Resources	aipinge@mfmr.gov.na

Willem Nekwiyu	Deputy Director, Trade Policy Ministry of Trade and Industry	nekwiyu@mti.gov.na
Mrs P.N. Liswaniso	Controller, Technical Services, Ministry of Finance, Customs and Excise	Patricia.liswaniso@ger.mof.na
Louisa Maree	General Manager, Freddie Fish Processors	louisa@freddiefishpro.com
Pieter Greeff	General Manager, Namsov Fishing Enterprises Ltd	Pieter.Greeff@namsov.com.na
Peya Hitula	Group Internal Auditor, Tunacor Group Ltd	phitula@tunacor.com.na
Cecilia Hinda	Manager, Food and Engineering Laboratory, Namibia Standards Institution	hindac@nsi.com.na
Matthy Mattheus Nangolo	Director Maritime Affairs Ministry of Works and Transport	mmnangolo@mwtc.gov.na

ANNEX 5: INDONESIA CASE STUDY

CONTENTS

TABLES

FIGURES

1 FISHERY SECTOR

1.1 Fishery resources and production

Indonesia is a South Asian archipelago of 1,700 islands spanning the southern Indian Ocean and the Western Pacific. It has a long coastline of 81,000 km and a maritime zone of 5.8 million km^2, as shown in Figure 1.

Figure 1: Map of Indonesia

It has mixed tropical fisheries. There are a number of large estuaries with associated shrimp and demersal fisheries.

Marine fisheries resources are classified into

1. Large pelagics (skipjack, other tunas, billfish, oceanic sharks and small tuna);
2. Small pelagics (scads, mackerels, sardinellas, trevallies, engraulid anchovy);
3. Demersal and coral reef fishes (groupers, snappers, rabbitfish, slipmouth, etc.); and
4. Prawn, shrimp, other crustaceans, etc. The MMAF logbook lists 108 different species subject to commercial exploitation.

The Ministry of Marine Affairs and Fisheries estimates that the MSY of marine capture fisheries is in the region of 6.4 million tonnes/year, and that marine catches in 2007 were about 4.5 million tonnes. Most of the marine resources in the western part of Indonesian waters have been exploited intensively, while most resources in the eastern part still have room for development.

Production in recent years is shown in Table 1. Whilst total production of marine capture fisheries has showed a steady increase, production of tunas and shrimps has stayed about the same in recent years. Large increases in production are observed in blue crab, squid, cuttlefish and miscellaneous fish species including *Sardinella spp.*, croaker and groupers. Overall in marine capture fishery in 2004, tunas represented 16.6% of production, shrimp was 5.5%, other fish species was 70.3% and other aquatic organisms (molluscs and other invertebrates) was 7.6%.

Table 1: Marine capture fisheries production in Indonesia 2001 to 2006

Major Commodities	2001	2002	2003	2004	2005	2006
Total	3,966,480	4,073,506	4,383,103	4,320,241	4,408,499	4,512,191
Tuna / Tunas	153,110	148,439	151,926	176,996	183,144	159,404
Cakalang / Skipjack tunas	214,077	203,102	208,626	233,319	252,232	277,388
Tongkol / Eastern little tunas	233,051	266,955	267,339	310,400	309,794	329,169
Other Fish	2,846,151	2,889,364	3,157,465	3,112,018	3,246,770	3,293,729
Shrimp	263,037	241,485	240,438	245,913	208,539	227,164
Seaweed	34,450	55,731	64,610	8,677	9,670	4,996
Others	222,604	268,430	292,699	232,918	198,350	220,341

Source: DG Capture Fisheries, MMAF 2008

Marine fish production is widely dispersed throughout the country, but Sumatra, Java and Papua are the most important.

Table 2: Fish Production by province in Indonesia

	%
Sumatra	25.3
Bali-Nusatenggara	5.6
Maluka – Papua	19.2
Java	19.3
Kalimantan	6.8
Sulawesi	18.0
Others	5.8
Total	100

Inland fisheries and aquaculture (marine, brackish and freshwater) are also of importance in fish production.

The shallow waters around the western area including Sumatra, Java and Kalimantan produce about two-thirds of the total fish catch. This area is densely populated and local demand is high. Trawling has been banned in this area following conflict between trawlers and small-scale fishermen. In recognition of the imbalance in development between the western and eastern parts of Indonesia, development priorities are directed to the eastern part.

1.2 Marine fishery fleet segments and activities

Overview

The fleet is characterised by a large number of relatively small vessels and a wide range of different fishing gears. The MMAF lists 37 different fishing gears in common use. Common gears are troll lines, handlines, trawl nets, purse seine or ring nets, gillnets (both set and drift), surface and bottom set longlines and trammel nets. Jigging for squid is also a common method for these species. Fixed gears such as scoop nets and fish traps (with or without guiding barriers) are also widely used in coastal fisheries. Table 3 below shows the numbers of gears registered in 2006, approximately 1.2 million units. In total, an estimated 2.2 million are employed in marine fishing, and about half a million in inland fishing. Employment in trading and processing is not recorded.

Table 3: Number and type of marine fishing gears employed in 2008

Type of Fishing Gear		No. of units
Trawl	Double rigs shrimp trawl	2,143
	Stern shrimp trawl	4,355
	Beam trawl	-
	Fish net	5,494
Seine	Pelagic danish seine	36,013
	Demersal danish seine	23,784
	Beach seine	22,121
Gill nets	Drift gill net	128,166
	Encircling gill net	19,128
	Shrimp entangling gill net	35,315
	Set gill net	92,274
	Trammel nets	48,783
Lift nets	Boat/raft lift net	19,537
	Stationary lift net	15,904
	Scoop net	7,897
	Shore lift net	457
	Other lift nets	18,161
Hooks and lines	Tuna long line	9,290
	Drift long line other than tuna long line	20,267
	Set long line	28,787
	Set bottom long line	6,211
	Skipjack pole and line	6,861

Type of Fishing Gear		No. of units
	Troll line	98,966
	Hand lines	30,250
	Vertical line (incl. Vertical long line)	8,779
	Squid jigger	4,524
	Other lines	241,710
Traps	Guiding barrier	10,257
	Stow net	3,434
	Portable trap	85,443
	Other traps	26,703
Collectors	Seaweed collectors	4,115
	Shell fish gears	8,657
	Sea cucumber gears	1,197
	Crab gears	6,965
Purse seine		20,211
Others	Muroami	1,073
	Cast net	12,317
	Harpoon, etc	48,959
TOTAL		1,164,508

Source: DG Capture Fisheries, MMAF 2008

The number of marine fishing boats has shown a steady increase since 1998. The number of registered craft in 2007 was 590,317. The breakdown by type and tonnage is shown in Table 4:

Table 4: Registered marine fishing boats in 2007

Type/size	No. of vessels	%
Total non-powered	249,955	42,34
Outboard	185,983	31,51
<5 GT	106,609	18,06
5-10	29,899	5,06
10-20	8,190	1,39
20-30	5,037	0,85
30-50	970	0,16
50-100	1,926	0,33
100-200	1,381	0,23
200-300	218	0,04
300-50	116	0,02
500-100	32	0,01
>1000	1	0,00
TOTAL	590,317	100

The fleet is dominated by large numbers of small vessels, with about 92% of vessels (542,547) either non-powered, powered by outboard engines or <5 GT. Some of the most important fleet segments linked to exported fishery products are as follows.

Demersal trawling

A total of 11,992 trawl gears were registered in 2006, which is approximately the same as the number of vessels. Of these some 6,500 were shrimp trawls (both single and double rigs) and 5,500 fish trawls. Trawlable areas are coastal but are widespread, the most productive areas are found in the east of the country, including the Malacca Straits. Most shrimp trawlers are of a relatively small size and operate using RSW tanks, or carry ice as a means of preserving the catch. Usable bycatch is often transferred to small scale fishers at sea. There are an unknown number of freezer trawlers, of which seven are shrimp trawlers (c.150GT each) registered as meeting EC standards and are listed by the MMAF, Directorate of General of Fishery product processing and Marketing, and therefore authorised for supply to the EC market. Other important export products obtained from the trawl sector directed for export include demersal fishes (snappers, groupers, croakers), and cephalopods (octopus and cuttlefish).

Long lining

Longlining is used to target a wide range of species. The MMAF registered some 30,000 pelagic long lines in 2006, which is approximately the number of vessels using this gear. About 9,000 of these appear to have tuna as the primary target. Areas of operation include the entire EEZ, and substantial activities outside, especially the Indian Ocean (subject to IOTC) and the Western pacific. Seventeen of these vessels are distant water vessels of 400 to 500 GT (with super-freezers, to -60ºC) which operate permanently in the Indian Ocean targeting tunas for the Japanese market and landing in Seychelles and Mauritius, and South Africa. Standard freezer

vessels will operate 2 to 3 months at sea, but the fleets (usually several vessels operated by a single company work together in groups). Longliners which operate as fresh fish vessels carry ice or have RSW tanks, and undertake trips of maximum 2 weeks. Some may also fish for tunas using purse seining around FADs, these are centred around Jakarta and Bali, where there are good international air communications and freight infrastructure. All but the distant water vessels are frequently served by collector vessels which tranship the higher value portion of the catch at sea (for fresh markets). All bigeye and some bluefin tunas are aimed at the Japanese and US sashimi markets, along with premium sizes and quality of yellowfin tuna. Other grades of yellowfin tunas are directed to EC markets in the form of fresh and frozen loins and other portions. IN Bali for example 32 vessels are currently approved, supplying 3 companies approved for the EU market.

Long line vessels have to be specifically authorised to supply the EC market.

Other surface longliners target a wide range of large and small pelagic and meso-pelagic species (swordfish, marlin, shark, mahi mahi, wahoo, jacks, Spanish mackerels etc). Another 34,000 long lines are operated as bottom or fixed sets, with demersal species as the primary targets (groupers, snappers, grunts and croakers).

The longlining sector is represented by the Indonesian Tuna Association and the ATLI the Indonesian long line association (which represents the tuna sector centred on the island of Bali).

Purse seine

Many small and medium vessels operate purse seine or types of circling gear. In 2006 some 20,211 purse seine nets and 36,000 Danish seines were registered. The number of vessels is not known, but the majority of these gears are used to target small pelagic fish (sardine, mackerel), and some target skipjack and small yellow fin, including for cannery supplies.

Pole and line

In 2006, about 6,800 vessels were registered as pursuing pole and line fisheries for skipjack and small yellowfin tunas. These products are destined mainly for sale in fresh form on the domestic market, and processing by canning.

Landings by foreign vessels

Since 2007, the licensing of foreign flagged vessels to fish in Indonesian waters under joint venture arrangements has been prohibited. This measure was introduced because of the difficulties of surveillance and enforcing fisheries controls on foreign operators. Since 2007, foreign operators seeking to fish inside the Indonesian EEZ have must a) operate under a joint venture with an Indonesian operator and b) flag their vessel under an Indonesia flag. At the same time, transhipment at sea to foreign flagged carrier vessels has also been prohibited. Since the introduction of this measure, there have been no landings from foreign flagged vessels.

Supplies from aquaculture

Aquaculture is strategically important sector, from the point of view of supplies to both domestic and export markets. Production in 2006 is shown in Table 5.

Table 5: Aquaculture production in Indonesia, 2006

Product	**Quantity (tonnes)**
Seaweeds	1,374,462
Common carp	247,633
Milk fish	212,883
Tilapia	169,390
Black tiger shrimp (*Penaeus monodon*)	147,867
White shrimp (*Metapenaeus vannamei*)	141,649
Other species (freshwater)	388,712
Total	2,682,596

Source DG Aquaculture, MMAF 2007

Whilst aquaculture products are not subject to Regulation 1005/2008, the production of shrimp in Indonesia is derived from both marine capture and aquaculture sources. Marine capture shrimp production in 2006 was about 227,000 tonnes, about 44% of the total. Whilst *M.vannamei* is exclusively derived from aquaculture, *P.monodon* may come from both capture and farmed sources. The method of production is not distinguished in the HS or the TARIC code. However, the Competent Authority responsible for sanitary controls (DG of Fishery product processing and Marketing) requires to exporter to declare the source of the product on the application for the export certificate (since the food safety hazards, and therefore sampling and testing required for export certification, are quite different).

1.3 Fish distribution and fish processing

Officially, there are 21 fishing ports subject to the control of the central government, and under the direct control of the MMAF, and an additional 700 designated landing sites subject to control by provincial and district governments. However, in practice fish is landed at an unknown number of other places including beaches, and commercial harbours not subject to the direct control of fisheries administrations at either federal or provincial level. This is a feature of the large numbers of small vessels which do not have capacity to land other than at their home port.

Some exporters do seek to operate in direct collaboration with larger suppliers. An example is in the fresh and frozen tuna trade where exporters will typically either operate their own fleet and/or have contract supply arrangements with one or more longline fleet operators. Another example might be in relation to shrimp processors with a vertically integrated farming operation. However given the large numbers of small vessels and aquaculture producers, the widely dispersed fishery and the large number of landing sites, there are large numbers of domestic traders and distributors who reconcile the supplies of fishery products with domestic and export market demands. This trade conducted by so-called “middle men” is not regulated or recorded, but is an essential economic feature of the fishery sector. Many processors therefore rely on a number of trusted middlemen, placing specific orders for product to meet the export orders received. These intermediate suppliers source the appropriate species, quantities and qualities of their products through their network of suppliers (who may themselves not be producers, but could be primary traders or agents selling on behalf of individual or collective groups of fishers or farmers).

The formal fish processing sector comprises of more than 700 enterprises, excluding small scale artisanal processors. This includes 8 fish canneries, and about 50 processors or fresh and frozen tuna products. The balance includes fish freezing, salting and drying processors. Fish

processing operations are classified according to their compliance with GMP (Good manufacturing practice) and HACCP standards set out in legislation published by the MMAF, and their numbers are shown in Table 6: These numbers do not include the large number of intermediate trader establishments. These are required to comply with hygiene requirements set by provincial authorities, although sometimes they may be involved some preliminary processing steps e.g. cleaning, gutting, grading, or de-heading of shrimp. Neither do they include artisanal processors. FAO estimates that there are about 10,000 small fish processing operations, generally using traditional methods[1].

Table 6: Numbers and classification of processing establishments

Classification	Conditions	Nos. compliant
A	GMP and HACCP, no serious deficiencies	159
B	GMP and HACCP, up to 2 serious deficiencies	219
C	GMP only; up to 4 serious deficiencies	322

Only establishments classified as A are permitted to supply the EC market. The published list has recently been extended with the addition of 23 more establishments. Establishments classed as B and C may export, but only to non-EU markets. Typically class B establishments will work with US and Japanese markets and class C with other SE Asian markets. Recently the MMAF signed a MoU with Koreas and China that only Class B establishments may exports to these markets.

Fish canneries are members of the Fish Canners association (APIKI).

1.4 International trade

1.4.1 Exports

Indonesia is a net export of fishery products, earning on average some EUR1.5 billion per annum during the period 2005 to 2007, as shown in Table 7. About half the exports are in the form of crustacea, mainly shrimp and crab. The balance of exports comprise a wide range of fresh, frozen and canned fishery products. Tunas are also an important export product accounting for some EUR107 million of annual exports (mainly in fresh form) which accounts for about 70% of exports. Indonesia is a major supplier of sushi grade tuna to the Japanese market.

With regard to exports of fishery products to the EC, these are shown in Table 8.

On average, over the period 2005 to 2008, Indonesia has annually consigned some 55,400 tonnes of fishery products, valued at EUR227.8 million to the EC market. The EU therefore accounts for about 15% of Indonesian exports by market value. In volume terms, and accounting for yields, the EU exports account for only about 2 or 3% of the national production of 4.5 million tonnes.

Whilst the exports to the EC are represented by a wide range of species and products, covering all categories of fresh, frozen, canned fish, crustacea and molluscs the volume of trade between the parties has declined considerably (by about 20%) since the implementation of two sets of safeguard measures which impacted particularly on the fresh tuna trade (see Section 3.2). In particular the export of fresh tuna loins to the EC has fallen from about 1850 tonnes in 2005 to

[1] FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED, Fisheries and Aquaculture Department, Fishery and Aquaculture Country Profile - Indonesia

227 tonnes in 2007. Despite the decline, the fishery product trade remains characterised by a very range of different species and products. However, overall the safeguard measures have not had much impact on the industry due to the diversified market. Product is currently consigned to alternative markets.

Over the three years in question, frozen shrimp comprised some 64% of the value of the exports to the EC (average EUR145 million). About one third of this was preserved products, most likely frozen breaded shrimp. The balance was block frozen shrimp, a product which is mainly directed to the catering and secondary processing markets in the EC. The precise origins (marine capture or aquaculture) is not recorded in trade statistics, but assuming that the proportion is pro-rata to production, this would suggest about EUR64 million worth of the EC imports of shrimp from this source are annually is derived from capture fisheries (about 11,600 tonnes). Other crustacean included lobsters, and crabs, including some value added products, accounting for EUR6 to 7 million annually. All molluscan shellfish are represented in the trade (gastropod, bivalve and cephalopods), as are other aquatic invertebrates (sea cucumbers and the like) but the most important are cephalopod molluscs (mainly frozen octopus and cuttlefish) which accounted for an average of EUR14 million. Frozen fish and frozen fish fillets exports to the EC were on average about 9,000 tonnes per year, valued at EUR32.4 million. A substantial proportion of this was tuna fish, but other high value species are also represented such as frozen snappers and groupers. There is also likely to be some freshwater species (including freshwater crustacean) included in these quantities.

Because the presence of chloramphenicol was detected in shrimps imported from Indonesia, from 2001 to 2003 imports from Indonesia were subject to Commission Decision 2001/705/EC of 27 September 2001 which placed a requirement for sampling and testing of every consignment of shrimp from aquaculture sources. This was lifted in July 2003, following the introduction of a major sampling and testing scheme of every exported consignment by the Indonesian Competent Authority. Following the Community inspection visits to Indonesia of September 2005[2], which revealed serious shortcomings as regards hygiene in the handling of fishery products, Commission Decisions 2006/236[3] introduced measures which required the sampling and testing of each consignment of fishery products for compliance with requirements for heavy metals and histamine limits as set out in Community legislation. This measure has had a major impact on the trade with EU of species affected by histamine (mainly tunas) and those which are susceptible to the heavy metal hazards (tunas, cuttlefish, swordfish and sharks). The measure was amended in July 2008[4], to exclude aquaculture products and histamine testing from the requirements, following the receipt of appropriate guarantees from the Competent Authority. However, many exporters remain cautious of the EC market given the experience of recent years, and prefer to remain with the alternative markets they have developed. As a result, fishery product trade with the EC in tuna and other large pelagic fishery products has been significantly reduced since 2005.

[2] Report of a follow up mission carried out in Indonesia from 19 to 30 September 2005 assessing the conditions if production of fishery products intended for export to the EU, Food and veterinary office, DG SANCO; DG SANCO/7550/2005 MR Final European Commission

[3] Commission Decision 2006/236/EC of 21 March 2006 on special conditions governing fishery products imported from Indonesia and intended for human consumption

[4] COMMISSION DECISION 660/2008 of 31 July 2008 amending Decision 2006/236/EC on special conditions governing fishery products imported from Indonesia and intended for human consumption

Table 7: Exports of fishery products from Indonesia, 2005 to 2007 (quantity and value)

Products	2005		2006		2007		average	
	Quantity (tonnes)	Value (EUR)	Quantity (tonnes)	Value (EUR)	Quantity (tonnes)	Value (EUR)	Quantity (tonnes)	Value (EUR)
fresh chilled fish	90,581	129,884,894	83,817	125,602,993	113,370	142,293,190	95,923	132,593,692
frozen fish	305,087	112,236,162	337,351	120,321,934	205,967	135,808,650	282,974	122,839,979
fillets (fresh and frozen)	51,090	105,439,809	49,971	96,943,132	56,565	113,058,002	52,542	105,146,981
smoked salted dried fish	22,625	50,700,068	25,121	49,293,044	31,490	50,773,708	26,421	50,270,487
crustacea	146,070	747,421,410	158,195	854,225,914	145,329	724,715,047	149,865	775,454,124
molluscs	33,673	41,579,627	39,241	45,920,097	54,951	66,893,968	42,622	51,464,564
canned fish	52,664	107,406,037	54,014	10,290,910	77,390	196,501,095	61,356	104,732,681
preserved molluscs & crustacea	26,035	114,963,729	25,213	123,055,885	17,645	80,749,570	22,964	106,256,395
Totals	727,825	1,409,631,736	772,923	1,425,653,909	702,707	1,510,793,230	734,666	1,448,758,902

Source: Statistics Indonesia, http://www.bps.go.id/

Table 8: EC Imports of fishery products from Indonesia, 2005 to 2007

	2005		2006		2007		Mean 2005 to 2007	
	tonnes	**EUR**	**tonnes**	**EUR**	**tonnes**	**EUR**	**tonnes**	**EUR**
FRESH/CHILLED FISH	84	498,530	25	133,988	-	1,370	36	211,296
FROZEN FISH	6,586	21,789,415	4,222	12,260,040	2,042	4,946,720	4,283	12,998,725
FRESH CHILLED FILLETS	1,852	12,626,610	889	6,279,174	227	1,850,040	989	6,918,608
FROZEN FISH FILLETS	6,155	25,640,652	5,231	21,208,050	2,935	11,388,530	4,774	19,412,411
SMOKED AND SALTED FISHERY PRODUCTS	4	23,470	1	10,514	-	-	2	11,328
CRUSTACEA	20,488	112,364,462	19,075	107,942,993	18,752	100,495,880	19,438	106,934,445
BIVALVE MOLLUSCS	79	776,010	26	161,920	15	90,930	40	342,953
CEPHALOPOD MOLLUSCS	5,731	12,334,791	5,011	12,775,595	6,146	16,043,700	5,629	13,718,029
OTHER MOLLUSCS INVERTEBRATES	829	4,734,992	1,206	6,013,707	1,530	7,286,840	1,188	6,011,846
CANNED PRESERVED FISH	12,631	18,809,397	8,584	13,113,010	11,048	17,551,240	10,754	16,491,216
CANNED PRESERVED CRUSTACEA AND MOLLUSCS	7,791	42,859,353	8,438	47,360,513	8,464	43,971,790	8,231	44,730,552
TOTALS	62,230	252,457,682	52,708	227,259,504	51,159	203,627,040	55,366	227,781,409

Source Eurostat http://epp.eurostat.ec.europa.eu/portal/page?_pageid=0,1136217,0_45571467&_dad=portal&_schema=PORTAL

Indonesia is also a major exporter of live ornamental fish. Annual exports are in the region of 8-10 million. In 2007, the country exported 407 tonnes of live ornamental fish (tariff code 0301), valued at EUR7.2 million to the EC. Exports have been of this order since 2005. This suggests that the EC is the main market for ornamental fish from this source. A wide range of species are exported, both marine and freshwater. A significant majority are from marine and brackish waters, caught by small scale fishers and exported via a network of collectors and traders. Ornamental fish are listed in Annex of the regulation, and the catch certification requirements do not therefore apply.

1.4.2 Imports

Imports of fishery products for human consumption are limited in quantity and value. The imports during 2005 to 2007 are shown in Table 9 below. During this period imports averaged about EUR34 million per annum. Indonesia is a net exporter of fishery products; imports were about 2% of exports[5]. Of total imports canned fish accounted for EUR3 million and chilled and frozen fish about EUR15 million.

Supplies of imports entering the export supply chain are therefore limited. However they may be more important in some sectors, particularly tuna, where imports are reported to allow exporters to maintain supplies to market during seasonal drop in domestic production[6]. Nevertheless a more detailed analysis shows that imports of frozen tunas for canning were only about EUR2 million/year and that the majority of the imports of frozen fish for canning were in the form of mackerel, which is processed for domestic markets only.

[5] Indonesian Fisheries Book, MMAF/JICA, Ministry of Marine Affairs and Fisheries, Jakarta, 2008

[6] Personal communication, Mr.Surya, Indonesia Fish Cannery Association

Table 9: Imports of fishery products by Indonesia

	2005		2006		2007		2005-2007 average	
	Quantity (tonnes)	**Value (EUR)**	**Quantity (tonnes)**	**Value (EUR)**	**Quantity (tonnes)**	**Value (EUR)**	**Quantity (tonnes)**	**Value (EUR)**
Fresh chilled	3,411	2,979,917	1,963	1,077,967	4,496	2,026,360	3,290	2,028,081
Frozen fish	14,331	8,073,543	32,853	15,925,888	36,061	16,039,520	27,748	13,346,317
Fish fillets (fresh/frozen)	42	119,439	728	1,570,453	734	1,288,699	501	992,864
Smoked, dried and salted fish	2,674	3,454,159	4,244	2,591,138	7,336	3,308,252	4,751	3,117,850
Crustacea	2,246	5,754,983	1,545	4,580,915	3,687	6,028,608	2,493	5,454,835
Molluscs	2,739	2,347,971	4,254	2,728,663	5,913	3,670,307	4,302	2,915,647
Canned and preserved fish	3,626	3,904,281	4,898	4,748,985	6,500	5,479,292	5,008	4,710,853
Canned preserved molluscs and crustacea	2,518	1,591,090	6,477	2,048,696	216	446,898	3,070	1,362,228
Total	31,587	28,225,383	56,962	35,272,705	64,943	38,287,936	51,164	33,928,675

1.4.3 Fleet links to fishery exports to the EC

Table 10 shows the numbers of different fishing gears employed in 2006, and indicates which of these are linked to production of species supplied to the EC markets. Clearly, many vessels are associated with more than one gear (in fact the average is about two gears per vessel). The table suggests that some 450,472 gears are involved, which implies about 225,000 vessels. Clearly not all of these will be involved in EC supply chain. Given that trade with the EC accounts for only 2-3% of production, it is likely that the number of vessels actually involved in supplying this marketing chain on a regular basis is much smaller. However, with the exception of the tuna long line sector, there is no data to link specific fleet segments with export supply chains.

In the case of the tuna long line sector, almost all longliners are involved in the supply to the EC market chain, although this has been rather limited in recent years due to the Commission's introduction of the safeguard measures, requiring all consignments to be tested for histamine at importers costs. Typically, the product is transhipped from the fishing grounds to shore by a carrier vessel. The vessels work closely with specific exporters on an annual contract. Product is sorted with premium grades destined for the Japanese and US sushi markets, and secondary grades for the EC market. This would suggest that some 9,000 vessels could potentially be involved in supplying this market.

Table 10: Estimated number of gears linked to production of species supplied to the EC market.

Class	Gear	No. of units	EC market products
Trawl	Double rigged shrimp trawl	2,143	Shrimp, demersal fish
	Stern shrimp trawl	4,355	Shrimp, demersal fish
	Fish trawl	5,494	Demersal fish, octopus, cuttlefish
Seine nets	Demersal Danish seine	23,784	Demersal fish
	Purse seine	20,211	Skipjack and yellowfin tunas
Gill nets	Drift gill nets	128,166	Large pelagic fish (tunas, swordfish, marlin)
	Shrimp entangling net	35,315	Shrimp
Hook and line	Tuna long line	9,250	Tuna, swordfish, shark
	Other drift long line	20,257	Tuna, swordfish, shark
	Set long line	28,787	Tuna, swordfish, shark
	Bottom set long line	6,211	Demersal species
	Pole and line	6,861	Tunas
	Troll line	98,966	Tunas
	Handline	30,250	Demersal fish
	Vertical line	8,779	Demersal fish
	Squid jigger	4,524	Squid
	Shellfish gear	8,657	Sea snails
	Sea cucumber gear	1,197	Sea cucumbers, echinoderms,
	Crab gear	6,965	Crabs
TOTAL		450,172	

1.5 Institutional framework

1.5.1 Fisheries Policy and legislation

The main objective of Indonesia's fisheries policy is the promotion of sustainable development in the fisheries sector through responsible fisheries. Policy seeks to obtain a rational balance between production, distribution and conservation of the resources and their environment.

The overall development strategies of the Government of Indonesia are stated as[7]:

- to increase employment opportunities, income and welfare of fishers and aquafarmers;
- to increase foreign exchange earnings by increasing quality and quantity of landings and aquaculture products; and
- to improve the nutritional standard of the people, especially those in lower-income strata.

The basic law governing fisheries is Law No. 31 of 2004 concerning Fisheries (replaced the Law No. 9 of 1985). Other important measures are

- Presidential Decree 39 of 1908 restricted the use of trawl nets in many regions.
- Fishing zones according to distance form shore) are determined by the Decision of the Minister of Agriculture no.392 of 1999
- The Decision of the MMAF concerning the regulation of fishing vessel operations in the EEZ establishes foreign access conditions (joint ventures, purchase in instalments and licensing). This was amended in 2007 to prohibit the licensing of foreign flagged vessels for fishing in the EEZ of Indonesia.

A recent PhD study[8] has identified three fundamental gaps in the legislative framework, with regard to the fights against IUU:

- Institutional gap in jurisdiction for enforcement responsibilities (lack of clarity of roles between MMAF and Navy)
- Lack of measures to control Indonesian vessels on the high seas
- Weak legislation and fisheries governance at provincial levels

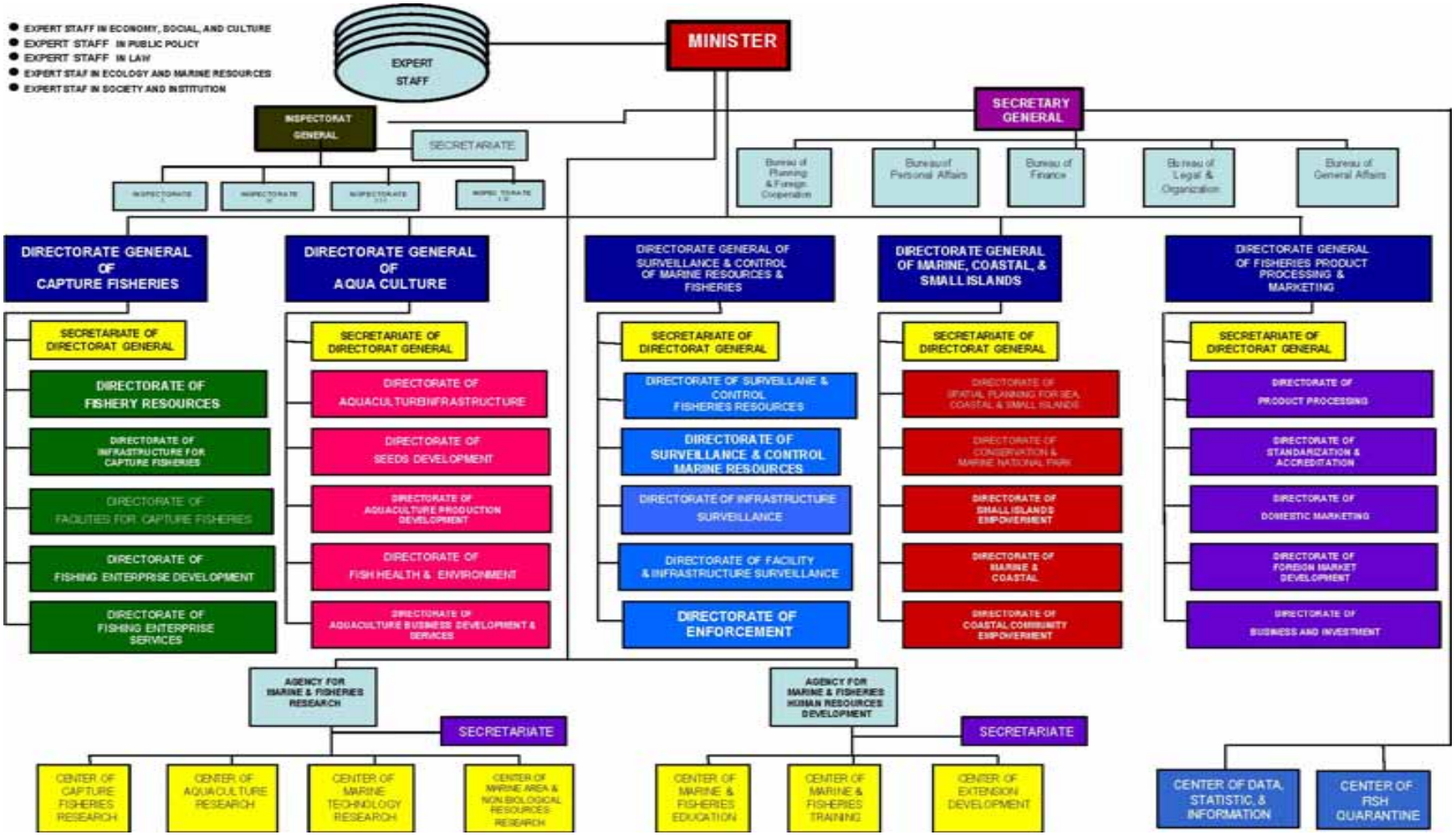
Given the relative limitations of the legal framework for management of the national flagged vessels, it is therefore likely that the Government of Indonesia will need to consider a significant strengthening of the legal framework in order to respond fully to the EC's catch certification requirements. These issues are considered in more detail below.

Federal structure for fisheries management

The Ministry of Marine Affairs and Fisheries is nominated as the legally responsible organisation for fisheries management, including inland fisheries and aquaculture. The Ministry is organised into 5 Directorates General; Capture Fisheries, Aquaculture, Surveillance and Control of Marine Resources and Fisheries; Marine Coastal and Small Islands; Fisheries Product Processing and Marketing. Figure 1 shows the organisational structure.

[7] Information on fisheries management in the republic of Indonesia, see http://www.fao.org/fi/oldsite/FCP/en/IDN/body.htm

[8] Didik Mohamed Sodik, "Combating IUU Fishing in Indonesian Waters; the need for fisheries legislative reform", PhD Thesis, University of Wollongong, Australia 2007



Source: FAO Fisheries Profile – Indonesia (http://www.fao.org/fi/oldsite/FCP/en/IDN/profile.htm)

Figure 2: Organisational structure of the Ministry of marine affairs and fisheries Indonesia

1.5.2 Provincial structure for fisheries management

It should be noted that governance is exercised through a federal and provincial structure. Central Government responsibilities are clearly defined in the constitution of 1945. Indonesia consists of 33 provinces, seven of which have been created since 2000. Five provinces received special status with additional autonomy: Nanggroe Aceh Darussalam, Yogyakarta Special Region, Papua, West Papua and Jakarta Special Capital Region. Provinces are further divided into municipalities. All provinces are coastal, and about half of the districts are estimated to be so.

Law no 32 of 2004 on Regional governments provides the right of provincial governments to manage natural resources in their areas, up to 12 nm from the base line. Article 65 of Law No. 31 on Fisheries also delegates responsibilities for fisheries management licensing, surveillance and control in respect of all vessels less than 30GT and operating in Fishing zones 1 and 12 to Provincial government (Ie. up to 12 miles from the baseline). Therefore, the management and control of the smaller vessels falls clearly within the mandate of the 33 provincial governments. A recent PhD study on the fisheries management system of Indonesia concluded that “without the legislation defining the role and powers of local governments, the effectiveness of regional government will remain at risk. The lack of clear policy on this issue affects the ability of Indonesia to effectively control IUU fishing. The issue has exercised much policy discussion, but no concrete action has been taken.

1.5.3 Vessel registration

Vessel Registration falls under the authority of the Ministry of Transportation, Directorate General and Sea Transportation, Directorate of Marine safety. Vessel registration is governed by the Law no 17 of 2008 on Shipping.

There are an estimated 36,000 vessels on the shipping register. The details have not been entered onto a database and there is no detailed breakdown. There is no separate register of fishing vessels, but the Directorate estimates some 5,600 vessels are registered, in 3 categories (>24m, 12-24m and 7-12m). It does not help that the registration categories are based on length (LOA), whereas fisheries licences are based on tonnage (GT). Not all vessels are registered centrally; vessels <7m are registered at provincial government.

Fishing vessel registration is also required by Law No. 31 of 2004 on fisheries, to include the submission of additional information. This requires the submission of a proof of ownership, identity of the owner, and certificate of measurement (in Gross Tons) before a vessel can be registered. In the case of a foreign fishing vessel intending to register under the Indonesian flag, a de-registration certificate also needs to be presented to the government. The range of information collected is rather limited and omits important data such as type of vessel and method of fishing and types of fishing gears, length and engine particulars. However, such information is required to be submitted in the application for an annual fishing license, under Law No. 31 of 2004 concerning fisheries. In addition, applications for registration of fishing vessels are always submitted to the MMAF for an opinion regarding licensing conditions. In this way, installation of satellite VMS can be mandated, and policy is to require this on vessels above 100GT. The Ministry of Marine Affairs and Fisheries and the Ministry of Communication have embarked on a “one stop” policy with regard to vessel inspection as a requirement for obtaining fishing license.

1.5.4 Vessel licensing

The Licensing authority is either the MMAF DG capture Fisheries or the Provincial Fisheries Department, determined by the dimensions of the vessel.

Vessel size	Licensing authority
>100GT	MMAF
60-100GT	MMAF
30-60 GT	Provincial Government
10-30 GT	Provincial Government
5-10	District Government
<5 GT	No licence required

Licensing is regarded as an administrative function. There is no limit to the numbers of licences. Although all vessels must be registered, it should be noted that there is no linkage between the registration and licensing requirements (in fact the allocation of responsibilities between central and provincial government is not consistent). Neither is there a clear link with the VMS requirement, discussed below.

1.5.5 MCS system

The Directorate General of Surveillance and Control Of Marine Resources and Fisheries (DG S&C) of the Ministry Of Marine Affairs And Fisheries is the organisation responsible at national level for ensuring overall compliance with fisheries laws. However, in terms of jurisdiction, the DG S&C is responsible only for vessels exceeding 30GT which are licensed by the Ministry. Vessels below this size are licensed by the Provincial Governorates, and the provinces are also responsible for enforcement of fisheries regulations in respect of these vessels.

The DG S&C operated through 451 armed inspectors (in 2007) who are dispersed throughout a number of regional operating bases at strategic locations (up from 94 inspectors in 2002). There are operating bases in JAKARTA and BITUNG, and sub-bases in BELAWAN, PONTIANAK and TUAL. An additional 58 areas have a supporting unit (usually branch of the MMAF). The MMAF MCS also seeks to work with Community Groups as local observers, by supplying some equipment and training. Currently 901 community groups are providing reports on compliance to the MMAF. IN addition, to the in house capacity of the MMAF, the Indonesian Navy and Police are also mandated under the Fisheries Law to undertake enforcement actions. The Indonesia Air Force also undertakes air surveillance, and is used to specifically identify illegal transhipment at sea. However, the operational communication of the different services is weak, with each tending to operate independently on ad hoc agendas, with no real cooperation between then on specific control targets.

The main capital MCS assets employed by the MMAF are the vessels shown in Table 11.

A total of 21 seagoing patrol vessels and 31 speedboats/rigid inflatables with outboards are available. They vessels are dispersed throughout the operational bases, from where they undertake routine and ad hoc patrols. There is no data on operational days at sea, but the vessels are clearly active. A major target is the apprehension of illegal fishers (unlicensed vessels, whether Indonesian or foreign flagged vessels) and the geographical focus is on the Natuna Sea, Pacific Ocean (adjacent to Philippines EEZ) and the Arafura Sea. In 2008 to date, the 21 patrol vessels stopped and inspected 1654 vessels at sea. This excludes navy and police patrols. However evidence from longline fishers based in Bali and operating in the full extent of the EEZ suggests that they are rarely, if ever, inspected at sea. Nevertheless there are frequent arrests of foreign vessels fishing illegally in Indonesian waters (see section 2,2).

Table 11: Patrol vessels available for fisheries enforcement

VESSEL PATROL TYPES	NUMBER (UNIT)
KP HIU MACAN 36 M (Fibreglass)	2
KP HIU MACAN 36 M (Stainless)	3
KP HIU 28 M (Fibreglass)	10
KP TODAK 18 M	2
KP BARRACUDA 17 M	2
KP TAKA LAMUNGAN DAN KP PADAIDO 23 M	2
Total	21

The Ministerial decision No 29 on VMS requires the installation of Satellite VMS systems onboard vessels above 60GT as a condition of the fishing licence. All licensed foreign vessels were also required to carry VMS (until excluded from licensing in 2007). The MMAF operates a satellite VMS system based on the ARGOS/INMARSAT and the control system is supplied by 4 providers including Argus, Bluefinger and PSN. Policy is that larger vessels (>100GT) should finance installation and the airtime costs themselves. With vessels between 60 and 100GT, the installation is financed by the MMAF (the unit is loaned to the vessel). Up to October 2008, 2,456 vessels were installed with VMS out of 3, 293 licensed vessels above 60GT. The programme is ongoing and the target is that by 2010 all vessels above 30GT will be fitted with satellite VMS (total of 4520 vessels licensed in 2008). Vessels between 30 and 60 GT are being fitted with an offline system, which records the position data for download when the vessels return to port. This saves on operating costs (air time). Until now here are no plans to extend the satellite VMS system to vessels below 30GT which fall within the jurisdiction of the provincial government. Furthermore, the legal requirement applied to Indonesian vessels is that the VMS system is only mandatory when operating in the EEZ. Outside the EEZ on the high seas, there are no requirements on vessels with the system installed to operate it. Even so, compliance with the regulations is reported to be limited9, and the actual operational status of the system is not known.

The DG S&C is aware of the limitations of the existing system and has embarked on an ambitious programme to strengthen fisheries control and enforcement capacity. Specific proposals include

- Extension of VMS to greater percentage of the fleet
- Add and upgrade to marine Patrol capacity and (vessels and aircraft)
- Strengthen cooperation for joint/coordinated patrols (airforce, navy, police, custom)
- Extend fisheries logbook requirement and enforcement/ inspection at landing ports Fisheries inspector capacity building
- Strengthen and extent community groups Surveillance based
- Revise and strengthen Fisheries laws
- Develop and extend the Observer program
- Strengthen Fisheries Tribunal for streamlined judicial proceedings (in 5 significant area)
- Strengthening regional cooperation - Regional Plan of Action (RPOA) implementation (see below)

[9] Didik Mohamed Sodik, “Combating IUU Fishing in Indonesian Waters; the need for fisheries legislative reform”, PhD Thesis, University of Wollongong, Australia 2007

However, all of these measures suffer from limited resources, resulting in only a relatively slow pace of implementation.

2 EXISTING CERTIFICATION SYSTEMS FOR FISHERY PRODUCTS

2.1 Certification of origin

It should be noted that between 1 July 2003 and 30 June 2008, Indonesia was the beneficiary of an annual tariff quota (order no. 092007[10]) of 2832.5 tonnes/annum of canned tuna exports to the EC, on the condition that they were originating products and accompanied by a certification of origin in compliance with article 47 of Regulation (EEC) No 2454/93. The duty applicable was 12%. Since the end of the measure the applicable tariff has reverted to the SPGL (most favoured nation) rate of 20.5% (compared to the GSP rate of 24%). Certification of origin is therefore currently not required for these products, or for other fishery products exported from Indonesia to the EC.

The Indonesian Chamber of Commerce & Industry is authorized by the Government under the Act of the Republic of Indonesia (Number 1 1987) on Chamber of Commerce & Industry to issue non-preferential certificates of origin. However preferential certificates of origin may only be issued by the Ministry of Trade, by the Directorate General of International Trade, Department of Export-Import Trade Facilitation. When CoO were required, the exporter would apply directly to the Department of Export-Import Facilitation in Jakarta, in one of the Regional Offices (located in each of the 23 Provinces). The MoT officials cross check the invoice, bill of lading and sanitary certification with the application form and declaration of origin by the exporter, prior to issue of the certificate. There is no routine follow up or investigation of origins of raw material; the assumption is that all fishery products are exported ex- Indonesian flagged vessels. There is no awareness that for example some of the raw material entering tuna canning sector is derived from other third countries operating fleets in the SW Pacific Ocean.

There is no concept of approved economic operators in the fishery sector, although the Ministry of Trade does apply a procedure for supervision of exports by state owned enterprises of exports in strategic sectors such as timber and mined commodities. These SOEs undertake close level supervision of the activities of operations which are licensed to extract and export these resources. Activities include inspection of chain of custody (i.e. traceability) and an example is the Timber Industry Revitalisation Body (BRIK) operating under the mandate of the Ministry of Trade. However, the bodies /at least in respect of timber) have come under a significant level of criticism since the controls have had only limited effectiveness.

2.2 Sanitary certification

The sanitary conditions for the import into the Community of fishery products from Indonesia were established by Commission Decision 94/324/EC of 19 May 1994 laying down special conditions governing imports of fishery and aquaculture products originating in Indonesia (OJ L 145, 10.6.1994).

The present nominated competent authority for sanitary controls is the Directorate General of fishery product processing and marketing, where the directorate of accreditation operates a team of inspectors responsible for the application of sanitary approval of establishments. Sanitary conditions on board freezer vessels and fishing vessels are however enforced by the

[10] Council Regulation (EC) No 975/2003 of 5 June 2003 opening and providing for the administration of a tariff quota for imports of canned tuna covered by CN codes 1604 14 11, 1604 14 18 and 1604 20 70.

DG Capture Fisheries, whilst the DG aquaculture is responsible for enforcement of controls with respect to veterinary medicines and their residues in aquaculture products, Sanitary conditions for export to the EC along with the relevant certification procedures are defined in Decree No.KEP010/DJ P2HP/2007 “Regarding official control and monitoring of fishery products” and decree no.067/2008Regarding guidelines on the implementation of the safety assurance system. A traceability requirement is clearly defined in Ministerial decree PER 01/200//2007, and is mandated for all category A establishments.

To implement the system, the DG FPPM has established a Fish Inspection and Quality Control Unit and has appointed 29 full time inspectors to this function. IN addition, some 295 inspectors employed by Provincial Fisheries Departments are nominated as authorised officers for the purposes of inspection of vessels, establishments and sampling. The Government has invested in 24 laboratories (one central laboratory) and 23 provincial. All are well advanced in seeking accredited to ISO17025 standards, and this is expected to be completed in 2009, demonstrating a high level of technical competence. About 22 of the laboratories are equipped for analysis of histamine, 17 for heavy metal analysis, and 5 for veterinary and environmental residues. Since 2003, the total investment in testing and control is estimated at more than EUR10 million.

Regarding the export procedure, when a consignment is to be prepared for export, the establishment applies in writing to the one of 23 Provincial laboratories in the Provincial Departments of Fisheries. An appointment is made for sampling and inspection. An inspector visits the establishment and if required a sample is taken. For frozen fishery products this is done at least one week in advance of the export, to provide sufficient time for the test results to be obtained from the laboratory. For fresh exports, no samples are taken, or sampling is undertaken in the knowledge that product will be exported in the meanwhile. In all cases the inspector will seek to supervise the sealing of the export container. Additional checks may be made in relation to processing records, traceability, or results of any other routine testing. The certificate is signed and stamped by the Head of the provincial Laboratory. No additional checks are made. Customs officers (under the Ministry of Finance) may make a check that the certificate is presented with the export documents, but only where requested by the MMAF. The responsibility for ensuring compliance with the requirement is that of the exporter.

Numbered export sanitary certificates are printed centrally by the MMAF, and supplied to the provincial laboratories, with a record kept of the numerical sequences as an anti fraud measure. Where product is rejected at the port of destination, the Provincial laboratory always undertakes an investigation in collaboration with the MMAF DG Fishery products Processing and Marketing, to identify the source of the non-compliance and defined the corrective actions required. During such an investigation the export approval is suspended, and the establishment is not allowed to export until any non-conformities have been addressed.

It is estimated that the MMAF issued more than 53,000 sanitary certificates in 2008, of which about 18,000 were for consignments to the EU. Each certificate for an EC consignment covered a consignment of average value EUR11,000.

2.3 Catch certificates for CCSBT

The Commission for the Conservation of the Southern Bluefin tuna (CCSBT), of which Indonesia is a member, implemented a Trade Information Scheme (TIS) on 1 June 2000. The objective is to collect more accurate and comprehensive data on SBT fishing through monitoring trade. The core of the TIS is the provision for all Members and Cooperating Non-Members of the CCSBT to maintain requirements for all imports of SBT to be accompanied by a completed CCSBT Statistical Document. The Document must be endorsed by an authorised competent authority in the exporting country (originally the flag state of the vessel) and includes extensive details of the shipment such as name of fishing vessel, gear type, area of catch, dates, etc. Shipments not accompanied by this form must be denied entry by the Member country. Completed forms are lodged with the CCSBT Secretariat and are used to maintain a database for monitoring catches and trade. Reconciliation of these forms is conducted against electronic lists of exports submitted by CCSBT Members and Cooperating Non-Members. The TIS also deters Illegal, Unreported and Unregulated (IUU) fishing by effectively denying access to markets for SBT. The Scheme requires the Document to specify the country of destination.

However, there is no certification of the legality of the catch, nor of the access right of the vessels which caught the fish.

Being a member and a catching nation (albeit as a byctach in the bigeye log line fishery) for the southern bluefin tuna (with 7% of the 2008 quota of 11,800 tonnes) Indonesia has implemented the scheme for tuna vessels above 60GT. These vessels are required to complete a logbook detailing catches, and submit this to the DG Capture Fisheries of MMAF. The legal requirement for submission is at the point of landing or transshipment. On the basis of this submission, the DG capture fisheries issues the catch certificates on request. However not all catches which are certified are verified at the point of landing/transhipment. Vessels above 100GT are required to carry observers, and these therefore have 100% coverage. Catches on vessels between 60 and 100 GT are subject to verification by inspectors is on a sample basis only. DG capture fisheries claims that since there are no individual quotas at vessel level, there is no incentive to under-declare catches and is confident regarding the validity of the declarations.

2.4 CITES Certification

Indonesia has a large number of terrestrial and marine fauna and flora subject to Appendix 1 and 2 of CITES. In the case of marine species there are a two species of seahorse, several of giant clam, and a number of elasmobranches (the sawtooth sharks, the whale shark and the Indonesian coelacanth.

Formally, under the terms of Law No. 5 of 1990 (on Conservation of Nature) and associated regulations, the Management Authority for all CITES listed species is the Directorate General of Forest Protection and Nature Conservation of the Ministry of Forestry. However, Law no 31 of 2004 on Fisheries, has also nominated the MMAF as being generally responsible for managing the conservation of the marine environment. The DG for Conservation and Marine National Parks has therefore been established to meet this obligation, and a Memorandum of Understanding between the two Ministries was signed in 2007, the effect of which is that at present the MMAF is consulted on certification of marine species. The expectation is that in 2009, there will be a new Ministerial Decree, which will transfer the certification responsibility to the MMAF.

To this effect the DG for Conservation and Marine National Parks has established 7 technical implanting units in strategic locations (with a significant presence in areas where for example ornamental fish harvesting is practiced). The DG has launched a project to significantly strengthen controls in this area, over and above the CITES requirements. This will include the introduction of a live fish certification scheme, applying the standards of the Marine Aquarium Council (MAC) with third party certification11.

The Indonesian Institute of Sciences, Research Centre for Biology, is the nominated Scientific Authority, and this will remain so, with the responsibility for issuing the non-detriment findings (NDF) certificates and setting catch limits where appropriate.

The Ministry of Forestry provides an annual list to the Customs Department of the Ministry of Finance of species subject to certification requirements, and products in which they may be identified. In terms of procedures, the request for the CITES certificate is initiated by the exporter by the completion of the relevant forms. The Ministry of Forestry forwards the details to the Institute of Sciences, which comments on the sustainability or otherwise of the export

[11] The Marine Aquarium Council (MAC) is an international, not-for-profit organization with the objective to conserve coral reefs and other marine ecosystems by creating standards and certification for those engaged in the collection and care of ornamental marine life from reef to aquarium. Two relevant international standards promulgated and foreseen to be adopted on a pilot basis in Indonesia are the “Ecosystem and Fishery Management (EFM)” international Standard and the “Collection, Fishing and Handling (CFH)”

consignment. in the case of a non-detriment finding, the certificate is issued and stamped by one of the authorised signatories in the Ministry of Forestry.

APPENDIX 1: LIST OF PERSONS MET

Name	Position/organisation	Email
Ir. Saut P. Hutagalung	Director, Foreign Market Development	rorendkp@yahoo.com
Capt. Abdul Gani	Director of Marine Safety, Ministry of Transportation	n/a
Andreas Julin	Counsellor, Head of Economic and Trade Section, EU	andreas.julin@ec.europa.eu
Martani Huseini	Director General, Ministry of Marine Affairs and Fisheries	martani@dkp.go.th
Nilanto Perbowo	Director for Fisheries Resource Management, Ministry of Marine Affairs and Fisheries	perbowon@cbn.net.id
Ir. Bambang Suboko	Executive Director, Indonesian Fisheries Federation	gappindo@indo.net.id
Ir. Herwindo	Chairman, Indonesian Fisheries Federation	gappindo@indo.net.id
Hendra Sugandhi	Managing Director, PT.Lautan Niaga Jaya	lautanniaga@cbn.net.id
R.P. Poernomo	Chairman, Indonesian Tuna Association	ayu@bit.net.id
Mr Craig Proctor	Pelagic Fish Scientist, Marine and Atmospheric Research, CSIRO	craig.proctor@csiro.au
Agung Kuswandono	Director, Ministry of Finance, DG Customs	akuswandono@yahoo.com
Ir. Sulle Kadang	Deputy Director of Accreditation, Ministry of Marine Affairs & Fisheries	sullekadang@yahoo.co.id
Yamanah AC	Director Export for Agriculture and Forestry, Directorate General of Foreign Trade	yamanahac@yahoo.com
Sadarma Suhaim Saragih	Deputy Director for Export Development, Ministry of Marine Affairs & Fisheries	sadarmasaragih@yahoo.com
Ketut Sunniqsil	Laboratory Fish Inspection and Quality Control of Bali Province	ksuningsih@yahoo.com
Chandra	PT. Bali Mina Utama	
Mediani Setaningsih	Quality Control Manager, PT. Bali Mina Utama	medianibmu@yahoo.com
Chen Lai Wang	PT. Bali Mina Utama	clw1168@indosat.net.id
Dr Aji Sularso	Director General, Ministry of	spica@centrin.net.id

Name	Position/organisation	Email
	Marine Affairs & Fisheries, Directorate General of Surveillance and Control of Marine Resources and Fisheries	
Ardiansyah	Subdivision program and foreign cooperation, Ministry of Marine Affairs & Fisheries, Directorate General of Surveillance and Control of Marine Resources and Fisheries	Ardiansyah_h@yahoo.com
Ir. Agus Dermawan	Director, Departemen Kelautan dan Perikanan	Agusder81@yahoo.com
Susila Brata	Ministry of Finance of the Republic of Indonesia, Directorate General of Customs and Excise	ssbrata@hotmail.com
Dwi Restu Nugroho	Head Subdirectorate International Cooperation II (Bilateral)	Dwi_m@beacukai.go.id
Yamanah AC	Director, Export for Agriculture and Forestry	yamanahac@yahoo.com
Ir. Ady Surya	Indonesian Fish Cannery Association	dys@indo.net.id

ANNEX 6: THAILAND CASE STUDY

CONTENTS

TABLES

FIGURES

1 FISHERY SECTOR

1.1 Fishery resources and production

Thailand is located in SE Asia, with the bay of Bengal to the West and the Gulf of Thailand to the South and East. Thailand has an extensive fishery sector, with large small scale and coastal fisheries, a distant water fleet, significant production from inland fisheries and from aquaculture. It has a highly developed processing industry, and ranks as the third largest fish exporter in the world (with exports of US$ 4.0 billion in 2004, after China and Norway). It is also a major importer of raw materials for processing and re-export.

Fish production in Thailand is summarised in Table 1. Total production in 2006 was about 3.3 million tonnes, out of which about 25% is derived from aquaculture. Marine capture fisheries accounts for about 2.5 million tonnes, with crustacean and molluscs making up 123,000 and 176,000 tonnes respectively; shrimp and cephalopods are the main targets in these categories. The Gulf of Thailand, fed by several major rivers systems, is the most important region in terms of volume of production, accounting for some 65% of marine capture fisheries. The fisheries are represented by a wide diversity of species; in total, 122 commercial species are identified. About 58% of the catch is by trawl fisheries, 26% from seine or encircling gears and 16% from other gears (including long line, lift nets, fish traps, push nets and drift nets). Aquaculture production of shrimp in 2007 was estimated at 494,000 tonnes. There are 16,025 registered farms, of which about 8,500 are estimated to be active.

Catches peaked in 1995 at 2.8 million tonnes, but have remained relatively constant since that time. There is little information about the state of the stocks, but most of the commercial fish stocks in the EEZ are alleged to be subject to overfishing. For management purposes the fisheries are divided into different zones (shown in Figure 1):

- Inners seas (within the base line)
- Territorial seas (3 nautical miles)
- Contiguous zone (6 nautical miles)
- Exclusive economic zone (200 nautical miles)

The fisheries management is exercised through a) limits to access to different zones for vessels of different capacities and b) annual limits to the number of fishing gear licences issued.

Table 1: Fish production in Thailand, 2006 (includes distant waters but excluding inland fisheries).

	Production (1,000 tonnes)		
Species	**Gulf of Thailand**	**Indian Ocean**	**Combined**
Pelagic fish	603.55	240.63	844.18
Demersal fish	266.21	128.77	394.98
Other food fish	93.27	41.15	134.42
Trash fish	396.46	276.22	672.68
Subtotal marine capture fish	**1359.48**	**686.78**	**2046.27**
Shrimps and prawns	54.64	21.15	75.79
Crabs	33.14	14.23	47.37
Subtotal crustacean	**87.77**	**35.37**	**123.14**
Squid cuttlefish and octopus	112.94	34.58	147.52
Bivalves	27.94	0.68	28.62
Subtotal molluscs	**140.88**	**34.65**	**175.53**
Total marine capture	**1,593.38**	**891.42**	**2,484.80**
Fish culture			18.40
Shrimp culture			494.40
Shellfish culture			314.10
Subtotal aquaculture			**826.90**
TOTAL			**3,311.70**

Source department of Fisheries, 2008.

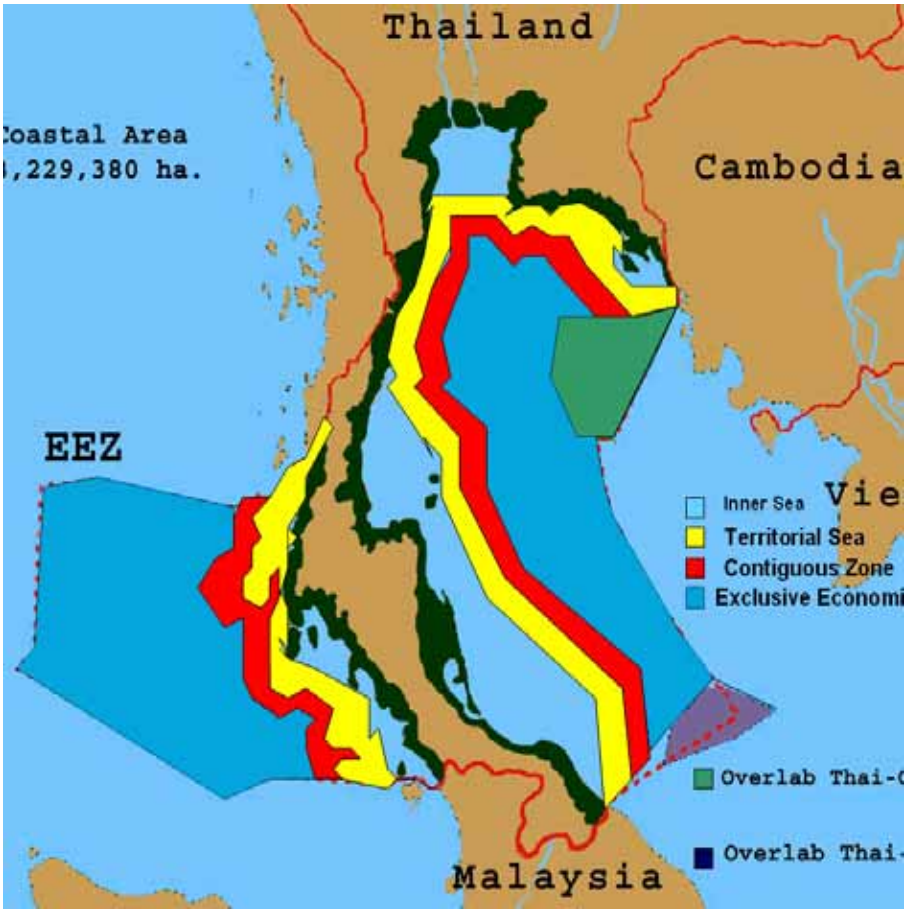


Figure 1: Fishery zones within the Thai EEZ

1.2 Fleet segments and activities

The total number of fishing boat registered with the Marine Department of the in 2007 was 12,238. Of these 11,777 vessels were authorised to operate in Thai waters, and some 461 vessels authorised to operate in distant water fisheries. Table 2 shows the fleet breakdown.

However, the Marine Department does not register vessels with no motor. Many small powered craft also operate without formal registration, and this includes large numbers of artisanal vessels, typically operating with long tail (outboard) motors.

The Department of Fisheries issues licences for certain fishing gears (see Table 3), and assuming only one gear is licensed to each vessel, this suggests that total number of fishing vessels was 51,000 vessels in 2008, with more than half being vessels operating entangling gears, about 20% being trawlers or push netters. Note that there is no licence requirement for longline gear, which is excluded from this table.

Table 2: Registered fishing vessels with the Marine Department

Type of vessel	Capacity	Permitted area of operation	No. of vessels
Deep sea Power driven class 1	>150GT	unlimited	377
Deep sea Power driven class 2	>60GT	Regional between Saigon to Borneo, Celebes, Sunda Islands, Sumatra and Puri	1,531
Fishing vessel class 1	>30 GT	coastal and EEZ	2,818
Fishing vessel class 2	>10 GT	coastal and EEZ	4,778
Fishing vessel class 3	<10 GT	territorial waters (3 miles) for less than 5 GRT 15 miles off shore or island for 5-10 GRT	5,016
TOTAL			**14,520**

Table 3: Nos. of fishing gear licences issued by the Department of Fisheries, 2008

Gear	No. registered
Purse Seine	1,730
Trawler	7,074
Falling Net	4,720
Gill Net and Entangling Net	24,398
Push Net	3,418
Trap	7,586
Other	8,286
Total	51,407

Source: National Fisheries Association of Thailand

Thailand has always maintained an active distant water fleet as an important element of the supplies of raw material to the export processing industry. Since the adoption of UNCLOS in 1982, and the associated loss of access to waters which fell into national jurisdictions, Thailand has pursued a policy of seeking to maintain access through a combination of bilateral agreements for direct access, and joint venture/chartering arrangements. Table 4 shows the distribution of Thai-owned fishing vessels operating in other regions. Five main regions are identified: Indonesia; SE Asia; India and Bangladesh, Middle East and High seas/Indian ocean. Bilateral access agreements are in place with Indonesia and Myanmar

The vessels operating in the S. and SE Asian region are coastal vessels, mainly purse seiners and trawlers. These vessels are operated by some 30 companies. In more distant regions the vessels are mainly freezer trawlers, and a significant proportion of the catch is frozen onboard and transhipped in the host country to return to Thailand for processing. However catches made in neighbouring countries may be landed in fresh form, either directly into Thailand (e.g. from Myanmar waters) or landed and transhipped to Thailand (e.g. catches made in Indonesian waters). Bycatch species or some target species may be landed to the joint venture partner in

the country of operation, depending on the nature of the Agreement (for example landings of small pelagic fish into fishmeal processors in Iran). Where product is transhipped back to Thailand, membership of the Overseas Fishing Association is required in order to qualify for tax exemptions on "import" of fishery products to Thailand (irrespective of flag of vessel).

Table 4: Numbers of Thai fishing vessels operating in different fishing regions external to Thailand

Country of operation	No. of vessels operating
Cambodia	150-200
Vietnam	2
Myanmar	239
Malaysia	150-200
Timor-Leste	10
Indonesia*	90-100
Bangladesh	7
India	10
Somalia	6
Iran	2
Oman	4
Yemen	5[1]
High Seas (Indian Ocean)	
Longliners	3
Purse Seiners	4
Supply Vessel	1
Research Vessels	3

** flagged by Indonesia*
Source: Department of Fisheries, 2008

In terms of high seas operations, there are 6 vessel operating. Two large long liners targeting tuna and large pelagic fish for the Japanese market operate in international waters of the IOTC region, with a base in Phuket. Most recently, Thai Union, the largest canning company in Thailand has invested (via its subsidiary Siam Fishing) in the purchase of four purse seiners to fish for tuna in the IOTC area targeting yellowfin and skipjack tunas for cannery supplies. The vessels also operate in the Seychelles and Somali EEZs under purchased licences.

[1] One of these vessels was attacked and sunk by the Indian Navy in an incident of alleged piracy in Somali waters in November 2008

Note that not all of these the vessels operating external to Thai waters may be legally considered as falling within the jurisdiction of Thailand, since some countries require that vessels re-flag as a condition of award of a fishing licence. Thus, for example Thai-owned vessels operating in Indonesia have, since 2007, operated under Indonesian flags, registered and licensed to the joint venture partners in Indonesia. Until now the Department of Fisheries has tended to regard all of these vessels as Thai vessels, but the approach will need to be modified to ensure that flag state responsibilities with regards to IUU are more clearly defined in future.

1.3 Fish processing and distribution

Thailand has an extensive fish processing and distribution sector. There are more than 368 fish processing factories registered with the DOF. The seafood processing sector employs an estimated 168,000 peoples.

Some 280 establishments are approved for supply to the EC market. The remainder supply national, regional and other international markets. Many of the processing establishments are multi-product. About 124 of the establishments are registered for the processing of shrimp (both farmed and capture sources), 98 for cephalopod and 29 for tuna processing. There are number of surimi process plants which process kamaboko and surimi, based on small low-value demersal fish such as threadfin breams and lizard fish. There are fourteen coastal marketing centres which act as major markets of first or second sale.

There are about 58 fish canneries, of which 20 are tuna canneries (18 are in operation). Two major groups dominate; Thai Union (which also owns the US brand, Chicken of the Sea) and Sea Value. Tuna is the main canned product, sardine, mackerel, crab and bivalve molluscs are also processed by this sector. Global inputs to tuna canning are of the order 750,000 tonnes/year, of which about 10% is from the Thai EEZ fisheries. The tuna sector therefore is highly dependent on imports, of which 90% are derived from the SW Pacific and 10% from the Indian Ocean.

The traditional fish processing sector is also important for the domestic and regional markets, with a wide range of salted, dried and fermented fishery products, including fish sauce. About 83 establishments are registered for these traditional products.

1.4 International trade

1.4.1 Exports

Exports of fishery products from Thailand in 2007 were valued at just under EUR4 billion, of which the EC accounted for some 30%. As noted, Thailand ranks third in global exporters of fishery products. The profile of the export trade in fishery products is shown in Table 5. The other main export markets are Japan and the USA. The USA accounts for almost half of the exports of shrimp, whilst the EC accounts for 10-15%. Canned tuna is exported to many countries and regions. About 20% of the exports of canned tuna are to the EC, and about 20% to the USA.

A more detailed analysis of the EUROSTAT data on fishery products imported by the EC from Thailand for 2007 is shown in Table 6. Note that this includes freshwater fish and products of aquaculture. It is not possible to disaggregate the major traded commodity of shrimp according to production method due. However it is assumed that the composition of exports to the EC more or less reflects the proportion in production.

Table 5: Quantity and value of exports (to all destinations) of fishery products from Thailand in 2007

HS Code	Description	All destinations		EC exports	
		Quantity (tonnes)	Value (million EUR)	Quantity (tonnes)	Value (million EUR)
301	Live fish	4,830.34	18.30	109.74	1.70
302	Fresh chilled fish	124,721.50	32.92	3,524.49	3.84
303	Frozen fish	189,579.60	124.33	29,586.03	33.24
304	Fish fillets (fresh or frozen)	116,145.90	236.32	10,537.85	42.63
305	Dried, salted, smoked fishery products	74,111.80	50.76	1,341.90	6.04
306	Crustacea	204,478.50	920.85	15,839.34	74.27
307	Mollusca	113,195.00	344.78	37,243.73	95.92
1604	Preserved and canned fish	653,072.80	1297.88	114,469.90	227.48
1605	Preserved and canned crustacea and mollusca	196,373.80	955.53	25,613.90	120.35
	Total	1,676,509.00	3,981.67	238,266.90	605.47

Source: Thai customs, 2007

Table 6: Quantity and value of EC imports of fishery products from Thailand, 2007

HS	Description	Quantity (tonnes)	Value (EUR)	Comments
0301	Live fish	243	5.553.924	mainly ornamental fish
0302	Fresh chilled fish	30	59.713	
0303	Frozen fish	20.813	30.277.305	EUR18 million of this is tunas; balance is mostly freshwater aquaculture species)
0304	Fish fillets (fresh or frozen)	9.517	41.132.030	99% is frozen; 25% is frozen salmon fillet (EUR5 million in 2005, EUR15 million in 2007) includes some 2-3 million surimi products (derived from lizardfish, leather jackets, snapper, threadfish bream); 10% is tuna products; 35% other miscellaneous marine fish e.g. tuna, red mullet, grouper, trevally
0305	dried, salted, smoked fishery products	322	1.418.616	Includes some traditional products eg. fish sauces
0306	crustacea	10.267	50.436.871	98% of this is frozen shrimp; *P.vannamei* is from aquaculture; also includes Black tiger shrimp (*P.monodon*)[1] increase from EUR24 million (2005) to EUR82 million (2007); some lobster and blue swimming crabs
0307	mollusca	38.962	109.398.773	fairly steady; over EUR87 million of this is cuttlefish and squid; Eur12 million is octopus; balance is bivalves such as baby clams, mussels, venus clams, scallops
1604	preserved and canned fish	110.875	225.974.574	156 million canned tuna; balance is other species e.g. mackerel
1605	preserved and canned crustacea and molluscs	15.450	78.616.141	EUR60 million is shrimp (including breaded shrimp and shrimp in retails packs); balance crab and others.
	Total	206.479	542.867.947	

[1] May also be derived from aquaculture
(source EUROSTAT)

1.4.2 Imports

Thailand is a major importer of fishery products, with imports of EUR1.5 billion during 2008 (January to November). As can be seen from Table 7, the majority of these were tuna (766,000 tonnes valued at EUR945 million). However other major imports include frozen marine fish, cephalopods and shrimp.

Table 7: Imports of fishery products by Thailand, January –November 2008

	Quantity (tonnes)	Value (EUR)
Frozen Shrimp	17,640	41,727,382
Frozen Marine Fish	546,677	383,843,454
Frozen Squid	39,322	52,562,337
Tuna	765,811	945,818,168
Frozen FW Fish	20,052	23,193,081
Shellfish	9,895	10,209,404
Mud crab	10,366	16,025,502
Others	11,052	20,848,551
Total	1,420,816	1,494,227,879

Source: department of Fisheries, 2008

Fishery imports of 1.4 million tonnes therefore supplement the 3.3 million tonnes of national production, and account for some overall 30% of the potential supplies to market. Consultants estimates of export dependency on imports are shown in Table 8. In fact the export sector is likely to be more dependent on imports than suggested, since a disproportionate amount of domestic production from small scale fisheries is consumed directly by the domestic market and most of the imports represent higher value species as raw material for re-export.

Table 8: Estimates of import dependency in different fish processing sectors

Sector	Domestic Production ('000 tonnes)	Imports ('000 tonnes)	Total supplies ('000 tonnes)	Dependency on imports (%)
Tuna	75,0	766,6	841	91
Shrimp	570,19	17,64	588	3
Marine fish	147,5	546,677	694	79
Cephalopods	147,52	39,322	187	21

Source: consultants estimates based on Tables 5 and 7

Some exported categories (for example frozen salmon and coldwater shrimp) are entirely dependent on imported raw material. Other products are imported to a lesser extent (shrimp, cephalopods) but still representing very significant trade flows (for example EUR42 million in shrimp and EUR53 million in squid). In effect, in some sectors, Thailand functions as a value added contract processing platform for raw material produced by other nations. This exemplified by the recent rise of Thailand as a supplier (to the EC and other nations) of processed products based on farmed salmon and Arctic shrimp.

Sources of imports are various. The top ten sources of tuna for canning are shown in Table 9. However, a total of 42 different countries supplied Thai canneries with raw materials in 2008. Similarly 36 different countries supplied Thailand with shrimp (the main ones being Canada, Greenland, United Kingdom, Malaysia, Mozambique, Argentina, Myanmar, Indonesia, Saudi Arabia and Australia). An understanding of the precise relationship between imports and export markets, and the associated trade flows is beyond the scope of this study. However it is clear that the Thai fish processing and export industry has a high level of dependency on imported raw material, especially in the tuna and the marine fish sectors. In some sectors Thailand has become a processing platform (for example Thailand is a both a major importer and exporter, including to the EC, of farmed salmon products). This, along with the wide range of sources and import distribution channels clearly has implications for the implementation of the IUU catch certification scheme in this country. This issue is discussed in more detail below.

Table 9: Imports of tuna products by Thailand by country of origin (2008)

Country	Import value (EUR)
Taiwan	182,417,314
Vanuatu	83,762,209
Japan	82,096,952
Republic Of Korea	78,854,727
Indonesia	73,521,727
Papua New Guinea	63,134,062
United States of America	62,768,418
China	58,845,072
Micronesia	41,868,849
Marshall Islands	37,800,913
Other Country	178,789,708
Total	943,859,952

1.5 Institutional framework

1.5.1 Fisheries Policy

The Department of Fisheries (DOF) is a lead national agency in policy development for fisheries in Thailand. Followings are the National Fisheries Development Policies outlined by the Department of Fisheries[2]:

i. Policy on Development of Fisheries and Involved Organization

[2] Fishery Policy Directions of Thailand, Department of Fisheries, 2006

a. To have fishers and involved organization participate in fisheries administration, management, and development.
b. To increase knowledge and skill of the fishers for their self-reliance and viable occupation as well as to increase their capability in managing of their organizations.

ii. Policy on Management of Fisheries Resources and Environment

a. To maintain fisheries resources in harmonization with sustainable utilization and without negative impact to environment, under joint administration and management by Thai people, community, local organization, and government.

iii. Policy on Aquaculture Development

a. Increase fish production from aquaculture sufficiently for domestic consumption.
b. Increase fish production in terms of both quantity and quality for domestic trade and export.
c. Accelerate research in supporting commercial aquaculture for increasing trade volume, quality standard, and reducing cost of production
a. Development of sustainable marine shrimp culture system for domestic trade as well as for export.
d. Develop production and marketing of ornamental fish and aquatic plants for export in order to raise the aqua-culturists' income.

iv. Policy on Overseas Fisheries Development

a. Develop and raise the capacity and technology of overseas fishing fleet to meet proper standards for fishing operation in international waters.
b. Control and regulate fishing operation in compliance with agreements with other coastal States or joint-venture partners.
c. Expand fishing operation towards high seas and deep seas.
d. Develop personnel involving in overseas fisheries sub-sector.

v. Policy on Fisheries Industry Development

a. Maintain the status of Thailand as one of the important fish producing and exporting country.

Following a growing awareness of the extensive overfishing of the national fish stocks, the DoF has promoted the Master Plan for Marine Fisheries Management of Thailand. The Master Plan will be commissioned for a period of 10 years beginning 2009. Its three immediate objectives are based on sustainable co-management principles:

- the sustainable and stable marine fisheries shall continue to generate 1.7-2.0 million tonnes of quality fish catch comprising at least 80% of high value fish from the EEZ, and 1.0-1.5 million tonnes from the distant waters;
- at least one fishermen organization in each province is established to take the responsibilities for the management and networking with the neighbouring provinces;
- at least 10 coastal communities take initiative to manage their fishing and fishery resources with active community participation under the concept of co-management.

1.5.2 Organisation structure

The Department of Fisheries, of the Ministry of Agriculture and Cooperatives is the principal body responsible for the management of the Thai fishery sector.

The mission of the *Department of Fisheries is stated as:*

1. To conserve and manage fisheries resources and environment for sustainable development and protection of biodiversity.

2. To research and develop fisheries technology to secure the occupation of fishermen and farmers.
3. To strengthen the competitiveness of fisheries products for export.
4. To rehabilitate fisheries resources and create public awareness in fisheries resource conservation for sustainable utilization.
5. To support fishermen, farmers, entrepreneurs and relevant agencies in using technology for occupational development in fishing, aquaculture and fish-processing.
6. To improve the efficiency of organization and the departmental human resource development

The Department is headed by the Director General. Functional Departments are:

- Fisheries Foreign Affairs Division
- Fish Inspection and Quality Control Division
- Planning Division
- Fishery Technology Development Division
- Fishery Information Technology Centre
- Fisheries Administration and Management Bureau (includes the Fish Trade Control Group)

Regional services in each of the above areas are provided by 76 provincial offices of the Department, directly under the control of the Department. Four “Development Bureaus” provide research, technical and development services in relation to coastal fisheries, marine fisheries, aquaculture and inland fisheries.

1.5.3 Fisheries legislation

The key legislations governing fisheries is the Fisheries Act B.E. 2490 (1947) which was revised in 1953 and 1985, and has been in the process of a further revision since 2006. Act Governing the Right to Fish in Thai Waters in B.E. 2482 (1939), and the Act Organizing the Activities of the Fish Market B.E. 2496 also remain in force. This legislation sets out the institutional responsibilities for fisheries management and the basic requirements for licensing of fishing gears, enforcement and control.

The registration of all vessels, including fishing vessels is governed by the Navigation in Thai waters Act, and the Thai Vessels Act. Here the nominated competent authority is the Marine Department.

Hygiene and food safety conditions in fisheries, and in particular the export health conditions, are governed by the Fisheries Act (1947), as well as the Food Act (1979 and the Import and Export Control Act (1979) which authorises officers to inspect and certify products for export under specific conditions. Residue controls in aquaculture are regulated under the Drug Act (1967) and Amendment (1975).

1.6 Vessel registration

Vessel registration is the responsibility of the Marine Department, and governed by the Thai waters Act, and the Thai Vessels Act. The Marine Department is also responsible for maritime transport, maritime infrastructure development and navigation, harbour masters, monitoring & control of ships and particularly safety of ships & navigation, seafarers education & training, certification and the marine environment.

The Department has a total of 1,891 employees, with a head office in Bangkok, and 7 regional offices in key ports. Some of the divisions relevant to fisheries and fishing vessels are the Ship Standard Bureau, Marine Safety and Environment Bureau and the Ship Registration Division.

The Ship Registration Division is responsible for issuing and renewing of registration and annual operating licence for motor-ships and non motor-ships in accordance with the Navigation in Thai Waters Act and Thai Vessels Act.

The ship registration certificate is issued under the Thai Vessels Act (B.E. 2481), provides permission to “trade in Thai Waters” and is a legal requirement for all motorised fishing vessels of any size and un-motorised fishing vessels above 6 GRT. Vessel registration under Thai law is issued to either:

- an individual (natural person) who must be of Thai Nationality, or to a
- business entity established under Thai legislation, in which case at least 70% of shareholders must be of Thai nationality (for domestic operation) or at least 50% of shareholders must be of Thai nationality (for international operation)

The annual ship operating license is issued under The Navigation in Thai Waters Act (B.E. 2456) and is a requirement for any vessel used in Thai waters, including fishing vessels. The condition of issue is that the vessel must be in possession of a valid certificate of survey establishing the safety of the vessel construction and equipment. Depending on capacity the vessel is then authorised for use in specified maritime zones, as shown previously in Table 1. The period of validity is 12 months. Thus the registration is linked specifically to safety at sea criteria. There are no conditions placed on registration of the fishing vessel which relate to the management of that vessel in terms of its specific fisheries activities.

1.7 Fishing licences

There is no specific requirement for licensing of fishing vessels for the purpose s of fishing. Under the Fisheries Act of 1947, the Department of Fisheries is responsible for issuing licences for controlled fishing gears. This include trawl nets, push nets, purse seines, gill nets. The licenses are issued by DOF District Office (102 districts along the coast line). Certain types of gear (Trawl nets, push net and anchovy nets) have a limit to the numbers of licences which may be issued, this being the principal means of fisheries management. Policy is that for these gears, licences will only be issued to existing licence holders (i.e. renewals only, with no new licences). There are a number of technical measures in place for each gear (for example governing restricted areas, mesh sizes and seasonal bans), which provide the detailed basis for fisheries control.

1.8 MCS system

The Department of Fisheries, of the Ministry of Agriculture and Cooperatives is authorized to enforce the Fisheries Act of 1947. Within the Fisheries Administration and Management Bureau, which is responsible for MCS, there is a national network of patrol bases and radio stations.

In marine waters, the DoF directly operates twenty one 18m patrol vessels and 72 smaller outboard vessels (6m). There are 23 Fishing patrol bases and a further 15 coastal fisheries radio stations under the direct control of the DoF. In addition, each of the 102 district offices of the DoF in coastal areas also has at least one staff member from the Fisheries Administration and Management Bureau. In total there are 408 inspection staff from the bureau dedicated to enforcement and control.

About 2000 fisheries patrols were conducted during January-November 2008. The main aim of the control and enforcement is to detect and punish prohibited fishing activities. These included illegal fishing methods (e.g. electricity, dynamite), fishing in prohibited areas and during the spawning season, fishing of endangered and prohibited species, use of prohibited or unlicensed fishing gear. There is one pilot project to introduced community based management, which includes monitoring of compliance with fisheries regulations.

The Royal Thai Navy and the Marine Police are also mandated under the Fisheries Law to undertake fisheries protection activities. The respective roles are governed by protocols which define certain areas of responsibility. Department of Fisheries participates in a Coordinating Committee which plans coordination. However DoF does not participate in any of the resulting enforcement activities. The DoF has no information regarding the nature and extent of MCS activities undertaken, nor of the outcomes in terms of numbers of non-compliances detected.

1.8.1 Fisheries VMS systems

It is notable that there is no requirement in Thai law for satellite vessel monitoring systems to be installed in any vessels for the purposes of fisheries management and control. Some vessels do operate VMS, either as a means of internal monitoring by their owners, or as a requirement of their licence to fish in the zone of another country (e.g. the four purse seiners operating in the Indian Ocean operate VMS as a condition of their licence to fish in the Seychelles EEZ). However, this data is not available to the DoF. There is no observer programme.

The DoF is supporting a pilot study for a vessel positioning systems (VPS). The pilot study has developed the technology to provide GPS data to a monitoring station via the mobile phone network. When the unit is out of range (20km from shore) the data is stored for transmission when re-connected. The project is mainly aimed at providing a low cost (approximately EUR100/unit) positioning system to improve maritime safety for small vessels, but it could easily be adapted for fisheries MCS, including for larger scale vessels. At present the system is installed in 5 vessels, a further 45 will be added in 2009 prior to evaluation for extension to the remainder of the fleet.

1.8.2 Fish Trade Inspection Section

The Fish Trade Control Group and its port inspection service (the Fish Inspection Office) Unit provides centralised border inspection services in relation to elements of the Fisheries Act (1947), the Wildlife Reservation and Protection Act (1992) and the Food Act (1956). It provides the port level inspection and control of imports and exports, and checks that the relevant certification (in relation to health certificates, animal diseases, CITES requirements, conservation and management) are properly implemented before clearance of a specific consignment for export or import. The Fish Inspection office staffs 22 offices around the country (5 international Airports, 5 sea ports and 12 land borders). The Unit works alongside the Customs Department and the Maritime Department in providing a unified clearance service at the border inspection posts.

With regard to imports the role of the unit is to issue import and export permits (before actual consignment of goods), and to undertake documentary, physical or laboratory checks as required at the moment of export.

2 EXISTING CERTIFICATION SYSTEMS FOR FISHERY PRODUCTS

2.1 Sanitary certification

Following a Cabinet Resolution of 1994, the nominated Competent Authority for the sanitary certification of fishery products is the Department of Fisheries. Additional import controls of tuna and shrimp, control and inspect all fish processing for export were introduced by a Cabinet Decision of 2004. The sanitary controls are exercised by the Fish Inspection and Quality Control Division (FIQCD). The control system is defined under the Fisheries Act (1947) which requires the registration of fishery businesses, and the Food Act (1979), which authorizes officers to enter establishments and to take samples and the Import and Export Control Act (1979) which requires certification for imported and exported fishery products for export under specific conditions.

The FIQCD operates 4 central laboratories (1 National at Bangkok and 3 Regional at Sonkhla, Samutsakorn and Surathani) which provide the basis for inspection of the fishing vessels, establishments and the testing laboratory facilities. There are about 300 staff in the division, of which about 45 are inspectors who implement controls in establishments. In addition to inspection and laboratory staff, there are sections which deal with the design of the monitoring programmes for bivalve molluscs, monitoring veterinary drug residues and specifically concerned with residue controls in imported shrimp products. However, implementation of the farm monitoring programme is delegated to the Coastal Fisheries Research and Development

Bureau, and the monitoring of bivalve molluscs production (marine biotoxin levels, microbiological qualify of harvest waters, and phytoplankton monitoring) is undertaken by the Marine Fisheries Research and Development Bureau. Inspections of fishing vessels and inspections of landing sites are delegated to the Fisheries Officers of the Fisheries Administration and Management Bureau.

All testing laboratory methods within the DoF laboratories are accredited for ISO/IEC 17025 by the Bureau of Laboratory Quality Standards (BLQS), Department of Medical Sciences, member of ILAC & APLAC. Plant inspection and certification are accredited for ISO/IEC 17020 by the National Accreditation Council (NAC), Ministry of Industry, member of ILAC.

Technical conditions and product standards are defined for different sectors of the industry, for general standards of Good Manufacturing Practice and for HACCP systems. All establishments must possess an operating licence from the Ministry of Health, which certifies the compliance with national hygiene conditions, including water supply conditions and staff health. Each establishment is rated in accordance with the degree of compliance. The Rating system recognises 5 categories: levels 1, 2, 3, 4 and Fail. The Product Surveillance Program is risk-based and sets the frequency and types of inspection and the level of sampling for export certification. Level 1 establishments are required to have samples taken every 3 months; level 2 every 3 months and level 3 and 4 for every shipment.

When sampling is not required, the certificate is issued following a check on the level of the establishment, latest inspection results and any other data. Where the product is subject to a movement document (in the case of farmed shrimp and bivalve molluscs) the final movement document must be submitted by the exporter with the application for certification. This is cross checked with the entry on the database to ensure that a) the origin is as declared and b) intermediate handling/processing has taken place in properly registered and approved establishments. When sampling of fishery products is required, an inspector is assigned to the task. Sampling exercise will normally include a review of the results of own checks undertaken, and may include a check on raw material reception records and provenance. Products are subject to the relevant physical, microbiological and chemical analyses in the laboratory, and the certificate is issued on the basis of satisfactory test results.

The DoF has sought to move as much of the process as possible on-line. Most enterprises are now able to prepare and submit applications for health certification online. This is received by the relevant DoF office and reviewed by the officer. Where there checks are documentary, the certificate is also issued online to the exporter, usually within 24 hours. Where sampling is required, the order for sampling is issued within 24 hours, but sampling and testing may take up to one week. Certificates for canned products usually take in excess of 3 weeks due to the length of time for microbiological testing. Negative results result in refusal to issue the certificate, and will launch an investigation into the cause. Most of the problems experienced are in relation to residues of illegal veterinary medicines in farmed shrimp, in which case the offending farm is identified and the Good Agricultural Practices certificate (which is a requirement of the operating permit) is suspended pending resolution of the problem. The farm is therefore prevented from the supplying the export chain.

Sanitary certificates are issued only at the Bangkok and Sonkhla offices. About 30 staff are employed full time on export certification procedures. The numbers of sanitary certificates issued is shown in Table 11. Note that this only represents the number of consignments in relation to the non-USA destinations, since consignments to the USA do not require a sanitary certificate and these are only issued ion the request of the consignor.

Table 10: No of sanitary certificates issued for exported fishery products (2007)

Product/destination	2007
EU	28,720
Japan	22,904
Australia-New Zealand	11,537
Korea	6,234
China/Hong Kong	3,824
USA	2,818
Other	18,852

Source: Department of Fisheries

Thailand is authorised to supply the EC with fishery products, since it is one of the countries listed under Decision 2006/766/EC of 6 November 2006 "*as regards the list of third countries and territories from which imports of fishery products in any form for human consumption are permitted*". It has undergone several inspections by the FVP of DG SANCO, most recently in July 2005[3]. The mission found some deficiencies in wholesale markets and in processing establishments, and in the monitoring of biotoxins. Otherwise the situation was found to be "rather satisfactory".

The DoF has recognised the importance of import controls, from the point of view of ensuring that imported product meets the food safety requirements of the export markets. A number of historical problems with unauthorised residues in exported shrimp were identified as being derived from poor controls in other countries supplying Thailand. As a result since 2003, the DoF has used powers under the Food Act to implement specific import controls on shrimp. The requirement is for sampling of all consignments of imports from high risk countries, and random sampling of product from others. However, the consultancy mission was not able to establish whether there are any systematic official checks in place regarding the health conditions status of imported fish supplies, which are used for products which are subsequently exported to the EC[4].

2.2 CITES

Thailand has been a signatory of CITES since 1983. Thailand is home to a number of marine species listed in the Appendices to CITES. These are several Appendix 1 species of sawfish (*Anoxypristis cuspidata, Pristis* spp) and Appendix 2 species of *Hippopus hippopus* (seahorse), several species of giant clam (*Tridacna* spp) and the whale shark (*Rhincodon typus).*

CITES requirements are codified into national law by the Wild Animal Protection and Reservation Act (WAPRA) of 1992, amended 2003, and associated regulations. This sets out the institutional framework and responsibilities, and describes the procedures to be followed. The overall management authority is the National Park, Wildlife and Plant Conservation

[3] FINAL REPORT of a mission carried out in Thailand from 11 to 20 July 2005 assessing the conditions of production of live fish, fisheries products and bivalve molluscs intended for export to the European Union, Food and veterinary Office, DG SANCO, 7738/2005.

[4] an example is Vanuatu, which supplied about 9% of the tuna imported by Thailand in 2008. Vanuatu is not one of the third countries which is listed under Decision 2006/766/EC of 6 November 2006

Department. For marine species management authority for the issue of permits is delegated to the Department of Fisheries Ministry of Agriculture and Cooperatives Bureau of Fisheries Administration and Management. The scientific authority is the Fisheries Resources Conservation Division, Department of Fisheries. Harvest form the wild of protected species is only permitted subject to a special licence. Export quotas may also be established.

National conservation measures are also included in the requirements for export/import permits, and a number of additional species are restricted for international trade, other than those listed by CITES. Many of these include species of marine and freshwater ornamental fish, an important export sector and generator of revenue for small scale fishers. The management measures employed on these fisheries under the Wild Animal Protection and Reservation Act are the requirement for a special fishing licence and the export quotas.

Export quotas are recommended by the Fisheries Resources Conservation Division and adopted by the Scientific Committee of Wild Animal Reservation and Protection Act. The Management Authority may then issue export permits, subject to the quota limitation. The quota is allocated on a first come-first served basis. Export certificates are issued on application by registered exporters. The Fish Trade Unit and Customs Officers at the border inspection post identify the requirement for a CITES certificate based on the species declared, and check that the correct certification is in place before clearing the consignment. The Royal Thai Police are also empowered to check that possession of a protected species is covered by the relevant licence.

2.3 Certification of origin

The issue of Certificates of origin for Thailand-EC trade in fishery products is an important matter, since Thailand benefits for a number of tariff preferences in this trade. Thailand is one of the beneficiary countries of the EC's generalised system of tariff preferences, which in mid-2008 was extended to 2011[5]. This provides for a range of preferential duty rates for certain originating products, requiring certification of origin. In addition Between 1 July 2003 and 30 June 2008, Thailand was the beneficiary of an annual tariff quota (order no. 092007[6]) of 13,390 tonnes of canned tuna exports to the EC, on the condition that they were originating products and accompanied by a certification of origin in compliance with article 47 of Regulation (EEC) No 2454/93. The duty applicable was 12%. Since the end of the measure the applicable tariff has reverted to the SPGL (most favoured nation) rate of 20.5% (compared to the MFN rate of 24%). In addition, following an Agreement in the form of an exchange of letters in 2005, the EC and Thailand agreed on a further tariff quota for canned fishery products[7] . An annual tariff quota of 2,558 tonnes at zero duty was granted for Community imports of prepared or preserved fish of tunas, skipjack or other fish of the genus *Euthynnus*, along with a further tariff quota for 2.275 tonnes canned sardines, bonito, and mackerel.

The procedures and responsibilities with regard to certification of origin are defined in the Controlling Importation and Exportation of Goods Act of 1979. The detailed procedures are set out in the Ministerial Notification of Issuance of Rules of Origin certificates in accordance with International Trade Practices (No.48 of 2005). Thailand has not ratified the Kyoto Convention on Customs procedures, and has not therefore adopted the Annex K on procedures regarding certification of Origin. The institutions that issue COs in Thailand are the Thai Chamber of

[5] COUNCIL REGULATION (EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011 and amending Regulations (EC) No 552/97, (EC) No 1933/2006 and Commission Regulations (EC) No 1100/2006 and (EC) No 964/2007.

[6] Council Regulation (EC) No 975/2003 of 5 June 2003 opening and providing for the administration of a tariff quota for imports of canned tuna covered by CN codes 1604 14 11, 1604 14 18 and 1604 20 70.

[7] COMMISSION REGULATION (EC) No 847/2006 of 8 June 2006 opening and providing for the administration of Community tariff quotas for certain prepared or preserved fish

Commerce,. Provincial Chambers of Commerce, and the. Foreign Trade Department of the Ministry of Commerce,. Federation of Thai Industries. However only the Foreign Trade Department of the Ministry of Commerce is authorized to issue preferential COs. A two stage procedure is employed.

The first is a pre-qualification step for the exporter. The pre-qualification is based on meeting general conditions, which vary depending on the type of product to be exported. Typically, the Foreign Trade Department, Bureau of Administration will a) review the legal status of the basis and its compliance with accounting/tax and social security requirements b) assess the applicability of GSP rules of origin to the business model employed. Where appropriate this will include and investigation of the costs of products (if for example the concept of "sufficient processing" is applicable). The pre-qualification lasts for a two year period.

The second stage is with regard to the issue of individual certificates of origin. Applications for Form A (GSP certification of origin) are made by the exporter on line to the Bureau of Foreign Trade Services. Additional documents to be submitted are the Bill of Lading (or Airway Bill), original invoice, and any original certificate of origin (for example if the raw material was imported). Before issue, cross checks are made on the names of the exporter/consignee and on the applicants signature to ensure that the application complies with the pre-qualification criteria. COs may be issued after shipment, and are then couriered to the consignee for clearance at the port of destination.

The Bureau of Administration has a team of inspectors who undertake the pre-qualification checks, and also undertake any investigations with regard to requests for verifications received from competent authorities in the export country. To this end they have powers of entry and seizure under the Controlling Importation and Exportation of Goods Act.

The Department of Foreign Trade issues more than 100 preferential COs per day for fishery products (to all destinations). The numbers of certificates of origin issued for fishery products consigned to the EC is shown in Table 12. This averages about 42 consignments per day. However, most of these are reported to be in relation to shrimp products.

Table 11: Numbers of Certificates of Origin issued (GSP Form A) in 2008 (January-November) for fishery products destined to the EC

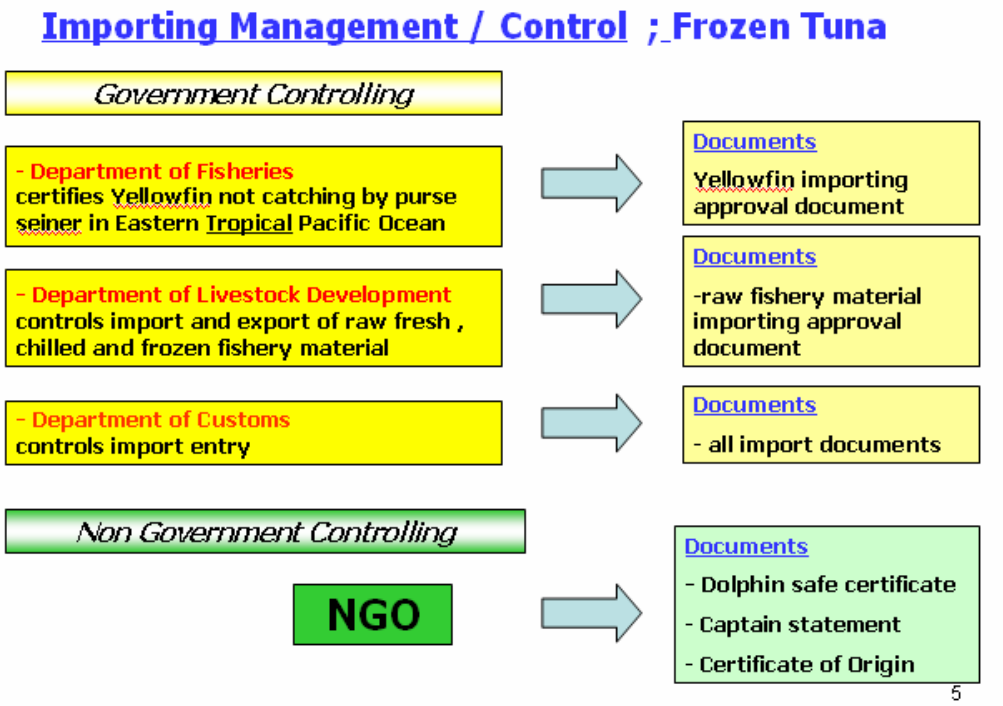
HS Code	Net wt. of product (tonnes)	Value of product (USD)	No. of certificates
03	75,005	335,904	4,622
1604	31,292	96,440	1,969
1605	25,979	178,476	4,196
Total	132,276	610,82	10,787

Source: Foreign Trade Department, Ministry of Commerce

The Foreign Trade Department tracks the use of imported raw material when it is declared by the exporter in order to obtain a tariff preference. Where a tariff preference for an imported fishery product is to be claimed by the exporter, then he must completed an additional declaration of the origin of the product and submit the CO issued by the competent authority in the originating country. Re-exportation provides a basis for the duty free import of raw materials, and it is therefore usually in the interests of the exporter to declare imported raw material. Providing that the documents do not demonstrate any inconsistency the, re-exportation is allowed and the import duty exemption certificate is issued. However, the export control system is not directed at seeking to identify the source of all products exported, and where Thai origin is claimed, unless there is a subsequent request for verification, there is no additional check on origins.

2.4 Catch certificates

Thailand operates two systems of catch certification, both in relation to tuna products. One is in relation to Thailand's obligations as a member of the IOTC. The other is in relation to the implementation of the International Dolphin Conservation Program (IDCP), under the Secretariat is based in the IATTC. In addition there is a voluntary programme of dolphin safe certification implemented by Thai canners, which is operated under the auspices of the Earth Island Institute. Figure 3 shows an overview of the system of import controls and documents used in the various systems.



Source: Fish Trade Inspection Unit. Department of Fisheries

Figure 2: Government and NGO controls on tuna imports in Thailand

2.4.1 IOTC Statistical Document for Bigeye tuna

The IOTC introduced a Bigeye Tuna Statistical Document Programme (IOTC Resolution 01/06; amended by Resolution 03/03[8]), which entered into force in 2002. This seeks to reduce the uncertainty on the catch of bigeye tuna in the Indian Ocean as well as a requirement for all imports of bigeye tuna to Member countries (and cooperating non-Parties) to be accompanied by a Statistical Document. Thailand is a member of IOTC and is therefore obliged to comply with the IOTC statistical documentation scheme in relation to bigeye tuna trade. The main requirement is that contracting parties shall require that all imports and exports of bigeye tuna be accompanied by a properly completed Bigeye Tuna Statistical Document. The document essentially defines the catch area, catching vessel, the quantity of products, the consignor and the consignee. In Thailand, the responsibility for the issue of the BET Statistical Document lies with the Marine Fisheries Research and Development Bureau. Applicants for catch certificates and for re-export certificates submit their requests to the Bureau. A cross check is made with

[8] Resolution 03/03 amends the forms of the certification scheme in order to take into account vessel length.

the fishing gear licences and any catch documentation submitted by the vessel. Providing that there is no inconsistency in the data, the certificate is issued. In the case of the re-export of imported raw material, the MFRDB maintains copies of the original catch statistical documents submitted on import, and cross checks that this has been satisfactorily completed. Copies of documents issued are submitted periodically to IOTC for compilation and corss checking between members. Bigeye tuna caught by purse seiners and baitboats and destined principally for canneries are not subject to this statistical document requirement. The certification is thus aimed specifically at longline fishing for bigeye tuna for export, Japan being the principal market.

2.4.2 US MMFS Dolphin protection measures

The USA implemented regulations which prohibit trade which undermines measures designed to dolphins from incidental capture in tuna fisheries, as set out in the Marine Mammal Protection Act (MMPA), Dolphin Protection Consumer Information Act (DPCIA), and International Dolphin Conservation Program Act (IDCPA).

Since May 2005, US regulations[9] have specified conditions for the importation of tunas of the genus Thunnus and for skipjack (*Katsuwonus pelamis*). The regulations set out a prohibition on the import of yellowfin and skipjack tuna and their products harvested by purse seine in the eastern tropical Pacific Ocean (by certain nations)[10]. Consignments imported into the USA must be accompanied by NOAA Form 370 (Fisheries Certificate of Origin), a copy of which is shown in Annex 1. This certificate must be endorsed by a competent authority of the exporting country indicating that the tuna was not harvested by unlawful gears in contravention of the Acts. In Thailand this is undertaken by the Marine Fisheries Research and Development Bureau on submission of the part-completed form by the exporter. The importer must submit a copy of this (along with associated evidence) to the tuna tracking and verification program in either printed or electronic format. The applicant must submit a catch certificate or other documentation which identifies the catching vessels. DoF then checks that the catch location, vessel and method is compliant with the requirements, and that the vessel is not listed by the IATTC as undertaking purse seining in the Eastern Tropical Pacific. Providing these conditions are met the certificate is validated. The National Marine Fisheries Service's (NMFS) implements the import checks on arrival in the USA. Failure to comply with the requirements and deadlines of the import monitoring programs is a violation of federal law.

2.4.3 Earth Island Institute Marine Mammal Programme

The Earth Island Institute, a non-profit, non-governmental conservation organization based in the U.S sponsors the International Marine Mammal Project (IMMP)[11]. This provides for certification of canned tuna as “dolphin friendly” when the fishing operations meet certain conditions. These include:

- No intentional chasing, netting or encirclement of dolphins
- No use of drift gill nets to catch tuna.
- No accidental killing or serious injury to any dolphins during net sets.
- No mixing of dolphin-safe and dolphin-deadly tuna in individual boat wells
- Purse seiners >400GT cooperating in Eastern Tropical Pacific Ocean (ETP) must have an independent observer on board

To support the certification programme the EII has established a tuna monitoring program with a network of 12 staff monitors based in 7 countries around the world who observe operations at tuna canneries, offloading ports, and cold storage facilities, as well as on board fishing vessels and transhipment locations, to ensure that tuna supplies are compliant with the standard and with US legal requirements. They thus undertake ad hoc inspections of establishments in the

[9] These are set out in 50 CFR 216.24(f); 50 CFR Part 216, Subpart H; 50 CFR Part 300, Subpart M; and/or 50 CFR 635, Subpart D.
[10] and also limit trade in bigeye tuna harvested by Bolivian or Georgian vessels
[11] more information is available at http://www.earthisland.org/immp/

consigning countries to validate the certification and traceability procedures. As a result of the EII programme, in Thailand, there are 34 tuna suppliers which are EII Approved Dolphin-Safe Tuna Processing Companies & Fishing Companies.

The certification requirements considerably exceed the minimum legal US requirements, especially in the form of on-the-spot verification of catching location, vessel and method and traceability checks, which employ the concept of “approved economic operators”. This means that it is also likely that tuna operations which meet the EII standards for dolphin friendly tuna, will also be able to draw on the same approach in order to comply with the IUU catch certification requirements, without additional significant investment in control and information systems.

APPENDIX 1: LIST OF PERSONS MET

Name	Position/organisation	Email
Dominique Forey	Managing Director V&K Inter Group Co. Ltd Operation Director And Siam Fishing	dominique@vandk.co.th dominique@sianfishing.com.sg
Adhinand Indrapim	Fisheries Biologist	adhinand@gmail.com
Jean-Jacques Bouflet	EU Minister-Counsellor	jean-jaques.bouflet@ec.europa.eu
Dusit Meksingvee	EU Business Information Officer	dusit.meksingvee@ec.europa.eu
Pekka Penttilä	EU Attaché	pekka.penttila@ec.europa.eu
Dr. Waraporn Prompoj	Director. Department of Fisheries	wprompoj@yahoo.com
Dr.Somying Piumsombun	Director General, Department of Fisheries	Dgdof1@dof.in.th
Praulai Nootmorn	Director, Andaman Sea Fisheries Research & Development Centre	nootmorn@yahoo.com
Pornpoj Ngamviriyathum	Manager, The Thai overseas Fisheries Association	tofa_bkk@yahoo.com
Songsang Patavanich	Director, P.T.Marine Co. Ltd	ptmarine@hotmail.com
Narinsak Sattaprasit	Engineer, Marine Department	narinsak_s@hotmail.com
Chanachai Lertsuchatvanich	Legal Officer, Marine Department	chanachal08@yahoo.com
Dr.Nanthiya Unprasert	Director, Fish Inspection and Quality Control Division	nanthiyau@fisheries.go.th
Preecha Phetwong	Deputy Director General, Marine Department	preecha.md@mot.go.th
Kamolwan Nantapetch	Director, International Affairs Division, Marine Department	kamolwan_nant@hotmail.com
Dr. Smith Thummachua	Senior Fisheries Biologist and Chief, Overseas Fisheries Management and Economic Cooperation Group, Fisheries Foreign Affairs Division, Department of Fisheries	thuma98105@yahoo.com

Ms. Poungthong Onoora	Chief, International Law Group, Fisheries Foreign Affairs Division, Department of Fisheries	poungtho@fisheries.go.th
Suntorn Kumsuk	Director, Songhla Fish Inspection and Research Centre, Department of Fisheries	sutornkum@yahoo.com
Pramuan Rugjai	Director, Cluster of Fishing Port Operation (Lower and South Andaman)	rugpra@hotmail.com
Niracha Wongchinda	Department of Fisheries	nirachaw@gmail.com
Mana Sripitak	Managing Director, MAN A Frozen Foods Chairman, National Fisheries Association of Thailand	manafish@manafish.com nfat@thaifishery.or.th
Sutthipong Charnthanyakam	Director, MAN A Frozen Foods	sutthipong@manafish.com
Chaithodsapon Maneesawangwong	Ass. Factory Manager, MAN A Frozen Foods	chaithodsapon@hotmail.com
Vichitra Haetanurak	Director, Bureau of Merchandise Trade Administration, Department of Foreign Trade, Ministry of Commerce	vichitrah@moc.go.th
Kanokrut Koombua	Director, Bureau of Import-Export Certification Department of Foreign Trade, Ministry of Commerce	kanokrutk@moc.go.th
Monta Pantong	Trade Officer, Department of Foreign Trade, Ministry of Commerce	montap@moc.go.th
Jirawan Yamprayoon	Deputy Director General, Department of Fisheries, Ministry of Agriculture and Cooperatives	jirawany@fishewries.go.th
Dr. Magnus Torell	Senior Adviser, Southeast Asian Fisheries Development Center	magnus@seafdec.org
Dr. Worawit Wanchana	Capture Fishery Technology Division Head, Southeast Asian Fisheries Development Center	worawit@seafdec.org
Dr. Yasuhisa Kato	Special Advisor, Southeast Asian Fisheries Development Center	kato@seafdec.org

Dr. Somboon Siriraksophon	Southeast Asian Fisheries Development Center	somboon@seafdec.org

APPENDIX 2: SUPPLIERS OF TUNA FOR CANNING, 2008

Country	Tonnes	Euro
1. Taiwan	147,315	182,417,314
2. Vanuatu	70,027	83,762,209
3. Japan	62,837	82,096,952
4. South Korea	67,306	78,854,727
5. Indonesia	61,483	73,521,727
6. Papua New Guinea	44,317	63,134,062
7. USA	55,550	62,768,418
8. China	47,290	58,845,072
9. Micronesia	37,502	41,868,849
10. Marshall Islands	30,292	37,800,913
11. Solomon Islands	27,263	32,532,739
12. Maldives	26,928	32,143,084
13. Philippines	14,640	19,865,834
14. High Seas	14,013	14,867,505
15. Spain	10,709	13,891,844
16. Malaysia	6,160	11,125,379
17. India	8,235	10,548,853
18. Kiribati	9,427	10,159,048
19. New Zealand	5,136	5,114,226
20. Mauritius	2,265	4,430,917
21. Korea	3,110	4,274,282
22. France	3,177	4,150,149
23. Vietnam	1,741	1,931,850
24. South Africa	1,307	1,910,567
25. Netherlands	1,519	1,702,930
26. Singapore	1,133	1,400,107
27. Indian Ocean	880	1,203,759

28. Guyana	524	1,058,056
29. Mexico	338	595,294
30. Panama	571	531,131
31. Yemen	615	522,997
32. Pakistan	175	430,195
33. Uruguay	174	328,151
34. Australia	129	268,278
35. Myanmar	27	209,094
36. Argentina	25	170,481
37. Fiji	70	147,168
38. Chile	150	102,066
39. Guam	26	38,920
40. Madagascar	3	38,782
41. Oman	23	37,641
42. Italy	3	1,416
Other imports	1,400	3,056,962
Total	765,811	943,859,952

Source: Department of Fisheries, 2008

APPENDIX 3: NOAA FORM 370

NOAA Form 370
OMB#: 0648-0335
APPROVAL EXPIRES: July 31, 2010

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

Fisheries Certificate of Origin

1. Customs Entry Identification

Customs Entry Number (11 digits)

Date of Entry

2. Exporter (Name and Address)

Telephone Number:

3. Importer (Name and Address)

Telephone Number:

4. DESCRIPTION OF FISH

U.S. Tariff Schedule Number, Species Description, and Product Form	Weight (kg.)	Ocean Area	Fishing Gear	Vessel Flag	Trip Dates Begin-End	Vessel Name

5. DOLPHIN SAFE STATUS - check the statement that applies.

A. The tuna or tuna products described herein are not certified to be dolphin safe and contain no marks or labels that indicate otherwise.

B. The tuna or tuna products described herein are certified to be dolphin safe:

(1) Tuna not harvested with a purse seine net, and not harvested in any fishery that has been identified by the Assistant Administrator as causing a regular and significant mortality or serious injury to dolphins.

(2) Tuna harvested using a purse seine net outside the Eastern Tropical Pacific Ocean (ETP), with valid documentation by the captain of the vessel certifying that no purse seine net was intentionally deployed on or to encircle dolphins during the fishing trip. Captain's statement attached.

(3) Tuna harvested by purse seine vessel outside the ETP in a fishery in which there is a regular and significant association occurring between marine mammals and tuna, with valid documentation by an authorized observer and the captain of the vessel, certifying that no purse seine net was intentionally deployed on or to encircle dolphins during the fishing trip and no dolphins were killed or seriously injured in the sets in which the tuna were caught. Observer's and captain's statements attached.

(4) Tuna harvested in the ETP by a purse seine vessel having a carrying capacity of 400 short tons (362.8mt) or less.

(5) Tuna harvested in the ETP by a purse seine vessel of more than 400 short tons (362.8mt) carrying capacity with valid documentation signed by a representative of the appropriate IDCP-member nation certifying that: (1) there was an IDCP-approved observer on board the vessel during the entire trip; (2) no purse seine net was intentionally deployed on or to encircle dolphins during the fishing trip and no dolphins were killed or seriously injured in the sets in which the tuna were caught; (3) listing the numbers for the associated Tuna Tracking Forms which contain the captain's and observer's certifications. IDCP Member Nation Certification attached.

6. EXPORTER CERTIFICATION - I certify that the above information is complete, true, and correct to the best of my knowledge and belief.

Exporter Name (Print or Type) Signature and Date:

7. HIGH SEAS DRIFTNET CERTIFICATION - For fish or fish products harvested by, or exported from, a designated large-scale driftnet nation. I attest that the fish or fish products described herein were not harvested by a large-scale driftnet on the high seas.

Name and title of Government Representative (Print or Type) Signature and Date:

8. IMPORTER/PROCESSOR ENDORSEMENT

(Name and Address) Signature and Date:

(Name and Address) Signature and Date:

(Name and Address) Signature and Date:

ANNEX 7: MOROCCO CASE STUDY

CONTENTS

TABLEAUX

INTRODUCTION

Dans le cadre de la mesure de l'impact de l'adoption du Reg (CE) 1005/2008 sur les pays tiers, le Royaume du Maroc a été sélectionné comme l'un des pays tiers pour une étude de cas.

Une mission d'étude a eu lieu entre le 1er et le 5 décembre 2008. Elle a été organisée par les autorités marocaines en étroite collaboration avec les services de la Délégation de la Communauté européenne à Rabat. La mission s'est déroulée suivant le planning suivant :

Lundi 1er décembre, Rabat : réunion de présentation de la mission organisée au siège de la DCE, entretiens complémentaires avec les représentants de la DPMA

Mardi 2 décembre, Rabat : présentation du système de contrôle des activités de pêche, visite du centre de contrôle.

Mercredi 3 décembre, Tanger : débarquement et première vente, réunions avec les services de l'ONP et de la DPM, visite de la capitainerie du port, du service des Douanes et de la délégation de l'EACCE

Jeudi 4 décembre, Agadir : réunion à la DPM, visite du port et du CAPI, visite du site de pêche d'Imiouadar, visite de la délégation de l'EACCE, des Douanes et des Services Vétérinaires

Vendredi 5 décembre : Rabat : Présentation des systèmes MAIA et OCTOPUS par l'ONP et la DPMA, présentation du système d'information de la DPM, recherche des informations manquantes. Clôture de la mission par une réunion de restitution en présence des représentants des principales autorités marocaines concernées et de la délégation de la CE.

1. LE SECTEUR DE LA PÊCHE

1.1. Ressources halieutiques et production

La ZEE du Maroc recouvre des aires océaniques à la productivité biologique élevée en raison de systèmes d'upwelling qui enrichissent de manière saisonnière ou permanente la partie atlantique de la ZEE. Les différentes unités de pêche autorisées à exercer exploitent :

- Des stocks de poissons démersaux, de céphalopodes (dont le poulpe) ou de crustacés situés sur le plateau continental
- Des stocks de petits pélagiques que l'on trouve en abondance dans les zones Sud du pays
- Des stocks de grands migrateurs (thonidés et espèces apparentées) qui se trouvent en saison dans la ZEE et en particulier dans les zones situées de part et d'autres du détroit de Gibraltar

En 2007, la production nationale a atteint 823 000 tonnes environ pour une valeur à la première vente estimée à 329 M€. Les débarquements en poids sont dominés par les espèces de petits pélagiques (sardine et maquereau) qui représentent 86% des débarquements totaux, loin devant les espèces de poissons de fonds (9% des débarquements). En valeur, la proportion des différentes catégories d'espèces est plus équilibrée. Les débarquements de petits pélagiques dominent l'ensemble (34%) du total, mais les débarquements de poissons démersaux contribuent à hauteur de 30% du total, devant les céphalopodes (25%) et les crustacés (6%). Les débarquements de poulpes, l'une des espèces les plus convoitées, se sont élevés à près de 21 000 tonnes en 2007. Elles se situent au-dessus du niveau des prises de 2004 (12 000 tonnes) qui ont été un des plus bas historique, mais encore loin du record de plus de 100 000 tonnes enregistré en 2000. Les captures des autres groupes d'espèces tendent à augmenter sur ces dernières années notamment en raison d'une diversification de l'effort de pêche vers d'autres stocks que ceux de céphalopodes.

L'exploitation de la grande majorité des espèces se fait sous un régime de gestion de l'accès avec contrôle des capacités et allocation de licences de pêche. Pour l'instant, seule l'exploitation du stock de poulpe est soumise à une combinaison de mesures portant sur l'accès et sur des quantités autorisées (TAC) suivant les dispositions d'un plan d'aménagement spécifique. En 2009, les autorités marocaines ont prévu d'instaurer un régime de gestion spécifique comparable pour la pêcherie de petits pélagiques suivant les termes d'un plan d'aménagement toujours en préparation.

1.2. Principaux segments de flotte

1.2.1. Les flottes nationales

La flotte de pêche nationale est découpée en trois grandes catégories de navires :

- La flotte artisanale : ce sont des barques en bois de 5 à 6 m propulsées par des moteurs hors-bord et qui conservent le poisson en glace à bord. Les engins pratiqués sont multiples, mais essentiellement passifs (lignes, nasses, filets, pots). Les sorties de pêche se font à la journée. L'effectif de cette flotte était de 14 225 unités en 2007, dont près de 40% dans les zones du sud du pays (de Laayoune à Dakhla).
- La flotte côtière : les unités de pêche côtière sont des unités pontées qui mesurent entre 15 et 25 m et qui conservent les captures en glace à bord ou en eau réfrigérée (RSW). On comptait en 2007 1 816 unités actives dans cette catégorie, dont 535 (29%) palangriers spécialisés sur les poissons de fonds, 525 chalutiers ciblant tous types d'espèces, y compris les céphalopodes et les crustacés, 444 senneurs (24%) spécialisés sur la pêche de petits pélagiques et 314 unités polyvalentes. Les sorties de pêche de cette flotte durent entre 1 et 3 jours au maximum.

- La flotte hauturière : les unités dans cette catégorie sont des unités de type industrielles dont la longueur moyenne se situe entre 25 et 35 m, et dont la jauge moyenne est de 350 TJB. Dans la grande majorité des cas, il existe des systèmes de conservation en congelé bord pour les espèces démersales, ou en RSW pour les petits pélagiques. Ces navires sont capables de rester plusieurs semaines en mer. Les céphalopodiers et les crevettiers peuvent ainsi faire de marées de 45 jours à 2,5 mois. Il existait en 2007 un total de 449 unités hauturières, dont 329 sont réputées actives. Parmi ces dernières, les céphalopodiers représentent l'essentiel de l'effectif (250 unités, soit 75%), devant les crevettiers (62 unités, soit 19%) et quelques navires armés à la pêche des petits pélagiques.

Au total, la flotte de pêche marocaine comptait en 2007 un peu plus de 16 000 unités actives. Les débarquements de la pêche hauturière représentent 11% des débarquements de la flotte nationale, mais peuvent être estimés représenter près de 70% de la valeur totale. Le marché intérieur marocain est relativement peu consommateur de poisson. La destination principale des produits de la pêche est l'export. A noter que dans certains cas (l'exportation de poissons frais), il peut ne s'écouler que quelques heures entre la mise à terre du poisson et sa présentation au poste d'inspection frontalier européen. C'est notamment le cas du poisson frais débarqué dans les ports autour de Tanger qui une fois vendu et conditionné à terre peut être chargé rapidement sur un camion pour un départ en ferry vers Algesiras. La fraîcheur de ce produit étant son principal atout commercial, il sera nécessaire que les autorités marocaines trouvent un arrangement avec la Communauté pour pouvoir déroger comme cela est prévu dans certains cas au délai de notification de trois jours ouvrés considéré dans le cas général sous l'art. 16 du Reg (CE) 1005/2008.

1.2.2. Les flottes étrangères

Flottes sous accord

Le Maroc avait trois accords de pêche en vigueur en 2008 :

- Un accord avec la Russie. Il concerne l'exploitation des petits pélagiques dans les zones Sud du pays. Il inclut l'accès d'une douzaine de navires congélateurs battant pavillon de ce pays et qui doivent débarquer une partie de leurs prises (40%) dans les ports du Maroc.

- Un accord avec le Japon : il concerne l'accès aux zones marocaines de palangriers spécialisés sur la pêche de thonidés. Négocié pour une dizaine de navires, il ne serait en réalité utilisé que pour 3 à 4 unités qui ciblent le thon rouge autour de détroit de Gibraltar. Les prises ne sont pas débarquées au Maroc

- L'accord avec la CE : entré en vigueur fin février 2007, cet accord prévoit l'accès de plusieurs catégories de navires européens aux eaux marocaines. En résumé, les principales catégories de pêche concernées sont des flottes artisanales spécialisées sur les petits pélagiques et poissons démersaux, des navires (chalutiers et palangriers) exploitant les zones profondes, des canneurs ciblant les thonidés, et des chalutiers de pêche aux petits pélagiques autorisés à exploiter les stocks des zones Sud. La plupart des navires sont astreints à des débarquements au Maroc (25% pour les chalutiers pélagiques). En 2008, les possibilités de pêche négociées ont été utilisées par un peu plus d'une centaine de navires européens, dont 5 chalutiers de pêche pélagiques. A noter que cet accord prévoit une contrepartie équivalente à 36,1 M€ par an, dont 13,5 M€ par an sont affectés au financement de la politique sectorielle.

Flottes sous affrètement

La flotte de pêche marocaine n'a pas les capacités d'exploiter le potentiel du stock de petits pélagiques. Pour cette pêcherie uniquement, l'accès de navires étrangers est autorisé sous un régime d'affrètement dont les caractéristiques sont cadrées par un texte de loi. En 2008, les autorisations d'affrètement de durées individuelles variables concernaient 26 navires chalutiers ou senneurs RSW qui viennent exploiter les zones pour des durées allant de quelques semaines à plusieurs mois. Ces autorisations concernent des navires battant des pavillons de pays du Nord de l'Europe (Islande, Groenland, Lituanie) des navires sous pavillons de complaisance (Belize, Saint Vincent & Grenadines,

Saint Kits, Iles Cook, Panama), ou des navires de nationalité diverses (Namibie, Turquie). Les navires sous affrètement doivent livrer leurs pêches aux industries locales en priorité, et le cas échéant, ne peuvent transborder qu'en rade. L'ambition marocaine est de domestiquer progressivement cette pêcherie pour ne plus avoir que des intérêts nationaux autorisés à l'exploiter.

Cas des autres navires étrangers

Les ports du Maroc peuvent être fréquentés par des navires étrangers (de pêche ou de charge) contenant des produits de la pêche pêchés ailleurs que dans les zones sous juridiction marocaine. Quand de telles escales ont lieu, elles sont signalées par les Autorités Portuaires (l'Agence Nationale des Ports) aux autorités nationales compétentes (pêche et douanes) qui vérifient la validité des documents détenus à bord.

L'aquaculture au Maroc

Le secteur de l'aquaculture au Maroc reste très peu développé. En 2005, la FAO estimait la production nationale à 2 200 tonnes, dominée par des produits de l'aquaculture continentale (carpes, tilapias, écrevisses). La production en milieu marin concernait le bar (800 t), les daurades (300 t) produits en Méditerranée et quelques coquillages (huîtres, moules). Le développement de ce secteur est ralenti par de multiples freins d'ordre juridique, sanitaire ou économique. Le secteur qui pourrait croître dans le futur est celui de la conchyliculture.

1.3. Transformation du poisson et distribution

Le secteur de la transformation des produits de la pêche tient une place importante au Maroc. D'après les statistiques du Ministère, on comptait fin 2008 406 unités de transformation agrées, dont 190 pour la congélation (congélation à terre de poissons débarqués frais), 75 pour le frais (préparation calibrage de produits frais pour exportation dans cet état), 44 usines de conserves (mise en conserves de petits pélagiques, essentiellement sardines et maquereau), 32 usines de semi-conserves (préparation d'anchois).Les sites d'Agadir et de Dakhla sont ceux qui concentrent le plus d'unités de transformation.

L'approvisionnement en matières premières de ces usines repose sur les débarquements des flottes de pêche nationales, plus ceux des flottes industrielles étrangères affrétées ou sous accord pour le petit pélagique. Il existe également des flux de matières premières venant de l'étranger pour conditionnement dans les usines marocaines avant réexportation. Ces flux concernent notamment de la crevette grise pêchée dans les eaux européennes ou du Canada pour décorticage au Maroc, ou des importations d'anchois salés en provenance d'Argentine pour préparation en semi-conserves. La matière première importée à cette fin est admise sous un régime douanier d'admission temporaire.

1.4. Commerce extérieur

1.4.1. Exportations

Pour la campagne 2006/2007, les exportations marocaines de produits de la pêche ont atteint un tonnage de près de 530 000 tonnes pour une valeur proche de 1,2 milliards d'euros (13,2 milliards MAD). Ce montant représente 11% du total des exportations du pays. Les exportations de produits de la pêche sont d'une grande importance macro-économique car elles participent favorablement à la balance des paiements, notamment en atténuant la balance commerciale globale qui était déficitaire en 2007. Le flux export a également une pertinence socio-économique car il entraîne les filières artisanales et côtières fortement pourvoyeuses d'emplois dans les zones littorales, en particulier dans le Sud du pays.

L'Union Européenne est la principale destination des exportations marocaines de produits de la pêche (52% du total en valeur). Les autres principaux marchés sont l'Afrique (13%), le Moyen Orient (10%), l'Amérique du Sud (6%), l'Asie (5%).

Le tableau suivant indique les principales catégories d'espèces exportées vers le territoire de l'Union européenne sont les mollusques (les céphalopodes principalement) et les conserves de poissons

(sardines et maquereaux) pour un peu plus de la moitié de la valeur des exportations. Les exportations de poissons frais sont importantes et atteignent près de 13% de la valeur des exportations. Ce flux d'exportation est favorisé par la proximité entre le Maroc et l'Espagne. Il faut en effet moins d'une heure pour passer d'un pays à un autre en empruntant la ligne de ferry qui relie Tanger à Algesiras.

L'analyse des importations dans l'UE en provenance du Maroc indique que les produits arrivent principalement par voie maritime, mais avec un trafic substantiel par voie routière. En 2007, 82% des exportations en valeur sont arrivées dans l'UE par la mer et 14% par camion. Le transport aérien reste marginal (2% des flux) mais pèse d'un poids sensible pour les exportations de poissons frais.

Le régime des échanges entre le Maroc et la Communauté européenne est gouverné par un accord spécifique Euro Méditerranéen conclu en 20001. Cet accord prévoit une exonération des droits de douane sur les importations en provenance du Maroc, plus une érosion de contingents tarifaires, et un démantèlement progressif sur 12 ans des tarifs applicables aux importations de produits de la pêche de la CE dans le Maroc (on en est à la neuvième année). La règle d'origine qui s'applique aux échanges avec le Maroc est assez restrictive car seuls les produits entièrement obtenus au Maroc ou importés mais ayant fait l'objet d'ouvraison suffisante sont considérés comme originaires. Le cumul avec des produits originaires de Tunisie, Turquie, Jordanie, Egypte ou pays de l'AELE est cependant autorisé.

Tableau 1 : EC imports of fishery products from Morocco, 2005 to 2007.

	2005		2006		2007	
	Tonnes	Value (EUR ,000)	Tonnes	Value (EUR ,000)	Tonnes	Value (EUR ,000)
Chilled fish	26,307	95,086	25,778	100,127	23,322	93,510
Frozen fish	21,420	25,112	17,370	29,092	20,051	28,820
Fresh fillets	62	210	6	50	57	114
Frozen fillets	1,350	2,246	1,622	3,363	2,509	4,103
Dried and salted fish	1,354	3,980	1,139	3,415	752	1,898
Crustaceans	7,219	77,114	6,688	79,221	7,753	82,349
Molluscs	54,638	230,083	66,589	259,684	62,037	270,822
Canned & preserved fish	62,957	193,668	67,471	217,519	58,796	200,313
Canned & preserved invertebrates	4,576	33,784	4,920	40,092	7,714	59,546
	179,883	**661,281**	**191,582**	**732,563**	**182,990**	**741,475**

Source: COMEXT

[1] JOCE L 70 du 18.03.2000

Tableau 2 : Imports of fishery products from Morocco by mode of transport in 2007.

	Unknown		Sea		Road		Air	
	Tonnes	Value (EUR ,000)	Tonnes	Value (EUR ,000)	Tonnes	Value (EUR ,000)	Tonnes	Value (EUR ,000)
Fresh fish	9	130	21,605	76,549	265	697	1,447	17,774
Frozen fish	92	156	17,638	27,398	2,351	2,602		
Fish fillets (frozen or fresh)			729	1,789	1,837	2,421	1	8
Smoked / salted fish			657	1,510	96	388		
Crustaceans	1	4	7,497	85,642	228	921	30	210
Molluscs			58,637	263,924	3,432	7,452	20	224
Canned & pres. fish	206	662	49,189	156,283	9,100	42,395	39	191
Canned & pres. invertebrates	891	10,878	968	4,066	5,855	44,602		
TOTAL	**1,199**	**11,830**	**156,920**	**617,160**	**23,164**	**101,478**	**1,537**	**18,408**

Source: COMEXT

1.4.2. Importations

Les importations de produits de la pêche au Maroc sont réputées faibles. La demande intérieure se limite à quelques produits haut de gamme, et à des marchandises destinées à être transformées au Maroc avant réexportation.

En 2007, 41 000 tonnes représentant une valeur de 73 M€ de produits de la pêche d'origine communautaire ont été importées par le Maroc. Il s'agit pour la plus grande partie du flux de crevettes grises (2/3 des importations) exportées des pays producteurs communautaires (Pays-Bas et Belgique) et de petits pélagiques ou thonidés destinés à être emboîtés au Maroc (Pays-Bas, France, Espagne, Italie). Ces marchandises sont admises sous un régime d'admission temporaire en suspension de droits de douane.

Comme signalé auparavant, le Maroc importe également quelques produits bruts d'Argentine ou du Canada pour une transformation locale avant réexportation.

Tableau 3 : EC exports of fishery products to Morocco, 2005 to 2007.

	2005		2006		2007	
	Tonnes	Value (EUR ,000)	Tonnes	Value (EUR ,000)	Tonnes	Value (EUR ,000)
Chilled fish	183	425	726	1,347	902	1,532
Frozen fish	5,457	4,299	6,133	4,804	3,576	3,890
Fresh fillets	1,948	1,814	4,136	4,287	3,442	3,321
Frozen fillets	26,073	52,703	27,510	55,198	28,854	52,779
Dried and salted fish	587	1,009	1,043	1,697	1,492	2,304
Crustaceans	1,861	5,298	2,104	6,238	2,690	8,122
Molluscs	15	53	19	55	25	96
Canned & preserved fish	177	479	145	575	86	337
Canned & preserved invertebrates	0	0	18	116	32	224
	36,300	**66,081**	**41,832**	**74,318**	**41,099**	**72,604**

Source : COMEXT

1.5. Cadre institutionnel

1.5.1. Les institutions en charge

Le Ministère de l'Agriculture et de la Pêche Maritime (MAPM) est en charge du suivi du secteur. La principale agence technique centrale est le Département des Pêches Maritimes, avec comme principales directions :

- La Direction des Pêches Maritimes et de l'Aquaculture (DPMA) qui assure le suivi de la flotte. Cette direction est responsable inter alia de l'aménagement des pêcheries, de la tenue du registre des flottes, de la délivrance des autorisations de pêche et du suivi et du contrôle de l'activité des navires,

- La Direction des Industries de la Pêche Maritime (DIPM) qui est notamment habilitée (en partenariat avec les services vétérinaires) à délivrer les agréments pour l'exportation, et à contrôler les activités des entreprises de ce secteur.

La gestion des activités sur le terrain est déléguée à des Délégations Régionales des Pêches Maritimes (les DPM) au nombre de 18 le long du littoral marocain.

- Les autres institutions importantes dans le dispositif sont :

- La Direction de l'Elevage, qui est rattachée, comme le Département de la Pêche, au MAPM. La Direction de l'Elevage est en charge du contrôle sanitaire des produits de la pêche et est reconnue comme Autorité Compétente au sens des règlements communautaires.

- L'Office National des Pêches est un office rattaché au MAPM mais autonome financièrement. L'ONP a notamment en charge la commercialisation des produits de la pêche artisanale et côtière et gère les centres de première vente du pays (24 halles à marées, 23 points de débarquements aménagés, 8 comptoirs petits pélagiques). Ses agents assurent et contrôlent la première vente des produits de la pêche.

- L'Etablissement Autonome de Contrôle et de Coordination des Exportations (EACCE) qui est rattaché au MAPM. Les activités de cet établissement se situent au dernier niveau de la procédure d'exportation. Les agents s'assurent de la présence des certificats sanitaires et du bon état de la marchandise avant qu'elle ne quitte le sol marocain.

- Les Douanes en charge du contrôle du respect de la réglementation aux frontières. Les Douanes Marocaines ont ratifié la convention de Kyoto et poursuivent une phase de modernisation. Sous l'accord bilatéral qui lie la CE au Maroc, les deux parties se sont engagées à établir une coopération douanière (art. 59 et suivants).

Entre les services centraux et ceux des délégations, les effectifs du Département des Pêches Maritimes (hors ONP et services vétérinaires) approchent les 1 000 agents, dont 50% de cadres. Le budget du Département dépassait les 30 M€ en 2005. Au cours de la mission, il a été permis de constater que les agents du Département et de l'ONP disposent d'un haut niveau d'expertise et d'équipement, avec accès à des ordinateurs reliés au réseau central et des systèmes informatisés de contrôle et de vente que l'on ne trouve pas dans tous les Etats membres de la CE (par exemple des terminaux portables types PDA utilisés pour la saisie des données collectées à quai qui sont connectés au système central via des connections WiFi relayées dans les endroits reculés par des véhicules spécialement équipés, ou des bulletins de vente sous criée informatisés protégés contre les falsifications).

Les institutions marocaines suivent une feuille de route basée sur une politique sectorielle qui a pour principales ambitions de moderniser le secteur (structures, environnement réglementaire), de préserver le potentiel halieutique (notamment par le biais de plans d'aménagement avec un renforcement de la recherche et du contrôle), et de promouvoir la pêche artisanale en particulier par la construction des points de débarquements aménagés ou de villages de pêche là où il n'en existe pas (spécialement dans le Sud du pays).

1.5.2. L'environnement réglementaire

Le texte de base en vigueur au Maroc reste le Dahir du 23 novembre 1973 formant règlement sur la pêche maritime. Bien que de fondation ancienne, ce texte a été plusieurs fois modifié et complété pour former un corpus législatif qui permet à l'administration marocaine de réglementer les activités du secteur. Un nouveau Code de la Pêche est en préparation depuis 2001, mais il tarde à aboutir. Les principales dispositions des textes actuels d'intérêt pour cette étude sont :

- **L'établissement d'un registre central des navires.** Tout navire de pêche doit être inscrit dans le registre pour pouvoir bénéficier d'une autorisation de pêche. La conformité des navires de pêche et l'attribution du pavillon à ces derniers sont suivis par une division de la DPMA, et non pas par un autre Ministère comme cela peut se passer dans d'autres pays (en général les Transports). Les navires de pêche obtiennent un numéro d'immatriculation unique et sont entrés dans le registre. Cela inclut les navires de pêche artisanale qui ont fait l'objet d'un recensement et d'une immatriculation matérialisée par un numéro peint sur la coque et par une plaque en métal fixée dans la structure du navire. Ce registre est partagé entre les services centraux et les délégations régionales. Ces dernières peuvent inscrire dans le registre de nouveaux navires de pêche côtière ou artisanale, et consulter à tout moment la validité de l'inscription de tout navire battant pavillon national. L'inscription dans le registre de navires de pêche hauturière est réservée aux services centraux.

- **La licence de pêche.** Tout navire doit posséder une licence de pêche pour les métiers qu'il pratique. Ces licences sont délivrées par les Délégations pour les navires de pêche artisanaux et côtiers, et par les services centraux pour les navires de pêche hauturière. Les licences sont attribuées suivant les programmes d'aménagement en vigueur. De manière générale, la licence ne permet que d'opérer dans la ZEE nationale. Quand un navire souhaite exploiter les eaux internationales ou des eaux sous d'autres juridictions, il doit posséder une licence spéciale. Les licences délivrées sont entrées dans le système de base de données centrale qui est consultable à tout moment par les services déconcentrés. La suspension de la licence fait partie de l'arsenal répressif en cas d'infraction.

- **Le journal de bord** : seuls les navires hauturiers ou les navires qui exploitent des stocks gérés par des ORGP sont astreints à la tenue d'un journal de bord, complété par un régime de déclaration à intervalles régulier pendant que le navire est en mer. L'administration marocaine essaie d'étendre progressivement cette obligation déclarative à d'autres segments de la flotte nationale.

- **La déclaration de débarquement.** Cela concerne pour l'instant les débarquements des navires hauturiers et ceux de petits pélagiques et de poulpe débarqués par tous les types de flottes de pêche.

- **Suivi par VMS :** la loi prévoit l'obligation d'emport de balises satellite pour certaines catégories de navires, ainsi qu'un système de sanctions en cas de non-respect. Il manque cependant un décret d'application qui rendrait cette disposition opérante. De fait, il a pu être constaté que la flotte marocaine n'est pas actuellement suivie par VMS. Les écrans de suivi VMS qu'il a été possible de voir ne font apparaître que les positions VMS des flottes russes et communautaires sous accord. C'est une lacune évidente du système de suivi, d'autant plus que les navires hauturiers, les principaux concernés par cette mesure, ont une autonomie de plusieurs mois et peuvent donc parcourir des distances importantes. D'après les autorités marocaines, la mise en œuvre du suivi par satellite n'est plus qu'une question de temps. Des accords auraient été trouvés avec les armateurs et de nouveaux fournisseurs de solution approchés.

- **L'obligation de débarquer au Maroc** : les navires marocains de toutes les catégories ne peuvent débarquer ailleurs que dans un port national, sauf autorisation expresse. Par ailleurs, les produits de la pêche frais doivent obligatoirement être vendus dans des centres de ventes aux enchères quand ils existent. Les transactions sont saisies sur un système informatique connecté aux autres bases de données nationales. Cette opération permet de relier les ventes aux listes de navires autorisés (et licenciés).

- **Des régimes de licences pour les établissements de traitement à terre** : les industries à terre doivent posséder un agrément délivré conjointement par les services du Département des Pêches et par les services vétérinaires qui dépendent du même Ministère. Ces agréments tiennent compte des systèmes de traçabilité en place dans l'entreprise (plans HACCP).

Dans certaines conditions, les mesures de contrôle sont approfondies. Cela concerne en particulier les espèces concernées par les plans d'aménagement (poulpe et bientôt petits pélagiques). Les mesures visent à s'assurer qu'il existe une cohérence entre les quantités exportées et les quantités débarquées, notamment par la fourniture des bordereaux de vente aux enchères au moment de l'exportation (partie du système octopus). Les usines doivent également tenir des registres d'entrée-sortie de matière première permettant de vérifier la cohérence entre les approvisionnements et les ventes. Par ailleurs, pour les matières premières travaillées sous régime d'admission temporaire, la Douane effectue une comptabilité matière qui permet une comparaison entre les flux entrants et les flux sortants pour s'assurer qu'il n'y a pas eu d'évasion au cours du processus de transformation.

2. LES SYSTEMES DE CERTIFICATION EXISTANTS

2.1. La certification sanitaire

La certification sanitaire forme l'épine dorsale du système de traçabilité des produits de la pêche marocains.

Au moment du débarquement (frais ou congelé), les autorités sanitaires s'assurent de la salubrité des produits et délivrent le cas échéant un certificat sanitaire dit d'origine (CSO). Le CSO porte mention des lots et est relié aux bulletins d'adjudication afférents (trace de la transaction de vente portant notamment pour chaque espèce mention du navire vendeur, de l'acheteur et des quantités concernées). A sa sortie de l'usine de traitement, le produit fait l'objet d'un nouvel examen sanitaire de manière à vérifier son adéquation avec les normes en vigueur. L'inspection examine le produit et

vérifie la présence des CSO délivrés pour la matière première. Un dernier contrôle mené par l'EACCE a lieu avant la sortie des lots du territoire marocain. Cette dernière inspection vérifie une nouvelle fois la salubrité des produits, en vérifiant notamment la présence des certificats sanitaires délivrés au long de la chaîne et en procédant à des contrôles autonomes, et vérifie la conformité du lot avec les normes commerciales. Cette dernière étape conduit à la délivrance d'un certificat sanitaire à l'export requis pour le passage en douane.

La traçabilité des produits a été considérablement renforcée dans le cas du poulpe. Cette espèce étant soumise à quota, il importait de créer un dispositif de suivi renforcé qui permette de vérifier que tout le poulpe exporté a bien été enregistré dans les statistiques de débarquement. L'administration marocaine a ainsi mis en œuvre ce qui s'appelle le système Octopus. En bref, le dispositif exige que l'exportateur puisse soumettre aux autorités avant l'export une demande détaillant l'origine des produits validée par les numéros de bulletins de pesée et de certificats sanitaires qui ont été produits lors de la première vente. Par ailleurs, l'exportateur doit avoir tenu un registre d'entrée sortie des quantités de poulpe qui transitent par son usine, que l'administration peut inspecter à tout moment, et qui est utilisé au moment de la préparation du dossier export pour vérifier la comptabilité matière en tenant compte des coefficients techniques de perte au cours du processus de transformation / préparation.

2.2. La certification de l'origine

La délivrance du certificat EUR 1 est faite par les Douanes suivant la nature des documents présentés dans la déclaration en Douanes (certificat sanitaire, factures, compte d'apurement). En cas de doutes sur l'origine marocaine du produit, les Douanes peuvent rechercher les certificats sanitaires d'origine et/ou les factures à l'achat qui permettent de remonter aux navires à l'origine de la marchandise. Quand les produits exportés proviennent de la transformation de matières premières d'origine importées et placées à l'entrée au Maroc sous un régime d'admission temporaire suspensif de droits de douane, il est procédé à une vérification de la comptabilité matière à l'aide de coefficients techniques.

2.3. Les certifications dans le cadre des ORGP

Le Maroc est partie contractante de l'ICCAT et de la CGPM.

Les mesures de l'ICCAT concernent le Maroc pour les exportations d'espadon pêchés par les flottes côtières et pour les captures et exportations de thon rouge capturés dans les madragues localisées autour de Tanger et Larache et par les cinq senneurs battant pavillon national autorisés (seul un de ces 5 senneurs serait réellement actif).

Les documents sont établis et validés au sein des Délégations régionales.

En ce qui concerne la documentation des échanges d'espadons qui sont le plus souvent exportés à l'état frais vers l'Europe, les services de l'administration utilisent les pièces consécutives au passage en criée des produits pour ce qui concerne l'identification du navire et les quantités exportées. La certification de la zone de pêche est faire par défaut en l'absence de balises VMS sur les navires qui sont pour la plupart des navires de moins de 24 m.

A noter que le filet maillant dérivant est toujours utilisé par des navires marocains pour capturer de l'espadon. L'ICCAT a accordé au pays une dérogation courant jusqu'à 2012 pour éliminer définitivement cette pratique.

En ce qui concerne le thon rouge, les règles prévues par la recommandation [06-05] de l'ICCAT sont mises en œuvre. Entre autre, les unités productrices (madragues et senneurs) sont soumises à un contrôle renforcé à l'aide d'observateurs. Le chargement des prises dans les madragues qui se fait directement de la madrague sur le navire usine (le plus souvent asiatique) est surveillé par des agents du Ministère. Le point faible de la validation pourrait être le VMS dont on n'est pas certain qu'il soit fonctionnel sur le ou les senneurs marocains.

2.4. CITES

Les autorités en charge de la pêche n'ont pas de dispositifs spécifiques en place pour la validation des certificats export CITES car il n'y a pas de flux exports d'espèces concernées par cette mesure internationale.

3. IMPACTS ET CONSEQUENCES SUR LE MAROC DU SYSTEME DE CERTIFICATION DES CAPTURES

Le résultat global de la mission est que les autorités marocaines n'auront pas de difficultés majeures à de conformer aux exigences de la mesure de certification des captures prévue sous le Reg (CE) 1005/2008. Il existe en effet des outils déjà en place pour fournir aux autorités compétentes l'essentiel des moyens nécessaires à la vérification de la légitimité des captures et par conséquent à la validation des informations soumises par les propriétaires de navires ou leurs mandataires.

Plusieurs tâches restent cependant à accomplir pour disposer d'un cadre et de moyens adaptés qui permettraient de procéder à des vérifications plus complètes.

L'installation du VMS sur les navires de pêche marocains

C'est une des grosses lacunes actuelles du système national de suivi, contrôle et surveillance. La flotte marocaine n'est pas suivie par VMS. Sans cette donnée de contrôle essentielle, il n'est pas possible de s'assurer des zones de travail des navires et donc de valider la zone de pêche. La priorité sera d'équiper les 350 et quelques navires de pêche hauturière car ce sont des navires qui ont un rayon d'action étendu et qui peuvent s'absenter des ports plusieurs mois. Du fait des périodes d'arrêt biologiques qui interrompent le travail dans les eaux sous juridiction marocaine, ces navires peuvent également rechercher, et obtenir, des possibilités de pêche dans des eaux sous juridiction d'autres pays tiers. On trouve ainsi des traces d'activités (tirage de licences) de chalutiers marocains dans les eaux mauritaniennes ou en Guinée. Le VMS permettra également de s'assurer que le navire ne transgresse pas les limites des zones autorisées ou ne quitte pas la ZEE pour des opérations de transbordement illégales.

La loi prévoit l'équipement des navires en balises VMS. Il est désormais nécessaire d'adopter le décret d'application définissant les navires concernés et les conditions d'installation, plus des procédures internes pour que le VMS soit correctement exploité et partagé entre les différentes administrations en charge du contrôle (dont la Marine Royale et la Gendarmerie Royale).

L'extension du système de traçabilité en amont à la vente

Dans le cas général, le système de traçabilité permet de suivre le cheminement du produit à partir de sa mise en vente jusqu'à l'exportation. Ce système doit être complété par un dispositif qui permette de suivre le produit dès sa mise à bord du navire, ou à défaut dès sa mise à quai afin de pouvoir s'assurer de la cohérence entre ce qui est débarqué et ce qui est présenté à la vente.

A l'heure actuelle, le dispositif est complet pour les navires de pêche hauturière. Les capitaines des navires doivent remplir un journal de bord détaillé et présenter à l'arrivée au port une déclaration de débarquement qui est contrôlée par les agents de la DPM. Le produit entre ensuite dans le système de traçabilité ordinaire ou renforcé dans le cas du poulpe.

Pour les navires de pêche artisanale ou de pêche côtière, la traçabilité est complète uniquement pour la pêche de poulpes. Les capitaines des navires, ou leurs mandataires, doivent remplir une déclaration d'apport qui permet aux agents de la DPM un premier niveau de validation et qui permet ensuite de faire le lien avec la traçabilité mise en œuvre dans le cadre du système octopus. Dans le cas de la pêche artisanale localisée dans des régions isolées du territoire national, un arrangement spécifique a été adopté, autorisant les mareyeurs à déclarer sur l'honneur l'origine de leurs achats en identifiant les navires vendeurs.

La déclaration d'apport tente d'être progressivement étendue à d'autres pêcheries. Le problème est qu'elle ne peut s'appuyer sur les dispositions d'un texte légal. Le système pour la pêcherie poulpière a

été introduit à la faveur de l'instauration d'un plan d'aménagement spécifique en 2004 en tant que mesure de suivi renforcé. Anticipant sur la mise en œuvre prochaine d'un plan d'aménagement des pêcheries de petits pélagiques, la déclaration d'apport commence à être étendue aux navires qui ciblent ces espèces dans les ports les plus importants comme Agadir, mais sans support juridique. Etant donné que toutes les pêcheries marocaines ne seront pas soumises un jour ou l'autre à un plan d'aménagement spécifique, il pourrait s'avérer nécessaire de prévoir l'introduction dans le cadre juridique de cette déclaration d'apport de manière à pouvoir étendre le système de traçabilité dès la mise à quai. L'obligation de journal de bord pourrait également être étendue à d'autres catégories de navires (12 m et plus par exemple).

L'implication renforcée des futures autorités compétentes dans le processus de traçabilité

En spéculant sur l'hypothèse que ce seront la DPMA et les Délégations Régionales qui seront habilités à délivrer les certificats de capture, il pourra s'avérer utile de mettre en œuvre des procédures spécifiques pour que ces autorités puissent être impliquées dans les vérifications avant l'export. Dans le cas général, les agents de la DPM ou de la DPMA perdent leur pouvoir de contrôle sur la chaîne de traçabilité dès que le produit de la pêche a été vendu. Afin qu'ils soient en mesure de valider les certificats de captures avant l'exportation, des procédures spécifiques devront être mises en place. Elles existent déjà en partie dans le cadre du contrôle associé au plan d'aménagement du poulpe avec la certification par les agents de la DPM de la comptabilité matière au niveau des usines à terre. Si l'on se base sur un processus similaire, la réglementation devra intégrer l'obligation de tenue de registres entrée-sortie à toutes les espèces. La tenue de ces registres permettra notamment aux autorités habilitées de valider les informations contenues dans l'annexe IV du Reg (CE) 1005/2008.

L'adaptation du cadre juridique

Les paragraphes précédent ont déjà introduit au moins deux modifications à apporter au cadre juridique actuel (déclaration d'apport, registres usines). Le cadre juridique devra également être adapté pour y introduire la notion de certificat de capture et l'obligation de le présenter pour toute opération d'exportation au moins vers la CE ou d'importation si le produit concerné est destiné à être ré-exporté vers la CE après transformation locale. Ce fondement juridique permettra en particulier aux services des Douanes d'en contrôler l'existence et donnera aux services habilités la justification légale pour mener les investigations nécessaires à son établissement et au contrôle de sa véracité.

Formation / sensibilisation

Il a été permis de constater qu'au stade actuel, les dispositions du Reg (CE) 1005/2008 ne sont connues que des cadres de l'Administration. Une fois les procédures d'application adoptées et les termes de la coopération administrative entre le Maroc et la CE entérinés, il sera nécessaire de mettre en œuvre un programme de formation / sensibilisation des agents sur le terrain (répartis en 18 Délégations) et des professionnels du secteur afin de faire connaître les mesures et de présenter les procédures applicables.

APPENDIX 1: LIST OF PERSONS MET

La liste suivante présente les personnes rencontrées. Ne sont mentionnées que celles avec qui on a pu échanger des cartes de visite.

	Nom	Prénom	Qualité	Organisation
Mr	BEN BARI	Mohamed	Contrôle des Pêches	MAPM
Mr	CHOUKRI	Abdelaziz	Chef services vétérinaires	MAPM
Mr	DRICHE	Abdallah	Sous-Directeur Régional Tanger	Douanes
Mme	DRIOUICH	Zakia	Directrice des Pêches	MAPM
Mr	EL BOUDRARI	Lahoussine	Directeur commercial	ONP
Mr	HASSANI	Icham	Vétérinaire Tanger	MAPM
Mr	HOMMANI	Mohamed	Vétérinaire	UNICOP
Mr	JOUKER	Ahmed	Chef Division accords de pêche	MAPM
Mme	JUNQUERA	Susana	Expert Pêche	DCE Rabat
Mr	LAMOUDNI	Abdelali	Chef Division Commerciale	ONP
Mr	LANSARI	Abdelaziz	Chef Capitainerie Tanger	ANP
Mr	LARIF	Abdelmourhit	Chef Division suivi	MAPM
Mr	MALAININE AL ABADILA	Hibato	Président	Fédération des chambres des Pêches Maritimes
Mr	RAFIK	Ahmed	Administrateur principal Agadir	MAPM
Mme	SALAH EDDINE	Nezha	Directrice Régionale Méditerranée	ONP
Mr	TAHIRI	Benyoussef	Délégué principal Agadir	EACCE
Mr	ZOUIRA	Mohamed	Délégué principal Tanger	EACCE

ANNEX 8: ECUADOR CASE STUDY

CONTENTS

TABLES

FIGURES

INTRODUCTION

The mission to Ecuador took place from 14-22 November 2008, covering visits to Guayaquil, Manta and Quito in order to consult with relevant stakeholders (Appendix 1). The EC Delegation in Quito was instrumental in the preparations for this mission, setting up the initial stakeholder meeting in particular, and providing additional support during the mission. The initial meeting took place in Manta, 18 November 2008, on the suggestion of the Subsecretaría de Recursos Pesqueros (SRP). This proved to be an ideal solution as Manta is the main centre of fishing activity in Ecuador, for tuna fisheries in particular, and it is also the base of the fisheries administration (SRP). Thus, this initial meeting was well attended by stakeholders (i.e. around 70 participants) for the introduction of the IUU regulation and discussion of issues and concerns.

The SRP recognises the Regulation 1005/2008 as an important step towards the sustainable management of fishery resources and there is a strong commitment to implement this in Ecuador. Stakeholders have however expressed concern about some specific issues:

- the limited time available for implementation;
- the need for specific implementation guidelines as soon as possible[1], and preferably, a pilot project to initiate the process in cooperation with DG MARE;
- additional administrative burdens placed on the fisheries administration and companies;
- the need for the recruitment and training of additional staff (fisheries inspectors);
- possible delays involved in verification by EU Member States leading to losses (e.g. bureaucratic delays, consignment of fresh products);
- possible loss of competitiveness in the international market due to costs of implementation.

At the final meeting with the Ecuadorean Authorities the consultants were requested to forward a specific request to the European Commission which reflect these concerns. This is shown in Appendix 2.

[1] The management of IUU lists was of particular concern to the fleet (ATUNEC) and a explanation of what is considered to provide evidence of partaking IUU activity.

1 FISHERY SECTOR

1.1 Fishery resources and production

Ecuador is located in the northwestern coast of South America. The marine environment is considered to be tropical but with strong influences from the very productive Humboldt Current, which has its major influence on the fisheries in Chile and Peru. There is a large marine fishery in Ecuador, which has fluctuated from 320,000 t to 590,000 t during the last decade, which is typical of predominantly pelagic fisheries. Pelagic species have accounted for about 90% of total marine catches during the last 5 years (Table 1). Tuna species dominate the pelagic catches by about 60% (5-year period), consisting mostly of skipjack, yellowfin and bigeye tuna. Catches of small pelagics and other pelagic fish are highly variable, and are dominated by anchoveta and chub mackerel, respectively.

Various demersal and coastal fish constitute the remaining part of total production (about 10%). However, most of the sharks taken as bycatch are in fact pelagic species, although these are a minor component of total production. The shrimp fishery used to be important but has become a minor component over time. It should be noted that this concerns catch of wild shrimp. Aquaculture production of shrimp was about 56,000 t in 2006. Tilapia has also become very important in aquaculture with a production of about 22,000 tonnes in 2006.

Table 1: Total marine capture production in Ecuador

Species group	2002	2003	2004	2005	2006
	tonnes				
Tunas, bonitos, billfishes	148,673	232,353	182,142	219,466	220,897
Herrings, sardines, anchovies	102,791	61,471	30,369	27,744	133,196
Miscellaneous pelagic fishes	25,314	41,289	60,944	123,315	63,292
Miscellaneous coastal fishes	1,879	2,825	3,171	3,557	17,105
Shrimps, prawns	2,383	2,349	1,996	2,550	7,018
Miscellaneous demersal fishes	4,494	3,912	2,553	1,824	2,548
Sharks, rays, chimaeras	2,120	1,400	1,226	1,254	2,247
Marine fishes not identified	30,000	51,400	56,000	27,150	1,841
Others	588	465	259	266	451
Grand Total	318,242	397,464	338,660	407,126	448,595

Source: FAO

The available fisheries statistics are generally fragmented, except in the case of the tuna purse seine fishery, which is monitored closely by the IATTC. However, this has been identified as a weakness and a dedicated service for fisheries statistics is in the process of being established

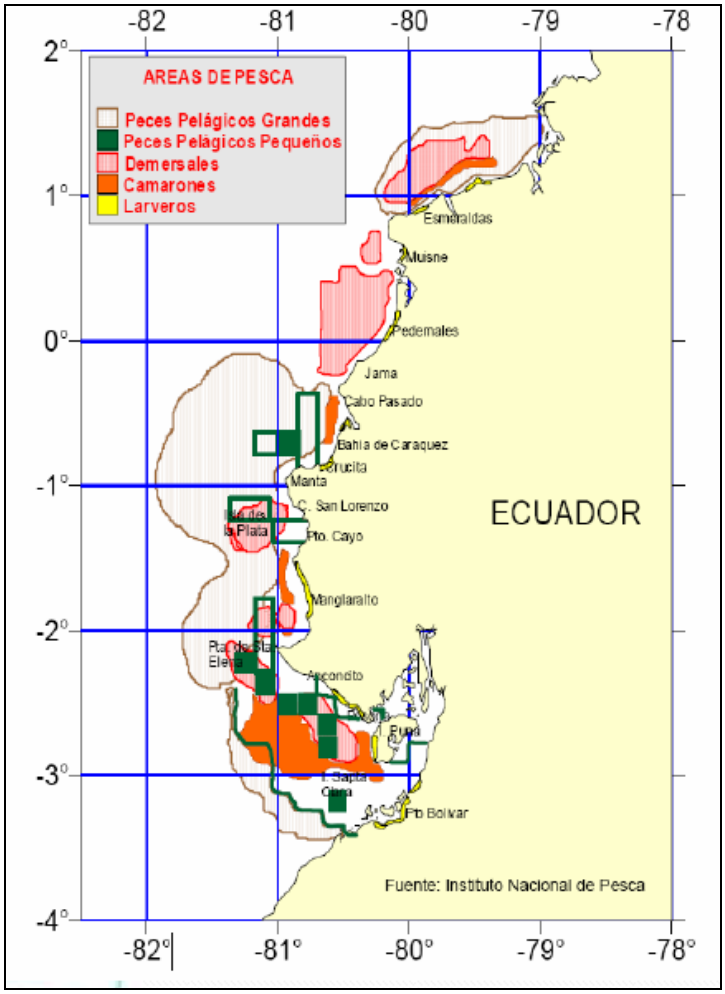
by the Fisheries Administration (Subsecretaría de Recursos Pesqueros – SRP) to cover both artisanal and industrial fisheries.

1.2 Fleet segments and activities

Overview

Both the artisanal and industrial fisheries are important in Ecuador. Artisanal fishing activity is characterised by an estimated 18,000 vessels, 56,000 fishers, and an annual production of around 40-50,000 t, which are landed in 138 sites along the continental coast. Industrial fleets account for an additional production of about 300-400,000 t. Direct employment in the industrial fleet sector is estimated to be 10,000 crew members and 25,000 associated workers.[2]

The main fishing grounds off continental Ecuador are shown in the following Figure 1. Tuna fishing grounds are not indicated but these extend offshore beyond 200nm[3]. The Galapagos were traditionally a very important tuna fishing area, as tuna tend to aggregate close to the coast (i.e. island or FAD effect). The protection of a 40nm zone around the archipelago, declared in 1998, has changed this.



Source: INP
The legend shows the following (in order): large pelagics, small pelagics, demersals, shrimp, shrimp larvae collecting.

Figure 1: Coastal fishing grounds off continental Ecuador.

[2] Source: Subsecretaría de Recursos Pesqueros (SRP)
[3] Ecuador is not a signatory of UNCLOS, but is considering this; i.e. the 200nm zone has been declared territorial waters.

An important activity is the collection of shrimp larvae for aquaculture, which takes place in the vicinity of river deltas, the Guayaquil area being the most important. Available data is poor and the estimate given is a range from 17,000 to 90,000 collectors involved in this activity. There appears however to be a trend for decrease, as hatcheries are playing an increasingly important role in supplying the shrimp farms with larvae.

There is also artisanal fishing taking place in the Galapagos, involving some 500 vessels and 1000 fishers. These numbers tend to fluctuate because of the seasonal nature of the sea cucumber and lobster fisheries. It is important to distinguish the Galapagos Archipelago in the wider context of fisheries, as it has been declared a Natural World Heritage Site by UNESCO. Most of the land area is a protected natural park and in 1986, the Galapagos Marine Resources Reserve was declared. This area was upgraded to a Biological Reserve of Marine Resources in 1998[4]. A zone of 40 nm from the island baselines is protected and reserved for specific artisanal fishing activities. There are 13 major fishing ports distributed along the continental coast of Ecuador and one in the Galapagos. The three major fishing ports are Manta, Guayaquil and Posorja, which account for about 93% of total production (Table 2). When considering the tuna and large pelagic fleets, the importance of Manta becomes even more apparent, accounting for about 75% of total tuna landings and 75% of total landings of large pelagics (i.e. mostly dolphinfish, billfish, swordfish, sharks, and various tuna)[5]. Guayaquil is of minor importance in terms of tuna landings due to port conditions (i.e. inside river estuary, low depths). The following also shows the minor importance of artisanal fisheries in the Galapagos in terms of landings.

Table 2: Landings by port based on data from the 90s.

Fishing port	Landings (tonne)	%
Manta	250,442	62.0
Guayaquil	84,827	21.0
Posorja	40,393	10.0
Galapagos	813	0.2
Other ports (7)	27,464	6.8
Total	403,939	100

Source: SRP

Tuna industrial fleets

Purse seiners

There are 87 vessels in the Ecuadorian tuna purse seine fleet, which are all registered and authorised to fish in the IATTC convention area (Table 3). In addition to this fleet, there are currently a total of 40 foreign flagged purse seiners that have been associated with local processing companies, thus forming joint ventures and being granted the right to fish for tuna in Ecuadorian waters[6]. All of these vessels are likewise authorised to fish in the IATTC convention area, except one[7]. It is interesting to note that most of these foreign vessels are substantially larger than Ecuadorian vessels, almost double the size on average. Most of these vessels fly

[4] Ley de Régimen Especial para la Conservación y Desarollo Sustentable de la Provincia de Galápagos (RO Nº 278, 18 March 1998)
[5] Source: Manta Port Authority (www.apmanta.gov.ec)
[6] An additional 2 Spanish and 2 Panamanian longline vessels have established joint ventures.
[7] The purse seiner Sofia Lynn flying the Panama flag is not listed in the IATTC authorised vessel register. This appears to be the result of a change of flag and is expected to be resolved in the near future.

the flag of Panama (19), Colombia (6), Nicaragua (3), and Spain (4)[8]. An additional Panamanian purse seiner is currently in the process of establishing a joint venture.

Table 3: Vessel characteristics of tuna purse seiners – Ecuador and foreign flags

Vessel characteristics	Ecuador	Foreign
Average Carrying Capacity (t)	559	1,061
Average Fish Hold Volume (m3)	704	1,315
Average Length (m)	47	63
No. vessels	87	40

Source: SRP & IATTC

The Ecuadorian purse seine fleet is one of the two major fleets in the EPO, the other being the Mexican fleet. Ecuadorian catches account for an average of 34% of total EPO catches (Table 4). A rough estimate of landings by foreign flags is given, which is calculated as the difference between landings in Ecuador and catch by Ecuadorian vessels. This includes some landings from foreign vessels that are not in association with local companies[9]. This is considered to be an acceptable method of estimating foreign landings in Ecuador, because the landings of Ecuadorian vessels in neighbouring countries are of minor importance. It is interesting to note that Ecuador absorbs more than half of the total production in the EPO, which is linked to the very high processing capacity installed in the country (i.e. more than 400,000 t annual processing capacity).

Table 4: Estimates of retained catches and landings in Ecuador of tuna caught by purse seine, pole-and-line and recreational vessels in the EPO.

	2005	2006	2007	2008*
Catch by Ecuador flag	208,093	204,848	152,515	173,740
% Total EPO	34%	36%	33%	35%
Landings in Ecuador	311,632	333,299	229,053	264,243
% Total EPO	51%	59%	49%	53%
Landings by foreign flags	103,539	128,451	76,538	93,163
% Total EPO	17%	23%	16%	19%
Total EPO	611,511	565,214	468,613	499172

Preliminary IATTC data (Jan.-Nov.); 2008 landings in Ecuador estimated by consultants based on average percentages.

Other tuna fleets

The IATTC list of authorised vessels includes 8 Ecuadorian pole-and-line vessels, but only 4 are still active.

The IATTC list also includes 22 Ecuadorian longliners with an average size of 40m (≈ 86 GRT). A further 4 foreign longliners (2 Spanish and 2 Panamanian) operate in Ecuadorian waters

[8] Other flags are Guatemala, Honduras, Mexico, Peru, Vanuatu and Venezuela
[9] More detail given in the section on imports.

under joint ventures and an additional two Spanish longliners are currently in the process of establishing joint ventures[10].

There are an additional 205 artisanal longliners, which target large pelagics including tuna (dolphinfish or mahi mahi, billfish, swordfish, and various tuna). These are generally small vessels (≈ 16 GRT), which take ice onboard and land chilled fish, including for export most of which is for the US market. The actual number of vessels involved may be as high as 300, including small vessels fishing with surface gillnets, plus 45 larger vessels (≈ 60 GRT)[11]. The Fisheries Administration (SRP) is currently carrying out a re-classification of artisanal fisheries, which will probably resolve this issue. Total landings by these vessels was estimated to be 11,590 t in 2007, including 3,857 t of dolphinfish (*Coryphaena hippurus*) which is the most important component of the fishery[12].

The vast majority of longliners, both artisanal and industrial, are based in Manta (≈ 94 %), which gives easy access to suitable fishing grounds for this type of fishery.

Non-tuna purse seiners

In 2007, there were 99 active purse seiners fishing for small pelagics. Most of these vessels are relatively small with an average size of about 70 GRT. Total landings were 215,868 t in 2007. It is important to note that this fishery is variable and subject to environmental influences, the "El Niño" phenomenon in particular. There has however been a general decline over the period 1981-2007, where a historical maximum landing of 1,998,587 t was observed in 1985 while recent landings tend to fluctuate around 200,000 t. [13]

It is interesting to note that some small purse seiners do not target small pelagics but go after various coastal and demersal fish. This is termed "pesca blanca" which corresponds to whitefish but is used to include both demersal and pelagic species. There are about 79 purse seiners involved in this fishery, usually smaller vessels (average ≈ 35 GRT)[14]. It is likely that some of these purse seiners target both small pelagics and demersals depending on seasonal abundance and closures, so there may be some double-counting of vessels.

Trawlers

There are an estimated 215 trawlers (average ≈ 35 GRT), which target various shrimp species but take also a substantial amount of demersal fish as bycatch. Shrimp landings have declined somewhat from above 10,000 t in the 90s to landings around 3,000 in recent years. This appears to be the result of overexploitation and economic factors, but the INP indicates there is overcapacity in the fishery and management measures are needed[15]. Demersal bycatch in the shrimp fishery is estimated to be around 40,000 t per year, some of which is believed to be exported[16].

1.3 Fish processing and distribution

There are a total of 18 processing plants that specialise in tuna, most of them located in the Manta area (Table 5). An additional 10 plants specialise in small pelagics and some tuna, presumably the smaller tuna species. Most of the plants specialising in small pelagics and fishmeal appear to be located in the Guayas province. The majority of whitefish plants ("pesca blanca") are located in Manta (87%) with easy access to pelagic fishing grounds.

[10] SRP
[11] UPROCOPAMA – the Manabí Artisanal Fishermen Association
[12] Cabanilla, C. 2007. Seguimiento de los desembarques de peces pelágicos grandes durante el 2007. INP, 13p.
[13] Source: INP
[14] SRP
[15] Mendívez, W., García-Sáenz, R., Chicaiza, D. 2007. Pesca de la flota arrastrera camaronera en Esmeraldas durante el 2007. INP, 9p.
[16] SRP

Table 5: Number and types of processing plants and their location.

Type	No	Manta area	Guayaquil area
Tuna	18	61%	39%
Tuna, sardine, fishmeal	10	n.a.	n.a.
Sardine, fishmeal	16	n.a.	n.a.
Whitefish	15	87%	13%
Shrimp packing	51	12%	75%

Source: SRP; (n.a. not available)

The following Table 6 presents a list of the major tuna processing plants, which are presumed to account for more than 90% of total tuna production. Estimates of production capacity are given based on various sources and total annual production capacity assumes 250 days of full output per year. This estimate is consistent with an estimate (i.e. range of 350-450,000 t per year) given by the tuna processing industry[17]. All of these major companies are approved for exports to the EU.

Table 6: Major tuna processing plants and estimates of production capacity

No.	Company	Daily prod. capacity (tonnes/day)
1	EMPESEC	260
2	SALICA	90
3	EUROFISH	100
4	PESPESCA	150
5	CONS. ISABEL	170
6	OLIMAR	40
7	INEPACA	80
8	PEFRESCOMAR	40
9	SEAFMAN	150
10	TECOPESCA	170
11	ASISERVY	110
12	NIRSA	250
	Total daily (t/day)	**1,610**
	Annual est. (t/year)	**402,500**

Source: SRP & industry sources

[17] CEIPA: Cámara Ecuatoriana de Industriales y Procesadores Atuneros

1.4 International trade

1.4.1 Exports

Export of fishery products is substantial, constituting about 10% of total exports in Ecuador. The total value of exports has increased from about 1 to 1.4 Billion USD during the period 2005-2008, although the data for 2008 is not yet complete for the whole year (Table 7). Categories of fish, shrimp and tuna constitute on average 20%, 30% and 50% of total exports in terms of volume, respectively. In value terms, shrimp and tuna are equivalent, each contributing 44% of total value, while fish contribute with 12%. Other categories are relatively insignificant.

It is important to point out that almost all of the shrimp exported is from aquaculture. Wild shrimp constitute only 3% on average of total shrimp production. Production of tilapia from aquaculture is also important, constituting around 30% of fish exports.

Considering the amounts exported, it is apparent that the fishery sector in Ecuador is clearly export-oriented. Taking 2006 as an example, out of a total production of about 450,000 t, total exports amounted to 376,350 t. This is very high considering that there is considerable weight loss through processing in key products such as tuna and fish. The EC market is the most important export destination for Ecuadorian fishery products, accounting for 44% of total exports in terms of volume and 48% of value (Table 7). North America accounts for 35% in value, but this is a particularly important destination of fresh fishery products. There is also substantial trade with other Latin American and Caribbean countries, accounting for 15% of total value. Trade with Asian and African countries are however almost insignificant.

Table 7: Export of fishery products from Ecuador

Product							
Year	**Cephalopods**	**Crustaceans**	**Fish**	**Shrimp**	**Tuna**	**Other**	**Grand Total**
Volume (t)							
2005	1,329	580	68,484	91,744	180,122	299	342,558
2006	968	731	74,846	117,002	182,575	227	376,350
2007	862	379	83,919	127,812	185,649	2,751	401,372
2008*	765	485	61,062	102,519	162,559	774	328,164
Value FOB ('000 USD)							
2005	759	8,582	139,257	451,338	459,335	1,503	1,060,775
2006	593	8,329	158,521	583,559	528,261	650	1,279,913
2007	542	4,054	190,867	613,157	642,087	4,622	1,455,329
2008*	390	3,623	157,585	567,733	684,182	3,890	1,417,403

* Data concerns Jan-Oct (Source: CORPEI[18] - Banco Central del Ecuador)

[18] CORPEI: Corporación de Promoción de Exportaciones e Inversiones

Table 8: Main export destinations expressed in percentages of total exports (average 2005-2008).

Destination	% Volume	% Value
EC (UE 27)	44	48
North America	28	3
Latin America & Caribbean	26	15
Africa	0	0
Asia	1	1

Source: CORPEI (Banco Central del Ecuador)

Exports of tuna products to the EC are particularly important (Table 9), making up 55% of total imports on average (value ≈ 46%), most of which is in the form of tuna loins and cans. Spain is the main destination in the EC, followed by Italy and the Netherlands. Frozen shrimp is the other major import item from Ecuador (weight ≈ 35%; value ≈ 46%), most of which is destined for Spain followed by Italy and France. There are also some exports to the EC of preserved and frozen fish products (weight ≈ 9%; value ≈ 8%)), presumed to be a variety of species from "pesca blanca", including both demersal and pelagic species. Again, the main destination of these fish products is Spain followed by France. All other categories of fishery products are relatively insignificant.

Table 9: Exports of fishery products from Ecuador to the EU

	Quantity (t)			**Value ('000 €)**		
Product	**2005**	**2006**	**2007**	**2005**	**2006**	**2007**
Tuna preserved	76,329	82,411	91,159	186,050	219,612	257,441
Tuna frozen	4,112	2,187	1,940	4,003	2,694	2,591
Tuna fresh	408	-	-	454	-	-
Small pelagics preserved	226	258	185	304	377	256
Small pelagics frozen	11	145	5	13	68	5
Shrimp preserved	699	692	882	4,199	4,323	5,492
Shrimp frozen	43,090	55,296	62,952	185,622	241,533	246,155
Fish preserved	9,667	14,311	14,291	20,894	36,362	39,215
Fish frozen	1,663	1,509	1,394	4,757	4,153	3,743
Fish fresh	217	199	351	1,654	1,535	2,211
Crustaceans	38	56	71	803	1,092	1,257
Cephalopods	213	101	74	401	153	114
Others	72	67	63	149	163	264
Total	**136,745**	**157,232**	**173,367**	**409,303**	**512,064**	**558,743**

Source: Eurostat

As catch certificates will not be required for products from aquaculture (EC Reg. Nº 1005/2008), it is important to quantify these types of export to the EU. However, data on imports to the EU (and data on exports from Ecuador) do not distinguish between aquaculture shrimp from wild

shrimp. From section 1.1, it is however known that catches of wild shrimp are roughly 3-4,000 t per year on average, most of which is for export to both the EU and the US.

It is likewise not possible to distinguish the species concerned in the imports of fish to the EU. Most fish exports to the EU are named simply as “prepared or preserved fish” or “frozen fish fillets”. An alternative source of data (Subsecretaria de Aquacultura) shows that tilapia from aquaculture constitutes a substantial part of these fish exports. Partially complete data for 2008 shows an export of 6,100 t to the EU.

1.4.2 Imports

The following Table 10 shows the amount of imports to Ecuador based on data from the Ecuador Central Bank. Imports of tuna appear to have increased from 1,866 to 103,830 t during the period 2005-2008. This is related to the treatment given by customs to foreign flag vessels under joint ventures[19]. These vessels appear to have been considered as national vessels in terms of procedures but this has now changed, as these are subject to control by the Fisheries, Maritime, Immigration, Public Health and Customs Authorities. And their landings have started to be considered as imports, but these are however not subject to custom tariffs.

Removing the data concerning tuna, which is misleading, total imports are in the order of 5-8,500 t valued at 5-6 M USD (i.e. 2008 data is not complete)(Table 10).

Table 10: Import of fishery products to Ecuador

	Product					Totals	
Year	**Cephalopods**	**Crustaceans**	**Fish**	**Tuna**	**Other**	**Total**	**Year**
Quantity (t)							
2005	1,819	103	3,385	1,866	197	7,371	5,504
2006	2,670	65	5,404	3,195	248	11,583	8,387
2007	2,683	73	2,766	34,988	532	41,043	6,055
2008*	2,058	3	1,099	103,830	1,792	108,783	4,952
Value FOB ('000 USD)							
2005	313	1,252	2,730	505	149	4,950	4,444
2006	392	272	5,179	1,294	139	7,275	5,982
2007	299	240	4,219	43,369	423	48,549	5,181
2008*	566	19	2,350	161,338	474	164,747	3,409

Data concerns Jan-Oct (Source: CORPEI[20] - Banco Central del Ecuador)

[19] Based on consultations with the Manta Customs Authority
[20] CORPEI: Corporación de Promoción de Exportaciones e Inversiones

Considering the importance tuna exports to the EC and the need to identify supply sources, the consultants have attempted to provide estimates by cross-checking a number of sources (Table 11)[21]. Landings by foreign flag vessels in Ecuador have been estimated above (section 1.2– tuna purse seiners). Some of these landings are taken in neighbouring EEZs (Peru, Colombia) and as far away as Kiribati. Considering these as imports, it is interesting to note that this proportion has increased from 5% in 2005 to at least 32% in 2008 (preliminary data). Total catches of purse seine (and pole-and-line) vessels in the EPO have fallen from 832,000 t in 2003 (i.e. the peak of the series since 1977) to about 500,000 t in 2008 (preliminary), which would indicate that the fleets are moving into other areas in the search for tuna.

Another aspect is that the installed tuna processing capacity is certainly above 400,000 t/year, which places pressure on demand. Thus, there are also some imports by reefers, which usually take place during the closed season for purse seiners[22].

Apart from the above-referred imports of tuna as supply of raw material to the processing industry, there are imports of various tuna products for the domestic market. These are probably high value processed products, for example from Spain. Total tuna imports for the domestic market appear to be in order of 3-5,000 t per year.

Table 11: Landings and imports of tuna for the processing industry in Ecuador

Year	Landings (t)	Taken in other EEZs (t)			Imports (t)	
	Foreign flags	Peru	Colombia	Kiribati	Catches	Reefers
2005	103,539	5,082	28	0	5%	14,082
2006	128,451	7,844	0	0	6%	12,660
2007	76,538	10,960	7,157	0	24%	15,260
2008*	93,163	17,638	8,723	3,029	32%	13,060

* Data concerns Jan-Oct

1.4.3 Fleet dependency on fishery exports to the EC

The following table (12) shows the importance of three major types of fishery products, expressed as a percentage of EC imports of total exports from Ecuador for each product. This can be used as a rough indication of fleet dependency referring back to section 1.2 (fleets).

Most of the landings of the tuna purse seine fleet are used as supplies for exports (estimated to be about 95%), so the values given in Table 11 are good indicators of dependency on the EC market (volume ≈ 45%; value ≈ 50%). Shrimp exports are dominated by aquaculture production, but most wild shrimp are taken for the export markets. Assuming that the proportion of wild shrimp in exports is the same for different markets, dependency is probably around 50%.

In the case of fish products, this involves a number of fleets including industrial trawlers and longliners as well as artisanal longliners and small boats using surface gillnets. Considering that a substantial proportion of fish landed by these various fleets is for the domestic market, fleet dependency is probably much lower than the values given in Table 12.

[21] SRP, Manta Customs Authority, CORPEI, Companies, Industry Associations

[22] Management measure adopted by the SRP, closure from 1 August to 11 September in 2008 for large purse seiners (Class 6 & 5) under Ecuadorian and foreign flags fishing in Ecuadorian waters.

Table 12: Dependency on EC market expressed as percentage to total exports for each category.

Product	% Volume	% Value
Tuna	47	53
Shrimp	49	54
Fish	19	29

Source: Eurostat & CORPEI

1.5 Institutional framework

1.5.1 Fisheries Policy

The general objective stated in fisheries policy is the conservation of marine and freshwater resources, to contribute in the protection of the environment, and improve the standard of living of Ecuadorians. The overall strategy is to diversify catch fisheries and aquaculture production, both in the industrial and artisanal sectors, through rational resource management and ensuring sustainability and the conservation of the environment. And to promote value added processing of fishery products, which can generate employment and supply demand in national and international markets.

A Fisheries and Aquaculture Management Plan has been prepared and adopted in 2003[23]. This is a highly informative document that includes summary and relevant information on various fisheries and aquaculture activities. It gives a broad vision of the sector in order to give a perspective when considering main issues and problems to be solved. Due to attention is given to the consultative process in decision-making. Various plans and programmes considering specific fisheries are defined in the context of fishery and other relevant policies. It is stated that management should be based on the best available scientific advice, taking into account all dimensions in a responsible manner; i.e. social, economic, environmental. The ecosystem approach to fisheries management is introduced and that this should be carried out through a consultative process and by consensus involving all stakeholders.

1.5.2 Organisation structure

The institution that is responsible for fisheries administration, regulation, control, development of industrial and artisanal fisheries and the sustainable management of fishery resources is the "Subsecretaría de Recursos Pesqueros (SRP)". As of April 2007, it has been placed under the Ministry of Agriculture, Livestock, Aquaculture and Fisheries[24]. Shortly after this change, the SRP was also moved from its former base in Guayaquil to Manta. The organic structure is given below (Figure 2).

[23] Plan de Ordenamiento de la Pesca y Aquacultura del Ecuador, SRP, 116p. Acuerdo Nº 155 (RO 14 del 4 Feb. 2003)

[24] Formerly under the Ministry of Industries

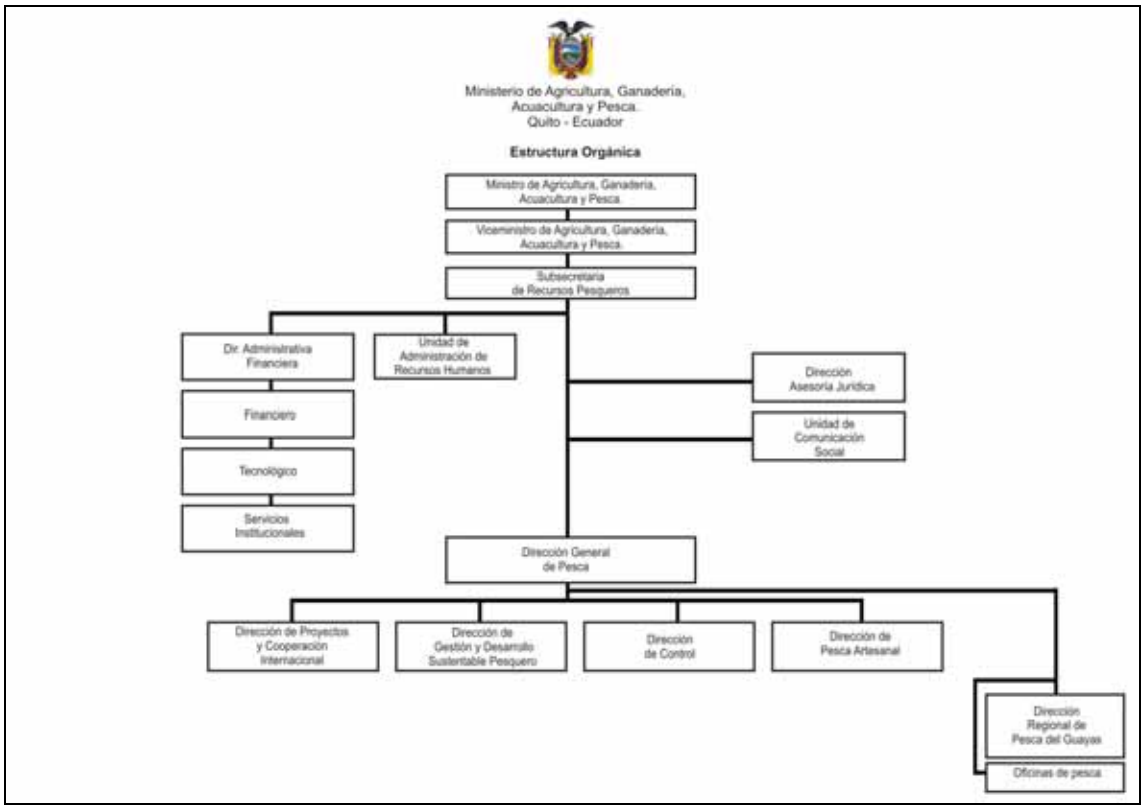


Figure 2: Organic structure of the Fisheries Administration (SRP) in Ecuador

1.5.3 Fisheries legislation

The fisheries sector is regulated by the Fisheries Law[25] of 1974. A substantial reform was undertaken in 1985 (RO 252, 19 August 1985) and a final codification and unified text of fisheries related law was adopted in 2005 (RO 15, 11 May 2005). Fisheries are further regulated by the General Fisheries Regulation and Unified Text of Fisheries Legislation (Decreto Supremo Nº 3198.RO/690) of 2002.

In relation to the Galapagos, there is a specific law that considers the special status and the conservation of the archipelago and surrounding waters[26].

It is important to note that Ecuador is not a party to UNCLOS, although it is considering ratifying this convention for the benefits that this may incur such as the extension of the continental platform beyond 200nm[27]. A sovereign maritime zone of 200nm has been declared and this is referred to as territorial waters[28]. Thus, Fisheries Law applies to this 200nm zone. Fishing taking place in high seas is not considered by law, but in practice, the Fisheries Administration (SRP) requires vessels to apply for authorization (licenses) on the basis that the law is considered to apply to all and any type of fishing activity involving the Ecuadorian flag.

The Fisheries Law establishes the criteria for giving access to fishery resources and the granting of authorization. The distinction between artisanal and industrial fisheries is specified and the application for fishing licenses is obligatory. Artisanal fishing is reserved for nationals

[25] Ley de Pesca y Desarollo Pesquero (Decreto Supremo Nº 178.RO/497)
[26] Ley de Régimen Especial para la Conservación y Desarollo Sustentable de la Provincia de Galápagos (RO Nº 278, 18 March 1998)
[27] www.cndm.gov.ec
[28] Declaration of a maritime zone (RO 1029: 24-ene-1956); Establishing sovereignty of the 200nm maritime zone (DS-2556. RO 376: 18-nov-1964); Defining the base lines (DS-959-A. RO 265: 13-jul-1971); Reiteration of sovereign rights to the 200nm zone (RO 330: 4-dic-1980).

only. Licenses are not time-bound, which implies that they have permanent validity as long as all requirements and obligations are respected. There is however the possibility of withdrawing fishing authorizations on the basis of “national interests”. Transferability is not defined, so the interpretation is that this is not permitted, as it is not specified in law.

Management measures are to be defined on an annual basis, based on available scientific data. Although the law allows for the setting of quotas or TACs, this is not applied in practice. Instead, management is typically by the application of technical measures such as fishing closures, permitted gears, areas, minimum sizes, etc. This is also the case of tuna fisheries under the responsibility of the IATTC (e.g. use of input controls such as closed seasons, limiting total vessel carrying capacity).

Fishing by foreign vessels is allowed by law, which specifies that these vessels may carry out fishing through charter or association agreements for a period of 3 years, extendable by 2 years. A condition is that these vessels may not be of a type that is built in Ecuador. Such foreign vessels must register in Ecuador and apply for fishing licenses on a by trip basis. Foreign shrimp trawlers and factory vessels are generally not allowed to operate in Ecuadorian waters (i.e. permission may be granted for the operation of factory vessels in special cases).

There are various regulations which are of particular relevance to tuna fisheries; obligations to submit to inspections in relation to dolphin protection (A-016. RO 552: 28-mar-2005); prohibition of the use of supply vessels by Ecuadorian and foreign vessels that fish in Ecuadorian waters (A-200. RO 163: 14-sep-2000); prohibiting discards (A-273. RO 236: 3-ene-2001).

Transhipment at sea is not allowed except in special circumstances (i.e. appears to be allowed only in the case of shrimp trawlers). Transhipment in ports may only take place with a 24 hours notice.

1.5.4 National IUU Plan of Action

A national IUU plan of action is in the process of being prepared and is expected to be adopted in early 2009 after consultation with all relevant public and private stakeholders. Some of Port State measures specified concerning foreign flag vessels are of particular relevance:

- Foreign vessels must be monitored by VMS during the whole fishing trip in Ecuadorian waters. Alternatively, the Flag State may certify the catches by use of VMS records.
- In the case of imports, fisheries products must comply with the sanitary and certification requirements of the Flag State.
- All products from fisheries that may be limited through management measures, which are destined for transhipment, processing, or re-export are subject to the necessary certification to be issued by the Flag State of the fishing vessel. This includes the documents to prove that the origin of the fishery products is legal.
- All transhipment by foreign vessels in Ecuadorian ports is subject to the same conditions as national vessels for inspection, which are carried out by the national inspectors. If there are grounds for suspecting that IUU fishing activity has occurred, the authorization (transhipment, landing, re-export) is revoked and this is communicated to the Flag State. Specific ports are designated for the use by foreign vessels.

1.5.5 Vessel registration

Vessel registration in Ecuador is the responsibility of the Maritime and Ports Authority. The Maritime Law and the Regulation of Maritime Activity define the procedures and requirements in terms of vessel registration, use of the flag, vessel markings, import of foreign vessels, construction and repair of vessels, inspection, reception and dispatching of vessels, pollution control and prevention, and communications.

All vessels have to be registered, artisanal and industrial. In order to register a vessel under the Ecuador flag, ownership has to be by nationals or by foreigners with permanent residence in Ecuador. Furthermore, in order to attribute the Ecuadorian flag to a fishing vessel this needs to have been attributed a fishing quota or access right.

According to Maritime Law, Ecuador may not receive vessels without flag in its ports.

A system for the monitoring of vessels by satellite (VMS) is currently being implemented as required by the Maritime Authority[29]. The primary motivation for this development appears to be for safety reasons and to control illicit activity (i.e. smuggling fuel, drug trafficking, etc.). This system is broad covering all vessels larger than 20 GRT, thus including a considerable amount of artisanal fishing vessels also. All authorised tuna fishing vessel (i.e. not including all artisanal vessels) have been integrated in the VMS. The following shows the number of fishing vessels involved in the VMS:

- Industrial fishing vessels larger than 150 GRT: 64
- Industrial fishing vessels between 50 and 150 GRT: 519
- Artisanal vessels between 20 and 50 GRT: 350

Progress on implementation has been satisfactory. According to the Maritime Authority, 72% of all vessels larger than 20 GRT have installed a tracking device as of 30 Nov. 2008.

The system is under the responsibility of Maritime Authority, but a collaboration agreement is in the process of being established with the Fisheries Administration (SRP), giving access to the system. Upon agreement, the cost of establishing a fisheries VMS should be limited to the provision of training for a limited number of staff and hardware/software to set up a small vessel monitoring centre. The actual costs of this were not made available to the consultants.

1.5.6 MCS system

The Service for Fisheries Control under the Directorate General of Fisheries is responsible for the monitoring control and surveillance of fisheries activity. The Directorate is based in Manta and is well founded with a full time staff of 47, which are distributed amongst 17 bases along the coast. The organisation structure is shown in Figure 2. There are no patrol vessels available, but at sea inspections and operations are carried out in collaboration with the Maritime Authority and Coast Guard.

The annual MCS budget for 2008 was 630,000 USD, which excludes salaries, but includes capital upgrades to existing equipment. A substantial part of this budget (400,000 USD) concerns the implementation of the shark-monitoring programme. Shark-finning is prohibited but the catch of shark species as bycatch is allowed. In order to protect shark species, a National Plan of Action for Sharks was prepared in 2005[30] and a monitoring and implementing programme[31] has been set up for sharks, which includes a certification scheme on the legality of catches for commercial purposes.

Observers perform a central role in the MCS system, particularly in relation to the tuna purse seine fishery. The IATTC requires the presence of observers onboard all class 6 purse seiners (> 363 t carry capacity). Currently there are 42 observers to cover the activities of the larger Ecuadorian vessels and 36 observers to cover foreign flags (1 observer corresponds roughly to 1 vessel). The observer programme for larger purse seiners is managed and financed by the IATTC. In addition there are currently 30 observers being trained by the IATTC to cover the activity of the smaller Ecuadorian purse seiners. This programme is called PROBECUADOR which is managed and financed by the Directorate General of Fisheries (annual budget 800,000 USD).

It should be noted that the INP contributes to the monitoring of fisheries with a staff of observers and land-based samplers. As the tuna purse seine fishery is well covered in the context of the

[29] www.digmer.org; Regulations establishing a VMS: Control de distribución de combustible (compra-venta) Acuerdo Interministerial Nº 1; Installation of satellite tracking devices – Resolución 005-08; Creation of a VMS system - Resolución 062-07

[30] Aguilar, F., Chalén, X., Villón, C. 2005. Plan de acción nacional de tiburones. INP, 23p.

[31] http://tiburon.subpesca.gov.ec

IATTC and the SRP, INP dedicates its resources to other fisheries such as small pelagics, trawlers, longline fisheries, etc.

Whilst the MCS system provides for a strong level of controls at the operational level, there are no checks made on the relative quantities of input and outputs to fish processing. Ideally, such procedures should be established (i.e. forensic style checks) together with a centralised statistical system to monitor fishing activity in order to give a consistent overview of inputs and outputs.

APPENDIX 1: LIST OF PERSONS MET

Name	Function	Institution / Company
Nikita Gaibor	Director - Research Unit	Instituto Nacional de Pesca
Nelly Camba	ISO Norms / Sanitary control	Instituto Nacional de Pesca
Pilar Solís	Projects - Fisheries resources	Instituto Nacional de Pesca
Mónica Castello	Sanitary control	Instituto Nacional de Pesca
Carlos Calero C.	President / Manager	CEIPA / Isabel S.A.
Mónica Maldonado S.	Director	CEIPA - tuna processors
Luigi Benincasa	Director	ATUNEC - tuna fleet
Ivo Cuka	President	ATUNEC - tuna fleet
Roberto Garcia	Fleet	Isabel S.A.
Edmundo Matute Z.	Quality Control	Isabel S.A.
Juan Corrales	Adviser	Isabel - Spain
Luis Mendoza V.	Domestic sales	Isabel S.A.
Rafael Trujillo B.	Director	Cámara Nacional de Pesquería
Guillermo Morán V.	Subsecretario	Subsecretaría de Recursos Pesqueros
José Olmeda C.	Legal matters	Subsecretaría de Recursos Pesqueros
María Luisa Granizo C.	Regional Director	Dirección General de Pescas - Guayaquil
Ramón Montaño C.	Dir. - International Cooperation	Dirección General de Pescas
Hugo Vera S.	Director	Dirección General de Pescas
Edwin Moncayo C.	International Cooperation	Dirección General de Pescas
Victor Alcívar R.	International Cooperation	Dirección General de Pescas
Fabrizio Rios	Resp. Observer program	Dirección General de Pescas
Erika Pazmiño	Admin. Cert. Origin	Dirección General de Pescas
Jose Rites	Head	Customs - Manta
Bercelio Villaces	Port operations	Customs - Manta
Xavier Muñoz	Port operations	Customs - Manta
Johnny Rendon	External Commerce	Cámara de Comercio de Guayaquil
Simón Rodriguez	President	FENACOPEC / UPROCOPAMA - Art Fishers Assoc.
Erick Largacha D.	Manta Representative	IATTC
Mireya Pozo	CITES responsible	Ministerio del Ambiente - Guayas District

Alexis Valencia M.	Subsecretario de Comercio e Inversiones	Ministerio de Industrias y Competitividad
Dumany Sánchez N.	Subsecretaría de Comercio e Inversiones	Ministerio de Industrias y Competitividad
Juan Vieites	Executive secretary	ANFACO
Gonzálo Ojea R.	International trade & cooperation	ANFACO
José Martinez Prada	Head - Trade	EC Delegation - Ecuador
Pedro Ponce	Environmental desk	EC Delegation - Ecuador

APPENDIX 2: CONCLUSIONS OF INFORMATION MEETING

REUNION DE INFORMACION DE LA DIRECTIVA Y REGLAMENTO DE LA UNION EUROPEA SOBRE SISTEMA DE CERTIFICACION DE CAPTURAS DE LA PESCA

CONCLUSIONES

1. Ecuador reconoce que esta nueva regulación es importante para el desarrollo de las pesquerías sustentables, la implementación del sistema de certificación significará un esfuerzo adicional del estado para incorporar la reglamentación propuesta.

2. Se identifica que se hace necesario la elaboración de instructivo de aplicación, por lo que se sugiere la elaboración de una guía estándar para que los países terceros países puedan conocer y aplicar la reglamentación.

3. Solicitar a la representación de la Unión Europea en el Ecuador que representantes de la Dirección General del Mar de la UE realice una visita de trabajo con los funcionarios de la administración pesquera nacional para que informe oficialmente sobre el alcance y mecanismos de aplicación de certificación de la pesca y que conozcan la institucionalidad pesquera del país.

4. Solicitar a la UE el apoyo para implementar un programa piloto desde el diseño, elaboración y ejecución del sistema de certificación de capturas de la pesca, de acuerdo al artículo 20 de la mencionada Reglamentación.

5. Solicitar la extensión de la entrada de vigencia del Reglamento en el que se establece un sistema comunitario para prevenir, desalentar y eliminar la pesca ilegal, no declarada y no reglamentada para enero del 2012.

ANNEX 9: SENEGAL CASE STUDY

CONTENTS

TABLEAUX

FIGURE

1. INTRODUCTION

Dans le cadre de la mesure de l'impact de l'adoption du Reg (CE) 1005/2008 sur les pays tiers, la République du Sénégal a été sélectionné comme l'un des pays tiers pour une étude de cas en raison de la sensibilité apparente de son secteur de la pêche au paquet de mesures prévues sous le règlement.

La mission au Sénégal s'est déroulée tardivement en toute fin de planning de l'étude. Elle a eu lieu du 19 au 23 janvier 2009. Son déroulement a été organisé conjointement par les services de la Délégation de la CE à Dakar et par les services de la Directions des Pêches Maritimes, l'une des directions techniques du Ministère de l'Economie Maritime et des Transports (MEMP) qui est en charge du secteur de la pêche au Sénégal. L'essentiel des activités de la mission a consisté en des entretiens avec les différentes administrations impliquées dans la gestion de la filière pêche et du contrôle des exportations, plus les représentants du secteur privé. La chronologie des rencontres a été la suivante :

Lundi 19 janvier 2009 : réunion de démarrage organisée par la DCE à Dakar en présence des principales administrations sénégalaises. Présentation du règlement 1005/2008 et des objectifs de la mission. Après midi, réunion avec la Direction de la Pêche Continentale (DPC)

Mardi 20 janvier 2009 : réunions avec la Direction de la Marine Marchande (DMM) puis avec les services des Douanes (bureau maritime, port de Dakar, Ministère de l'Economie et des Finances)

Mercredi 21 janvier 2009 : Direction de la Protection et de la Surveillance des Pêches (DPSP), puis Direction du Commerce Extérieur avec l'ASEPEX (Ministère du Commerce), puis Direction des Industries de Transformation de la Pêche (DITP), puis Port de Dakar (Et. Autonome dépendant du MEMP)

Jeudi 22 janvier 2009 : Direction de la Pêche Maritime (DPM)

Vendredi 23 janvier 2009 : réunion avec le GAIPES (syndicat des armateurs à la pêche industrielle) puis réunion de restitution organisée par la Direction de la Pêche Maritime en présence de la DCE : synthèse orale des résultats de la mission aux autorités rencontrées lors du séjour.

2. LE SECTEUR DE LA PECHE

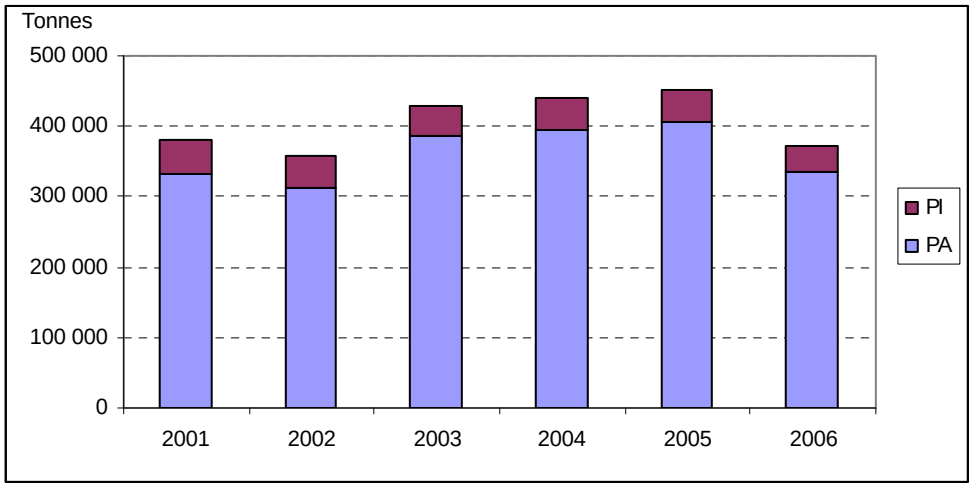
2.1. Ressources halieutiques et production

La ZEE du Sénégal est enrichie par les systèmes d'upwellings permanents ou saisonniers d'Afrique de l'Ouest. Le potentiel halieutique est par conséquent important avec :

- Des ressources en espèces démersales (poissons, céphalopodes, crevettes) situées sur le plateau continental et ses accores, et exploitables par tous types d'engins de pêche
- Des ressources en petits pélagiques (sardinelles et ethmaloses principalement) ciblées surtout par les navires de pêche artisanale
- Des ressources en thonidés présentes saisonnièrement dans les parties hauturières de la ZEE (thons majeurs, espadons)

D'après les dernières statistiques publiées par la DPM, la production totale des pêches sénégalaises a été d'environ 372 000 tonnes en 2006 pour une valeur à la première vente proche de 185 M€. Les espèces de petits pélagiques (sardinelle plate et sardinelle ronde) dominent largement la production en poids avec près de 60% des apports. Le reste des débarquements se compose d'espèces diverses de poissons, de céphalopodes ou de crustacés. Les captures de thonidés sont relativement modestes (6 500 tonnes)

La figure suivante présente l'évolution des captures des navires sénégalais depuis 2001. La tendance est plutôt à la hausse jusqu'en 2005, avec un recul sensible en 2006. La pêche artisanale (PA) représente près de 90% des captures et environ 75% de la valeur à la première vente.



Source : DPM

Figure 1: Evolution des captures des navires sénégalais de pêche artisanale (PA) et de pêche industrielle (PI).

Globalement, même si les statistiques de pêche ne le montrent pas clairement, le secteur de la pêche est considéré comme étant en situation de crise dont l'origine se trouverait dans la raréfaction des ressources (les stocks démersaux côtiers dans la ZEE sont considérés comme surexploités) et dans le vieillissement des navires de l'armement industriel. Ce secteur, et le secteur artisan à un degré moindre, a été considérablement affaibli par la hausse du prix des combustibles au cours des années 2006 et 2007. De nombreux armements industriels ont fait faillite ou ont été revendus.

L'aquaculture au Sénégal

L'aquaculture au Sénégal est pratiquement inexistante à l'heure actuelle. Il existe quelques élevages artisanaux de tilapia dans les eaux continentales avec une production équivalente à quelques centaines de tonnes par an consommées localement. Les tentatives de développement d'une industrie d'élevage de crevettes en Casamance dans les années 90 ont échoué.

Le développement de l'aquaculture vivrière au Sénégal fait partie des objectifs énoncés dans la lettre de politique sectorielle notamment afin de satisfaire la demande intérieure en poissons. Le plan fixe un objectif de 100 000 t à l'horizon 2010. Les espèces concernées seront les espèces classiques d'eau douce ou d'eau saumâtre (tilapia, perche) exclues du champ d'application du Reg (CE) 1005/2008 dans sa version actuelle.

2.2. Principaux segments de flotte

2.2.1. Les flottes nationales

La flotte de pêche nationale est découpée en deux grandes catégories de navires :

La flotte artisanale qui est définie par la Loi comme la flotte des embarcations qui ne sont pas pontées, utilisant des moyens de capture qui ne sont pas manoeuvrés mécaniquement et qui n'ont d'autre moyen de conservation que la glace ou le sel. Pour des raisons sur lesquelles on aura l'occasion de revenir, la dimension de cette flotte artisanale est mal connue. Suivant les sources, on trouve des effectifs compris entre 13 000 et 15 000 pirogues, comprenant des embarcations aussi diverses que des petites pirogues monoxyles non motorisées ou des grandes pirogues de marées de plus de 20 m. Entre 8 000 et 9 000 de ces pirogues travailleraient en mer, le solde dans les eaux fluviales ou estuariennes. La durée des sorties en mer est en général la journée, mais les plus grandes pirogues (appelées localement les pirogues de marée) peuvent rester jusqu'à 10 jours en mer. Les activités de cette flotte débordent largement de la ZEE. Les navires de pêche artisanale peuvent aller pêcher en Mauritanie, dans les eaux des deux Guinée, Sierra Leone et au Libéria sous couvert ou non d'accords de pêche.

Il faut également signaler l'existence de 9 à 10 navires ramasseurs : c'est un cas très particulier. Les navires ramasseurs sont des navires étrangers (souvent armés par des coréens et battant des pavillons de complaisance) qui embarquent à bord une cinquantaine de pirogues de pêche artisanales et leurs équipage recrutés au Sénégal pour aller exploiter les ZEE de pays d'Afrique, en pouvant aller jusqu'en Namibie et en Angola. Ce type d'activité est interdit dans la ZEE nationale. Les captures sont congelées à bord et transbordées sur des reefers. On signale cette activité car elle a souvent posé des problèmes aux Autorités. En effet, les incidents dans les ZEE d'autres pays découlant de ce type de pêche sont fréquents et imputés au Sénégal du fait de la nationalité des pirogues et de leurs équipages.

La flotte industrielle : elle inclut par définition tout ce qui n'est pas flotte artisanale. Suivant les informations communiquées par la DPM, il y avait en 2007 126 navires de pêche nationaux licenciés au Sénégal. Ce sont pour l'essentiel des chalutiers de fond (83 unités, soit 65%), avec 7 navires de pêche thonière (canne essentiellement) et 4 navires dits sardiniers (senne). Parmi les chalutiers, environ 60% sont des navires congélateurs qui peuvent rester en mer plusieurs semaines et le reste sont des navires glaciers qui ne restent pas plus d'une dizaine de jours en mer. L'armement industriel sénégalais est plutôt morcelé (69% des armements n'ont que 1 ou 2 navires). La plupart des navires sont propriété d'armements dits intégrés qui possèdent des industries à terre. Une vingtaine de navires appartient à des sociétés mixtes à actionnariat européen (espagnol, italien et grec). La flotte industrielle travaille surtout dans la ZEE nationale, mais peut exploiter les eaux de la Gambie ou de la Guinée Bissau sous couvert des accords de réciprocité, ou dans les eaux de la Sierra Léone ou de la Guinée sous régime de licence libre. Les thoniers sénégalais pêchent en haute mer dans l'Atlantique, avec également trois navires autorisés à pêcher dans l'océan indien (le Sénégal est partie contractante de l'ICCAT et partie coopérante de la CTOI).

Les navires de pêche artisanale commercialisent leurs captures principalement sur le marché national. Les captures sont vendues dans l'état ou font l'objet d'une transformation artisanale (fumage). Une partie des prises, transformées ou non, sont exportées vers les marchés de la sous-région. Il existe également une filière d'exportation de poissons à haute valeur commerciale vers l'Europe. Les espèces concernées sont achetées par des mareyeurs spécialisés qui revendent à des unités à terre qui congèlent les produits avant exportation, ou les acheminent à l'état frais par avion. Dans ce dernier cas, il peut se passer moins de 12 heures avant l'arrivée sur le marché européen. Cette filière particulière concernerait entre 25 000 et 30 000 tonnes de produits par an. Les captures des navires industriels sont destinées à 99% à l'export sur le marché européen. Les captures congelées bord sont exportées directement. Les captures des glaciers sont travaillées dans des unités à terre qui les préparent et les congèlent avant exportation. La transformation de thonidés en conserve au Sénégal a considérablement chuté au cours de ces dernières années. Il ne reste plus qu'une conserverie au Sénégal (il y en avait trois dans les années 2000) et qui est dans une situation financière critique. Les quantités de conserves exportées vers la CE sont devenues marginales (570 t en 2007). La flotte des senneurs européens en activité dans l'océan atlantique ne vend plus à l'industrie locale.

2.2.2. Les flottes étrangères

D'après la Loi, l'accès aux eaux sénégalaises ne peut se faire que sous couvert d'un accord de pêche. Le Sénégal a des accords de réciprocité avec ses voisins de la sous-région (Mauritanie, Cap Vert, Guinée Bissau, Gambie). En 2007, ce sont 2 navires cap-verdiens (thoniers senneurs) et 1 navire gambien qui ont pris des licences. En plus de ces 3 navires étrangers, il y avait en 2007 9 canneurs européens licenciés au Sénégal sous un régime d'accord privé dérogatoire. Ces navires travaillent dans la ZEE du Sénégal, mais aussi dans les eaux de la Mauritanie, du Cap Vert et de la Guinée sous couvert des accords de pêche conclus entre la CE et ces Etats côtiers.

Note : Etat des relations avec la CE dans le domaine de la pêche

L'accord de pêche qui liait la CE et le Sénégal a expiré mi-2006 et n'a pas été renouvelé depuis. Cela n'empêche pas la CE d'être présente dans le secteur des pêches où il existe un financement de 6 M€ prévu sous le COM STABEX notamment pour le renforcement de l'encadrement du secteur artisanal et la mise en œuvre de la politique sectorielle. Cette enveloppe sera close fin 2009, et il n'est pas prévu d'autres interventions communautaires ensuite. En effet, le secteur ne fait pas directement partie du secteur de concentration du PIN Sénégal sous le 10ème FED. Il pourrait cependant éventuellement l'être au titre de la participation européenne à la stratégie nationale de croissance accélérée qui considère le secteur de la pêche comme un secteur porteur de croissance.

2.3. Transformation du poisson et distribution

La filière pêche sénégalaise est relativement complexe car elle fait intervenir en aval des flottes une multitude d'intervenants. Si les flux en aval de l'armement industriel sont relativement simples (exportation directe ou vente à des unités exportatrices), le secteur artisan se caractérise par une multitude d'intervenants, notamment au niveau du mareyage, qui achètent aux pirogues pour revendre aux unités à terre exportatrices. Le tableau suivant issu d'une étude récente sur le secteur reconstitue ces flux pour l'année 2004. Les autorités sanitaires sénégalaises ont mis en place des régimes d'accréditation des mareyeurs en distinguant les mareyeurs pêcheurs, les mareyeurs dits de catégorie B qui livrent les usines exportatrices, et les mareyeurs de catégorie C qui exportent avec des nivaux d'agréments différents.

Il y avait en 2007 62 entreprises à terre agrées pour l'exportation vers la CE, dont 2 conserveries et 1 entrepôt. On ne dispose pas du détail des activités des entreprises (frais, congelé). Ces usines s'approvisionnent en majorité auprès des navires nationaux, mais importent également de la matière première à transformer (concernerait environ 18,000 tonnes).

<table>
<tr><td>2004</td><td></td><td></td><td></td></tr>
<tr><td rowspan="4">Pêche artisanale
395 000</td><td rowspan="2">Transformation artisanale
140 316</td><td colspan="2">Marché local 72 306</td></tr>
<tr><td colspan="2">Marché export 68 010</td></tr>
<tr><td rowspan="2">Mareyeurs en frais
239 726</td><td colspan="2">Marché local 206 909</td></tr>
<tr><td>Ateliers de mareyage
8 204
Usines de traitement
24 613</td><td>Marché export

Marché export</td></tr>
<tr><td>Usine de farine 14 958</td><td colspan="2">Marchés local et export</td></tr>
<tr><td></td><td></td><td></td><td></td></tr>
<tr><td rowspan="2">Pêche chalutière nationale
41 283</td><td>Usines de traitement
40 870</td><td colspan="2">Marché export 40 870</td></tr>
<tr><td colspan="3">Marché local 413</td></tr>
<tr><td></td><td></td><td></td><td></td></tr>
<tr><td>Thoniers canneurs basés à Dakar 2 662</td><td rowspan="3">Conserveries
13 500</td><td>Usine de farine 4 478</td><td>Marchés local et export</td></tr>
<tr><td>Thoniers non basés à Dakar 9 592</td><td colspan="2">Marché export 7 776</td></tr>
<tr><td>Sardiniers 1 257</td><td colspan="2">Marché local 785</td></tr>
</table>

Source : Revue des dépenses publiques et analyse économique du secteur de la pêche du Sénégal, Fisheries & Agro-Economic Coonsulting, 2007.

Figure 2: Reconstitution des flux dans la filière pêche sénégalaise en tonnes équivalent entier.

2.4. Commerce extérieur

2.4.1. Exportations

En 2006, les statistiques élaborées par les services du Ministère indiquent que les exportations totales de produits de la pêche ont atteint 74 000 tonnes pour une valeur FOB estimée de 236 M€. Les exportations en 2007 seraient proches de 90 000 tonnes (valeur non estimée). Les exportations de produits de la pêche représentent près de 20% des exportations totales en valeur du pays (estimées à 1,23 milliard d'€) et constituent la première commodité en valeur des exportations. Environ 83% du poids des exportations totales de produits de la pêche sont des produits congelés, 9% du frais, 4% du produit transformé et 4% de la conserve.

Le marché de la CE est le principal débouché des exportations sénégalaises. En 2007, le marché communautaire a absorbé 48% en poids des exportations totales, devant le marché africain (37%) et le marché asiatique (9%). Le poids du marché européen en valeur n'est pas publié dans les statistiques, mais la comparaison entre la valeur à l'entrée dans la CE (ci-dessous) et la valeur totale indique une proportion de l'ordre de 68%.

Le tableau suivant indique que les importations de produits sénégalais dans la CE se situent autour de 40,000 tonnes par an pour une valeur de 170 M€. Les importations sont dominées par les mollusques congelés (céphalopodes, avec 23% de la valeur totale des importations en moyenne sur la période 2005-2007), les poissons frais (23% également), les filets de poisson (congelés 10%, frais 7%) et les crustacés (crevettes congelées avec 16%). Les exportations sénégalaises de produits de la pêche reposent par conséquent de manière relativement équilibrée sur plusieurs catégories de produits issus des différentes filières artisanales et industrielles du pays.

Tableau 1 : EC imports of fishery products from Senegal, 2005 to 2007.

	2005		2006		2007	
	Tonnes	Value (EUR,000)	Tonnes	Value (EUR,000)	Tonnes	Value (EUR,000)
Chilled fish	5 522	40 264	5 299	40 014	4 891	38 921
Frozen fish	10 656	19 068	9 995	22 016	14 765	34 781
Fresh fillets	1 640	12 585	1 534	12 528	1 605	13 120
Frozen fillets	3 314	12 661	4 100	18 376	4 253	19 379
Dried and salted fish	51	114	25	63	57	166
Crustaceans	5 657	33 160	4 776	26 946	4 898	20 946
Molluscs	11 507	41 004	8 732	33 238	10 859	42 679
Canned & preserved fish	7 451	19 130	2 737	6 731	2 705	7 174
Canned & preserved invertebrates	1	6	0	0	0	0
Total	**45 799**	**177 992**	**37 197**	**159 911**	**44 032**	**177 166**

Source : COMEXT

L'analyse des importations par mode de transport révèle que 68% des importations en valeur en 2007 ont été acheminées par voie maritime et 30% par voie aérienne. Logiquement, la mer est le moyen de transport utilisé pour les produits stabilisés (congelés ou transformés). Le transport aérien concerne les exportations de poissons frais (entiers ou filets).

Tableau 2 : Imports of fishery products from Senegal by mode of transport in 2007.

	Unknown		Sea		Road		Air	
	Tonnes	Value (EUR,000)	Tonnes	Value (EUR,000)	Tonnes	Value (EUR,000)	Tonnes	Value (EUR,000)
Fresh fish	2	12			1	5	4 890	38 876
Frozen fish	17	15	15 096	34 994	16	27	41	612
Fish fillets (frozen or fresh)	479	1 869	3 800	17 652	2	7	1 578	12 541
Smoked / salted fish			5	7			53	159
Crustaceans			4 840	20 038	10	41	51	932
Molluscs	919	1 560	9 870	40 719	44	224	26	175
Canned & pres. fish			2 583	6 850	121	316	0	8
Canned & pres. invertebrates								
TOTAL	**1 417**	**3 456**	**36 194**	**120 260**	**194**	**620**	**6 639**	**53 305**

Source : COMEXT

Le régime des échanges entre le Sénégal et la Communauté est le régime EBA du SPG offert aux PMA. Le Sénégal n'a signé aucun accord de partenariat économique à ce jour avec la CE. Les règles d'origine qui s'appliquent sont celles prévues sous le régime SPG (Reg (CE) 2454/93) comprenant notamment des clauses sur la nationalité du navire à l'origine des captures et la composition de son équipage plus restrictives que l'ancien régime Cotonou.

2.4.2. Importations

Les importations de produits de la pêche au Sénégal sont réputées faibles mais ne font pas l'objet de statistiques détaillées. D'après les informations obtenues sur place, ces importations concernent surtout de la matière première destinées à la transformation. On sait qu'il existe notamment un flux de matière première importée à l'état frais par la route de Mauritanie (espèces de la pêche artisanale), et quelques flux d'importation issus des débarquements de navires étrangers à Dakar. Parmi ces navires étrangers, il y a quelques unités communautaires qui sont les canneurs qui livrent leurs produits à l'industrie locale. En 2006, l'exportation de produits de la pêche de la CE vers le Sénégal (débarquement des thoniers) a concerné 2 000 tonnes de thonidés. Globalement, il a été estimé que le volume de matière première importée au Sénégal est proche de 18 000 tonnes par an (base 2004), sans plus d'indications sur la répartition suivant l'origine.

2.5. Cadre institutionnel

2.5.1. Les institutions en charge

Le ministère en charge de la pêche est le Ministère de l'Economie Maritime et des Transports (MEMT). Il est structuré en plusieurs directions techniques dont :

- La Direction des Pêches Maritimes (DPM) en charge en particulier de l'aménagement des pêcheries, de la délivrance des licences de pêche et de la collecte des statistiques
- La Direction de la Pêche Continentale (DPC) qui est le pendant de la DPM pour les eaux estuariennes et fluviales. Dans le cadre de cette étude, sa présence peut ne pas être anecdotique car il existe des pêcheries estuariennes artisanales de crevettes pour

l'exportation. A noter que la limite administrative des compétences de la DPM et de la DPCA n'est pas clairement fixée.

- La Direction de la Protection et de la Surveillance des Pêches (DPSP) en charge de la police des pêches et de l'organisation des activités de contrôle, suivi et surveillance.

- La Direction des Industries de Transformation (DITP) qui est l'autorité compétente agrée par la Commission pour le contrôle sanitaire des produits à l'exportation. Elle est notamment responsable de la mise en œuvre des dispositions du paquet hygiène, incluant la traçabilité.

Lors de la mission, on a pu apprécier que ces différentes directions fonctionnent de manière plutôt cloisonnée. Il n'existe pas vraiment de structure veillant à la coordination de leurs activités, et les échanges d'information ne sont pas systématisés. Sur le terrain, ces directions s'appuient sur des structures déconcentrées dans les régions littorales du Sénégal.

A côte des ces directions techniques du MEMT, il existe deux autres administrations intervenant dans la filière export de produits de la pêche :

- La Direction du Commerce Extérieur et la nouvelle agence de promotion des exportations ASEPEX qui sont impliquées dans la délivrance des certificats d'origine

- Les douanes, en charge du contrôle des flux aux frontières du pays. La Douane est représentée sur le port de Dakar, principal point d'exportation par voie maritime et à l'aéroport pour l'exportation par voie aérienne. Les Douanes sénégalaises sont parties de la convention de Kyoto révisée de l'Organisation Mondiale des Douanes.

2.5.2. L'environnement réglementaire

La régulation du secteur de la pêche au Sénégal s'appuie sur le Code des Pêches adopté en 1998 (Loi 98-32), son décret d'application adopté la même année (Décret 98-498), et des arrêtés ministériels pris en application de ces deux textes. En ce qui concerne l'attribution du pavillon sénégalais aux navires de pêche et la délivrance de l'autorisation de naviguer, c'est le Code de la Marine Marchande qui est d'application. Les principaux aspects d'intérêt du corpus réglementaire sénégalais pour cette étude sont listés dans les paragraphes suivants :

Portée réglementaire: le Code des pêches porte sur les activités de pêche à l'intérieur de la zone sous juridiction nationale. Il ne concerne pas par conséquent les activités de pêche réalisées par les navires sénégalais en dehors de la ZEE. Cette situation est aggravée par le fait qu'il n'existe pas d'interdiction faite aux navires de quitter la ZEE, et donc de système d'autorisation spécifique pour le faire. Or, les navires de pêche sénégalais exploitent les ressources des ZEE d'Etats côtiers voisins sous couvert ou non d'accords de pêche ou les zones de haute mer pour les navires thoniers. Pour ce dernier cas, il existe cependant un système d'autorisation pris en application des résolutions des ORGP compétentes (ICCAT et CTOI) mais qui n'a pas de caractère officiel.

L'attribution du pavillon: la Loi énonce un certain nombre de contraintes pour l'attribution du pavillon, dont un actionnariat à majorité composé de ressortissants de la CEDAO. En autres documents techniques, la sénégalisation de navires importés ne peut être acceptée que sur présentation d'un certificat de radiation du registre précédent et une promesse de licence délivrée par l'administration des pêches. Il n'est donc a priori pas possible qu'un navire de pêche obtienne le pavillon sans que les autorités en charge de la pêche n'en soient informées. Les autorités sénégalaises ont connu quelques déboires dans le passé avec la fourniture par des soumissionnaires de faux documents de sénégalisation à des navires (dont un navire britannique et un russe) qui tentaient de cumuler plusieurs pavillons. Une fois le pavillon acquis, le navire doit se soumettre à des contrôles techniques périodiques pour continuer d'être autorisé à exercer, notamment pour vérifier sa situation en regard des règles de sécurité (renouvellement du permis de navigation).

La licence de pêche: le régime des licences de pêche a été institué pour la pêche industrielle nationaux ou étrangers opérant dans la ZEE. Il est administré par la DPM qui délivre les licences au sein d'une commission spéciale qui associe les autres administrations en charge de la pêche (dont la DMM, la DPSP et la DITP). La DPM entretient son propre fichier des licences. En ce qui concerne le

secteur de la pêche artisanale, un régime de permis de pêche a été institué par arrêté en 2005. Il prévoit que toute embarcation artisanale doit être titulaire d'un tel permis pour exercer dans la ZEE, avec des préalables requis comme l'immatriculation. Le degré d'application effective de cet arrêté est très faible. Environ 2 000 permis auraient été délivrés pour un effectif de 14 000 embarcations environ.

Registre des navires de pêche: le registre national des navires de pêche sénégalais a été officiellement créé en 2005 pour les navires de pêche industrielle par voie d'arrêté et confié à la DPSP. Tout navire qui souhaite obtenir une licence de pêche doit être inscrit dans ce registre central. Il a pu être constaté que ce registre est raisonnablement à jour en ce qui concerne les autorisations de pêche délivrées aux navires nationaux et étrangers autorisés à pêcher dans la ZEE. Il manque par contre un lien avec les informations de la Marine Marchande qui attribuent le pavillon et vérifient le respect des règles de navigation par des visites techniques périodiques. En ce qui concerne la pêche artisanale, il n'existe pas de registre des flottes. La raison est que le Sénégal est engagé depuis le début des années 2000 dans un processus de recensement et d'immatriculation des embarcations artisanales sous l'objectif de mettre un terme au régime de libre accès qui prévaut encore actuellement et dont on pense qu'il a contribué à la dégradation de l'état des ressources. Sujet de l'attention des bailleurs de fonds, dont la CE grâce aux financements STABEX, ce programme doit normalement être terminé eu août 2009. Suivant ce qui a été constaté lors de la mission, il reste du chemin à parcourir avant l'immatriculation effective de tout le parc piroguier et la constitution d'un registre, incluant les procédures pour sa mise à jour.

Journal de bord: bien que le Code de la Pêche le prévoie, l'obligation de journal de bord n'est pas mise en œuvre au Sénégal. Cette obligation demanderait l'adoption d'un arrêté spécifique qui définirait le format standard du journal de bord, les procédures pour le remplir, et les obligations en ce qui concerne sa soumission aux autorités. Cette absence de texte rend aléatoire la collecte des informations pertinentes par les autorités (statistiques de pêche) et prive l'administration d'une source de données pour la validation des déclarations. Il n'existe pas par ailleurs de système d'embarquement d'observateurs sur les navires sénégalais qui pourrait compenser dans une certaine mesure cette absence. Seuls les navires étrangers licenciés dans la ZEE et les navires collecteurs qui embarquent des pirogues sénégalaises pour pêcher dans d'autres ZEE sont soumis à l'obligation d'embarquement d'observateurs. En ce qui concerne la pêche artisanale, il n'existe pas de système déclaratif.

Suivi par VMS: Un arrêté promulgué en 2005 a instauré l'obligation de VMS pour les navires de pêche opérant dans la zone sous juridiction à compter du 1er janvier 2006. Les données de positionnement des navires sont recueillies et examinées par la DPSP au centre de Dakar et ne sont pas partagées avec d'autres administrations. Cette obligation ne s'impose qu'aux navires dans la ZEE. Les navires sénégalais qui quittent la ZEE ne sont pas contraints de maintenir leurs VMS en état de marche, même si on a pu vérifier que certains continuent à émettre en dehors de la zone sur une base volontaire.

Débarquement / transbordement: la réglementation restreint la possibilité de transborder aux ports ou aux rades et sous la surveillance des autorités. Le transbordement en mer est interdit. En ce qui concerne le débarquement, il n'est inscrit nulle par que les navires nationaux doivent débarquer leurs prises au Sénégal, mais cela semble être la pratique courante en raison des facilités portuaires disponibles à Dakar et à l'absence d'alternative dans la sous-région (hormis Las Palmas ou Dakhla au Maroc). Cependant, la restriction du champ d'application de la loi aux zones sous juridiction sénégalaise fait que l'on ne peut opposer les textes aux opérateurs qui transborderaient en dehors de la ZEE.

Le secteur aval: les industries exportatrices vers la CE (navires congélateurs et industries à terre) doivent obtenir un agrément délivré par la DITP qui porte sur les conditions sanitaires et sur la définition et la mise en œuvre des plans HACCP. Les intermédiaires (mareyeurs) qui sont impliqués dans la filière export doivent également détenir une autorisation de la DITP. Il existe quelques dispositions réglementaires qui visent à mieux maîtriser la traçabilité des produits. Un arrêté interministériel pris en 2007 exige une notification préalable aux autorités des importations et la production des certificats vétérinaires délivrés par les autorités du pays d'origine comme condition à l'importation. En ce qui concerne la maîtrise des approvisionnements de la pêche artisanale, l'administration travaille sur l'élaboration d'un texte qui obligerait les pirogues débarquant les produits pour l'exportation à débarquer dans un centre agréé avec une inspection systématique des produits donnant lieu à la délivrance d'un certificat sanitaire à la première vente mentionnant l'identifiant de la

pirogue (dont son futur numéro d'immatriculation) et des renseignements connexes comme la zone de pêche (y compris les ZEE des pays de la sous-région).

En première conclusion, il s'avère que le cadre réglementaire régissant les activités de pêche est relativement incomplet. Ces deux principaux vides sont i) l'absence de dispositions régissant les activités de pêche des navires sénégalais en dehors de la ZEE, et ii) l'absence d'encadrement des activités de pêche artisanale que ce soit dans ou en dehors de la ZEE. Ce sont des vides juridiques potentiellement critiques car des navires de pêche sénégalais, industriels ou artisans, exercent pour tout ou partie de l'année en dehors des eaux sous juridiction. Les navires industriels pêchent dans les eaux des Etats de la sous-région soit sous-couvert des accords de réciprocité (Gambie, Mauritanie, Cap-Vert, Guinée Bissau) et dans ce cas l'autorité est informée, soit dans le cadre d'accords privés (Sierra Leone, Guinée, Libéria) sans que l'autorité nationale ne soit systématiquement informée. Les conditions d'activités dans les eaux des Etats côtiers concernés sont certes régies par les conditions négociées sous les accords publics ou privés mais il est clair que les capacités de surveillance de certains de ces Etats ne permettent pas un suivi adéquat. En ce qui concerne la pêche artisanale, la situation est également potentiellement critique car les pirogues sénégalaises tendent de plus en plus à élargir leurs zones de pêche aux zones sous juridiction d'Etats côtiers voisins pour tenter de pallier la diminution des rendements dans la ZEE nationale. Certaines pirogues dites de marée qui possèdent une autonomie de plusieurs jours iraient ainsi pêcher dans toute la sous-région avec une contribution substantielle de ces captures dans les débarquements totaux. Certains chiffres officieux qui circulent font état d'une proportion de 40% des débarquements de la pêche artisanale sénégalaise provenant des ZEE étrangères voisines, avec comme conséquence que l'on ne sait précisément d'où ces captures proviennent et une imputation dans les travaux d'évaluation des stocks comme prises sur les ressources nationales (donc surévaluation des captures nationales et sous-évaluation des captures dans les autres ZEE).

2.5.3. Le contrôle du respect

Le contrôle du respect de la réglementation pêche sénégalaise est de la responsabilité de la DPSP. Pour ce faire, la DPSP effectue des inspections à l'occasion des débarquements et des transbordements à l'aide d'agents présents sur le port de Dakar et dans les régions. Les contrôles ciblent les quantités mises à terre, la présence éventuelle d'espèces sous-taille et la conformité des engins de pêche à bord. Elle dispose également d'un corps d'une soixantaine d'observateurs embarqués systématiquement sur les navires étrangers. En matière de suivi, cette administration ne dispose que du VMS. Elle ne dispose pas d'autres sources comme les journaux de bord qui pourrait être rapprochés des données VMS ou des données collectées lors des inspections à quai.

La DPSP est également chargée du contrôle en mer. Elle dispose de moyens propres qui incluent 1 aéronef spécialisé, 2 vedettes de surveillance côtière de 12 m et deux vedettes de surveillance des zones hauturières de 20 m. La DPSP dispose également de moyens de surveillance radar et de communication répartis dans les 10 stations côtières placées sous son autorité. En outre, la DPSP reçoit l'appui ponctuel des Forces Françaises basées au Cap Vert comprenant deux survols de la ZEE par mois avec identification des navires. Elle est également appuyée par les moyens de la Marine Sénégalaise qui participe aux patrouilles conjointes organisées par l'agence FRONTEX dans le cadre des opérations Hera de lutte contre l'immigration clandestine.

En matière de coopération internationale, la DPSP entretient des relations de travail soutenues avec son homologue de Mauritanie. Ces relations sont nées des difficultés liées au contrôle de l'accès des pirogues de pêche artisanales sénégalaises en Mauritanie et au contrôle des incursions de navires de pêche industriels licenciés en Mauritanie dans la partie nord de la ZEE nationale. La DPSP organise également des opérations conjointes avec la Guinée Bissau dans la zone partagée.

Les moyens de la DPSP restent cependant limités. Son budget de fonctionnement est de l'ordre de 380 000 € par an en allocation initiale, fréquemment amputé en cours d'année. Ce budget permet d'organiser une centaine de jours de patrouille quand il ne faut pas faire face à des dépenses imprévues comme la remise en état des moyens de surveillance (l'avion de la DPSP est actuellement immobilisé en attente de réparation). Conséquence de cette situation difficile, la détection des infractions reste à un niveau faible, de l'ordre d'une vingtaine par an. Les infractions les plus courantes concernent les engins de pêche (maillages non-conformes qui sont détectés lors des inspections en mer ou à quai), le transbordement non-autorisé ou la pêche en zone interdite.

3. LES SYSTEMES DE CERTIFICATION EXISTANTS

3.1. La certification d'origine

La Direction du Commerce extérieur, puis depuis peu l'Agence Sénégalaise de Promotion des Exportations (ASEPEX) sont les autorités habilitées à valider les certificats d'origine vendus par les Chambres de Commerce. La Douane vérifie la présence des certificats et les contresigne.

Lors des entretiens conduits à l'occasion de la mission, il est apparu qu'il y a une confusion sur le rôle de ces certificats d'origine et des conditions associées à leurs délivrances, confusion issue d'une méconnaissance de la réglementation en la matière. La seule documentation demandée par l'ASEPEX pour la délivrance des certificats d'origine pour les produits entièrement obtenus est une facture commerciale de l'exportateur sénégalais à l'importateur européen, ce qui est hors de propos. Les éléments de traçabilité amont, qui devraient normalement permettre de vérifier entre autre le pavillon du navire et la composition de son équipage, ne sont pas exigés. Les autorités en charge de la pêche ne sont impliquées à aucun moment dans le processus de validation de ces certificats d'origine.

Il s'agit par conséquent d'une procédure qui est à revoir rapidement. En l'état actuel, elle ne pourra pas appuyer le futur processus de validation des captures. Par contre, la procédure révisée de certification de l'origine pourra profiter des avancées provoquées par la mise en œuvre de la certification des captures qui incorporent la prise en compte de la traçabilité amont.

3.2. Les certifications dans le cadre des ORGP

Le Sénégal est partie contractante de l'ICCAT et de la CTOI. Le pays effectue également des démarches pour devenir partie contractante de la WCPFC. Dans l'Atlantique, des navires sénégalais pêchent les thonidés à la canne et à la palangre (reconversion récente de quelques chalutiers industriels). Dans l'océan indien, les navires sénégalais pêchent les thonidés à la palangre. C'est très probablement cette activité de pêche qui est / sera conduite dans les eaux du Pacifique Central et Sud.

Les autorités sénégalaises sont donc amenées à valider des documents relatifs aux échanges de certains thonidés. Là encore, il semble qu'il y ait eu une confusion sur la nature de ce document. Le Sénégal a désigné les autorités sanitaires (la DITP) comme autorité compétente pour valider ces documents, assimilant sans doute ce document à un autre type de certification sanitaire. La DITP les signe donc, mais sans avoir de moyens de vérifier la légalité des opérations en l'absence de flux d'informations provenant des autres directions potentiellement impliquées (DPM, DPSP).

La procédure de validation de ces documents est donc à revoir. Si elle ne peut servir d'architecture à un futur système de validation des certificats de captures, elle pourra cependant y être intégré.

3.3. La certification sanitaire

La certification sanitaire des produits de la pêche est sous la responsabilité de la DITP. Les entretiens menés lors de la mission tendent à indiquer que cet aspect est traité avec sérieux malgré des difficultés chroniques de fonctionnement (33 000 € de budget par an en dotation initiale de fonctionnement). Le rapport de la dernière inspection de l'OAV en 2007, aux conclusions relativement favorables, confirme cette perception.

La traçabilité sanitaire des produits débarqués par les navires industriels semble correcte. Les débarquements sont inspectés dès l'arrivée à quai et font l'objet de la délivrance d'un certificat sanitaire qui suit le produit jusqu'à l'exportation.

Actuellement, les efforts portent sur l'établissement d'une traçabilité totale des produits de la pêche artisanale. Les moyens retenus sont la restriction des possibilités de débarquement de la filière artisanale export à 8 sites pilotes aménagés en conséquence (ces 8 sites concentrent déjà 90% des

débarquements). Chaque débarquement de pirogue dans ces 8 sites fera l'objet d'une inspection au débarquement qui donnera lieu à la délivrance d'un certificat sanitaire à la première vente qui identifiera le navire vendeur et qui suivra le produit dans son cheminement jusqu'à l'export.

La DITP est également intervenue dans un contrôle renforcé des importations. Avant la prise de l'arrêté de 2007, il n'y avait pas réellement de contrôle sanitaire des importations de produits de la pêche destinés aux industries de transformation. Ce nouveau texte introduit l'exigence d'une annonce préalable des importations pour mobiliser les équipes d'inspection des produits, et surtout l'exigence de présentation d'un certificat sanitaire validé par les autorités du pavillon du navire (ou celles qui ont été déléguées) si le produit se présente sous une forme traitée ou conditionnée. S'il s'agit de produits bruts, la DITP certifiera la salubrité du produit, en s'assurant que le navire en question a bien été agréé par son autorité compétente le cas échéant.

On pourra également chercher à améliorer le contrôle matière de ces importations. Actuellement, il n'existe pratiquement pas. Les entreprises de transformation qui importent le font sous des régimes de points francs (l'admission temporaire n'est pas pratiquée dans le secteur de la pêche au Sénégal). Le contrôle des flux matières dans ces entreprises sous régime franc revient à la Douane qui ne dispose pas réellement de l'expertise pour le faire (besoin de connaître a minima les rendements matières de la transformation). La DITP dans le cadre du contrôle des plans HACCP est amenée à vérifier l'existence des registres entrée-sortie, mais ne fait pas de contrôle matière en l'absence de texte réglementaire adéquat. La promulgation d'un nouveau texte sera probablement nécessaire pour donner un fondement légal à la validation des certificats prévus à l'annexe IV du Reg (CE) 1005/2008.

En première conclusion, il est clair qu'il pourra il y avoir des synergies entre la traçabilité sanitaire et la traçabilité exigée pour la validation des certificats de captures.

3.4. CITES

Les Autorités en charge de la pêche ne sont informées d'aucune demande de certification des espèces marines concernées par la convention CITES. Les statistiques de la CITES indiquent d'ailleurs qu'il n'existe pas d'opération d'exportation d'espèces marines protégées à partir du Sénégal.

APPENDIX 1: LIST OF PERSONS MET

La liste suivante présente les personnes rencontrées. Ne sont mentionnées que celles avec qui on a pu échanger des cartes de visite.

	Nom	Prénom	Affiliation
Mr	DIAGNE	Abdoulaye	Commerce extérieur
Mr	DIATTA	Joachim	DIPT
Mme	DIOP	Ndèye Tické Ndiaye	Directrice DPM
Mr	DIOUF	Matou	Directeur DPC
Mme	FALL	Rokhayatou	DCE Dakar
Mr	FAYE	Mamadou	DPSP
Mr	FAYE	Abdou	Douanes
Mr	GUEYE	Magueye	DMM
Mr	KINADJIAN	Lionel	Conseiller MEMT
Mr	LOUM	Babou	DPM
Mr	LUNEL	Eric	DCE Dakar
Mr	MBOUP	Dame	Directeur DPSP
Mr	NDAO	Soulèye	DPC
Mr	NDAW	Sidi	DPM
Mr	NDIAYE	Idrissa	Port autonome de Dakar
Mme	TALLA	Marième Diagne	DPM
Mr	THIAM	Moustapha	Dir. Adjoint DPM
Mr	THIOUB	Yerim	Directeur DMM

ANNEX 10: MAURITIUS MISSION

CONTENTS

TABLEAUX

INTRODUCTION

Dans le cadre de la mesure de l'impact de l'adoption du Reg (CE) 1005/2008 sur les pays tiers, Maurice a été sélectionné comme l'un des pays tiers pour une étude de cas.

Une mission d'étude a eu lieu entre le 23 février et le 3 mars 2009. Elle a été organisée par les autorités mauriciennes en coordination avec les services de la DCE à Maurice. La mission s'est déroulée suivant le planning suivant :

- Mardi 24 février : réunion de lancement de la mission organisée au siège du Département des Pêches de Maurice en présence des principales parties concernées (autorités publiques, secteur privé)
- Mercredi 25 février : Réunion au « One Stop Shop Service » (guichet unique d'accueil des navires de pêche s'arrêtant à Port Louis) en présence des Autorités Douanières, des services du Ministère de la Santé, de l'Autorité compétente sanitaire, des services de contrôle des pêches (Fisheries Protection Service) et des Gardes-Côtes. Après-midi : visite d'entreprises privées dont Froid des Mascareignes (stockage en froid négatif de thons pour la conserve), Mer des Mascareignes (préparation de produits surgelés), Thon des Mascareignes (usine de fabrication de longes de thonidés)
- Jeudi 26 février : Réunion avec les Services des Douanes puis avec le Département des Pêches. Après-midi : visite d'une entreprise privée Princes Tuna (conserverie de thons)
- Vendredi 27 février : Réunion avec des représentants du Ministère des Affaires Etrangères, poursuite des discussions avec le Département des Pêches. Après-midi : visite du Centre d'Albion : suivi des navires (journaux de bord, VMS)
- Lundi 2 mars : Fin des discussions avec le Département des Pêches, Débriefing à la DCE avec les représentants de la CE concernés (MM. Tranquilli et Reiss). Après-midi : réunion de restitution organisée au Département des Pêches avec les parties publiques et privées concernées (y.c. la DCE)

La mission s'est déroulée dans un excellent esprit de coopération et de transparence. L'auteur remercie les Autorités du Département des Pêches qui ont veillé au bon déroulement de la mission, et principalement MM Mauree, Norungee et Daby.

1 LE SECTEUR DE LA PÊCHE

1.1 Ressources halieutiques et production

Les flottes nationales

Les flottes de pêche mauriciennes se divisent en deux grands segments : le segment artisanal et le segment semi-industriel et industriel.

- Le segment artisan se composait en 2007 de 1 570 navires non pontés pour la plupart qui exploitent les ressources halieutiques disponibles dans les lagons ou dans les espaces océaniques proches de la côte. Les captures sont modestes (de l'ordre de 690 tonnes) et composées d'espèces de poissons et de crustacés qui sont placées pour l'essentiel sur le marché local.
- Le segment semi-industriel et industriel incluait en 2007 35 navires licenciés. 27 de ces navires ciblent les espèces de fonds qui se trouvent sur les bancs coralliens sous des profondeurs moyennes de 100 m vers le Nord de la ZEE (Banks Fisheries). Certains de ces navires (7 unités) sont des navires gigognes de 50 m en moyenne qui chargent une trentaine de barques artisanales nationales chacun et qui congèlent les captures à bord, d'autres sont des navires de pêche classiques qui conservent les captures en frais ou en congelé. Les débarquements de cette flotte sont destinés au marché local, avec quelques exportations de poissons frais par avion vers La Réunion. Ce segment semi-industriel comprend également 8 navires palangriers utilisant principalement la palangre de surface. En 2007, tous ces navires sauf deux étaient des unités de moins de 24 m. Les deux unités de plus de 24 m sont des palangriers en société mixte avec des intérêts espagnols. En 2009, il ne restait plus qu'une unité active.

La flotte de pêche mauricienne est par conséquent peu nombreuse. Sa production est modeste. Jusqu'en 2006, les débarquements étaient de l'ordre de 9 000 tonnes par an. En 2007, ils ont chuté à 6 500 tonnes du fait de la décroissance de certains segments de flottes (palangrière notamment). Les captures de cette flotte nationale approvisionnent le marché local, avec quelques quantités exportées.

Les flottes étrangères

Les Autorités mauriciennes délivrent des licences de pêche à des intérêts sous pavillon étranger. Les licences sont soit délivrées dans le cadre d'accords de pêche quand il en existe (CE, Japon et Seychelles en 2007) soit délivrées à des opérateurs individuels en l'absence de tels accords.

En 2007, il existait donc trois accords de pêche en vigueur : celui avec la CE pour l'accès de thoniers senneurs (41 au maximum) et de palangriers de surface (49 au maximum), celui avec le Japon (50 palangriers au maximum), et celui avec les Seychelles pour des thoniers senneurs (10 au maximum) et des palangriers (20 au maximum). Le tableau suivant présente les taux d'utilisation des possibilités négociées sous ces accords de pêche. A noter que le protocole d'accord négocié avec la CE est arrivé à expiration en décembre 2007. Il n'a pas été renouvelé depuis (l'accord cadre reste cependant en vigueur).

En dehors d'accords, Maurice a délivré des licences de pêche à 85 navires étrangers en grande majorité pour la pêche de thonidés à la palangre. Au total, 71 de ces navires battaient pavillon de Taiwan (83%), Japon (6 unités pour extension des périodes de licences prévues sous l'accord avec ce pays), Malaisie (4 unités), Belize (2 unités), Corée et Indonésie (1 unités chacun). En plus de ces 85 licences thonières, Maurice avait délivré en 2007 3 licences à des navires sous pavillon malgache pour la pêche démersale sur les bancs. En 2008, une licence a été délivrée à un navire sous pavillon Kiribati pour la pêche d'holothuries dans les lagons et une à un navire sous pavillon du Cambodge pour la pêche à la palangre de fond sur les bancs.

Tableau 1: Fishing agreements concluded by Mauritius in 2007 with maximum and actually exploited fishing possibilities.

	Senneurs		Palangriers	
	Maximum	Actual	Maximum	Actual
CE	41	39	49	27
Japon	--	--	50	29
Seychelles	10	9	20	0

Source : Ministry

Le tableau suivant indique que le nombre de licences attribuées à des intérêts étrangers sous accord ou non est resté stable autour de 210 licences jusqu'en 2007. La baisse notée en 2008 est liée au retrait des navires sous pavillon CE (environ 80 licences par an), et à une diminution du nombre des palangriers sous pavillon taiwanais (50 licences en 2008 contre plus de 70 en 2007).

D'après les données de journaux de bords fournies par ces navires, les captures de cette flotte étrangère sous licence en 2007 étaient de l'ordre de 15 500 tonnes, en majorité des thonidés et espèces apparentées capturées par la flotte des palangriers sous licences.

Tableau 2: Number of licenses issued to foreign fishing vessels to fish in the Mauritian EEZ by type of vessels.

	Palangriers	Senneurs	Ligne	Chalutier	Bancs	Palangre de fond	Holothuries	Total
2004	181	34	1	0	0	0	0	**216**
2005	175	39	0	0	3	0	0	**217**
2006	183	43	0	2	3	0	0	**231**
2007	141	59	0	0	3	0	0	**203**
2008	81	16	0	0	0	1	1	**99**

Source : Ministry

Les transbordements à Port Louis

Maurice possède avec Port-Louis un port de pêche qui est fréquenté par des flottes étrangères, qu'elles soient licenciées pour pêcher dans la ZEE de Maurice ou non. D'après les opérateurs, Port-Louis offre une position d'escale intéressante en raison de sa proximité avec les zones de pêche palangrières ou australes, et des facilités que l'on peut y trouver en terme de soutien logistique (approvisionnement, rotation d'équipage, trafic cargo, stockage à terre). Pour l'instant, Port-Louis est peu fréquenté par les senneurs européens qui travaillent plus au Nord et basent leurs opérations à Victoria aux Seychelles. La présence d'un chantier naval fait cependant que des senneurs déchargent directement à Port Louis quand l'escale coïncide avec un arrêt programmé au chantier.

D'après les statistiques des autorités en charge de la pêche, il y a eu en 2007 644 escales de navires de pêche étrangers (y compris de navires transporteurs) à Port Louis. L'essentiel de ces escales concerne des palangriers (544 escales), principalement des navires de Taiwan (249 escales), d'Indonésie (123 escales) et du Japon (69 escales). Les navires transporteurs (les reefers) ont effectué 62 escales à Port Louis en 2007. Sur ces 644 escales, 585 ont donné lieu à des opérations incluant un transbordement des captures. Les autres escales n'ont été que pour des opérations logistiques sans transbordement.

Le tableau suivant présente les données disponibles sur le nombre d'escales par type de navire, ainsi que les principaux pavillons concernés. On note une diminution significative du nombre d'escales entre 2006 et 2007 (-17% au total mais -22% pour les palangriers) que les autorités locales expliquent à titre principal par l'entrée en vigueur en 2007 d'une nouvelle réglementation sur les contrôles au port

qui a donné de nouveaux outils juridiques utilisables pour refuser l'accès à des navires douteux (voir § suivants).

Tableau 3: Number of calls in Port Louis harbour by type of fishing vessel.

	2006	2007	Pavillons principaux
Reefers	48	62	Maurice, Panama, Taiwan
Céphalopodiers*	7	17	Taiwan, Vanuatu, Corée
Fileyeurs de fond	1	1	St Kits, Panama
Palangriers thonidés	701	544	Taiwan, Indonésie, Japon
Chalutiers**	13	8	Cook, Thaïlande; Australie
Légine australe	21	18	Australie, France
Senneurs thonidés	9	13	France, Espagne, Seychelles
Divers	1	1	France
TOTAL	801	664	

* Les céphalopodiers en question sont des navires qui exploitent les ressources en calmars pélagiques principalement en haute-mer.
** Chalutiers qui exploitent les espèces profondes sur les monts sous-marins au Sud de Madagascar
Source : Ministry

Il n'existe pas de statistiques consolidées sur les quantités déchargées / transbordées à Port Louis. Cependant, les entretiens conduits sur place permettent de préciser que :

- Les opérations des reefers concernent en très grande majorité des thonidés chargés aux Seychelles à partir de senneurs européens et seychellois et destinés à la transformation par les industries locales. Ces quantités qui concernent environ 90 000 tonnes de thons par an sont la principale source de matière première pour le secteur de la transformation.
- Les palangriers ont transbordé près de 24 000 tonnes d'espèces de thonidés, dont en majorité du germon et de l'albacore. La quasi-totalité des ces thonidés repartent sur les marchés asiatiques. Port Louis a cependant vu quelques escales de palangriers espagnols qui ont transbordé pour acheminement vers le marché communautaire.
- Les navires spécialisés sur la légine australe (pavillons France, principalement PTOM, et Australie) ont transbordé un peu moins de 2 000 tonnes de légines en 2007 destinées en totalité au marché japonais. Quelques unités de transformation locales travaillent ce poisson (découpe, mise en barquette) avant réexportation.
- Enfin, les chalutiers de grands-fonds ont transbordé environ 1 800 tonnes en 2007. Cela concerne des espèces comme l'empereur, l'alfonsino ou les cardinaux. Pour le moment, ces poissons sont réexportés directement vers la Chine ou la Namibie pour des opérations de découpe (filetage, mise sous conditionnement consommateur pour le marché USA), mais au moins une entreprise locale envisage de réaliser ce type de prestation à l'avenir.

L'aquaculture à Maurice

L'aquaculture à Maurice est un secteur peu développé. En 2007, une unité, la Ferme Marine de Mahebourg, a produit 550 tonnes d'espèces de poissons, principalement Scyanops ocellatus (le *red drum)* et Rhabdosargus sarba (*silver sea bream)*. La plupart des ces espèces ont été placées sur le marché local, avec quelques exportations vers les pays du Golfe Persique, la Suisse et les USA. Maurice n'est pas agréé par la CE pour le contrôle sanitaire des produits d'élevage. Les Autorités sont dans la phase d'élaborer un plan directeur de développement, mais il est admis que le secteur ne pourra pas se développer de manière importante en raison du manque de disponibilité local des intrants et de la pression foncière exercée par le secteur du tourisme dans les zones littorales.

1.2 Transformation du poisson et distribution

Le secteur de la transformation des produits de la pêche à Maurice tient une place importante. Des industries locales se sont développées en capitalisant sur les avantages compétitifs du pays, en particulier en matière de main d'œuvre (coût, productivité) appuyées par des mesures incitatives mises en œuvre par les Autorités nationales (conditions d'investissement, fiscalité) sous le concept général du Seafood Hub1.

Il y avait en 2007 15 entreprises enregistrées sous le Seafood Hub à Maurice. L'examen de la liste des entreprises agrées pour l'exportation publiée par la DG SANCO le 12/2/2009 permet de vérifier qu'il y a 12 établissements à terre (PP) autorisés à exporter vers la CE. Deux de ces unités (Thon des Mascareignes et Princes Tuna) sont spécialisées sur la transformation des thonidés pêchés à la senne en conserves ou en longes. Les autres unités sont des entreprises engagées dans la préparation des produits de la pêche (découpe, mise en emballage). Une unité est une ferme d'élevage de poissons, et deux sont des unités de stockage à terre qui conservent en chambres froides les thonidés déchargés par les reefers avant transformation dans les deux entreprises susnommées.

Les produits de la pêche d'origine nationale étant peu abondants du fait de la faible dimension de la flotte nationale, les activités de transformation à Maurice dépendent à environ 95% de matières premières importées, c'est-à-dire pêchées par des navires battant des pavillons autres que Mauricien. Les 5% restants sont des grands pélagiques ou des espèces démersales débarquées par la flotte nationale.

En ce qui concerne les deux plus grosses unités de l'île (les usines de transformation du thon) et qui sont tournées en grande majorité vers l'approvisionnement du marché de la CE, les approvisionnements sont d'origine communautaire (Espagne, France, Italie) et Seychellois afin d'obtenir de la matière première originaire. Dans le cadre du régime dérogatoire accordé par la CE pour des quantités relativement modestes (3 000 tonnes de conserves et 600 tonnes de longes en 20082), les deux conserveries s'approvisionnement à partir de flottes diverses opérant dans le Pacifique. Parmi les pavillons à l'origine de ces captures, on trouve la Corée et Taiwan et d'autres divers. Ces approvisionnements sont commandés auprès de négociants spécialisés (Mitsubishi, FCF) qui répondent à la commande en fonction des quantités rendues disponibles par des senneurs sous différents pavillons. L'une des deux entreprises a commencé des démarches pour s'approvisionner aux Maldives où il existe une important flottille de pêche thonière à dominante artisanale. Ces deux usines ont un poids socio-économique considérable en employant directement près de 3 500 personnes plus les emplois induits.

A part la conserve pour le marché européen, une de ces usines (Thon des Mascareignes) travaille du germon mis en longes pour la fabrication ultérieure de conserves pour le marché des USA (où le light-meat tuna est prisé). Ces fabrications se font sur un mode de prestation de service : l'acheteur des longes fournit la matière première dont il fait son affaire de l'achat. Cette activité représentait en 2008 25% de l'activité globale de l'entreprise. Pour l'exportation de conserves ou de longes vers la CE, les usines sont responsables de leurs achats.

Les autres unités s'approvisionnent auprès des flottes locales ou d'autres pavillons qui permettent de respecter les règles communautaires en matière d'hygiène et d'origine.

1.3 Commerce extérieur

1.3.1 Exportations

D'après les statistiques nationales, Maurice a exporté en moyenne sur la période 2005-2007 l'équivalent de 77 600 tonnes de produits de la pêche pour une valeur moyenne de 168 M€. Ces

[1] Contrairement à ce que l'on pourrait croire, le Seafood Hub ne désigne pas quelconque unité physique, mais un cadre général d'incitation à l'investissement autour des trafics de produits de la pêche dans le port de Port-Louis.

[2] En année moyenne, Maurice exporte près de 40 000 tonnes de conserves et 7 000 tonnes de longes vers la CE

exportations représentent autour de 15% des exportations nationales. L'analyse des tendances sur la période 2005-2007 montre une progression sensible de +24% en tonnage et de +44% en valeur, à relier probablement avec l'ouverture en 2004 puis la montée en puissance de l'usine de longes Thon des Mascareignes.

Les publications annuelles ne distinguent pas la destination des exportations de produits de la pêche. La comparaison entre les statistiques nationales d'exportation et les statistiques communautaires d'importation de produits de la pêche Mauriciens dans la CE indique cependant que le marché communautaire représente en moyenne 57% de la destination des exportations en poids mais 69% en valeur. Il s'agit par conséquent d'un débouché stratégiquement incontournable.

L'examen des statistiques d'importations de produits de la pêche d'origine mauricienne dans la CE (tableau ci-dessous) indique qu'environ 95% des produits concernés en valeur sont des conserves ou des longes de thonidés de la catégorie HS 1604, c'est-à-dire les produits préparés par les deux plus grosses entreprises implantées sur le sol mauricien. Les autres flux sont des espadons entiers congelés ou des filets congelés d'espadon (un peu moins de 1 000 tonnes par an), plus des espèces diverses. Les flux d'exportation en frais sont constitués de poissons démersaux vendus sur le marché réunionnais.

Tableau 4: EC imports of fishery products from Mauritius, 2005 to 2007.

	2005		**2006**		**2007**	
	Tonnes	Value (KEUR)	Tonnes	Value (KEUR)	Tonnes	Value (KEUR)
Chilled fish	39	445	33	446	29	435
Frozen fish	1 400	3 669	1 524	3 795	1 603	3 539
Fresh fillets	60	487	79	718	35	317
Frozen fillets	268	1 420	590	1 960	249	1 082
Dried and salted fish	141	368	86	260	96	267
Crustaceans	2	47	0	0	0	0
Molluscs	1	13	1	17	1	15
Canned & preserved fish	32 559	75 739	46 078	118 524	49 066	137 820
Canned & preserved invertebrates	4	25	0	0	1	10
TOTAL	**34 473**	**82 214**	**48 391**	**125 719**	**51 079**	**143 485**

Source : COMEXT

L'examen des importations de Maurice dans la CE par mode de transport indique que logiquement 99% des importations en valeur arrivent sur le territoire européen par voie maritime. Les importations par avion, probablement sur le territoire de La Réunion (situé à 40 mn de vol de Maurice), représentent le 1% restant (valeur d'environ 800 K€ en 2007).

1.3.2 Importations

Du fait de son positionnement de transformateur de produits de la pêche pêchés par d'autres, Maurice importe beaucoup de poisson. D'après les statistiques nationales, ces importations sont de l'ordre de 130 000 tonnes par an sur la période 2005-2007 pour une valeur moyenne de 150 M€ au total. Ces importations couvrent une partie des besoins du marché national (10 000 tonnes importées par an environ), mais surtout les besoins des industries locales de transformation pour le marché européen, incluant près de 90 000 tonnes de thonidés à transformer. Les statistiques d'exportation de la CE vers Maurice montrent que les exportations communautaires de thonidés à transformer s'élèvent en moyenne à 42 000 tonnes par an, ce qui représente environ la moitié des besoins locaux.

Le régime des échanges entre Maurice et la CE est celui convenu sous un APE intermédiaire conclu avec les pays de la Région ESA / ECA dont Maurice fait partie. Les règles d'origine qui s'appliquent sont celles convenues sous le règlement Cotonou +, avec des dérogations possibles accordées sous forme de Décisions de la CE pour des quantités limitées sur des périodes de temps définies (cf supra).

1.4 Cadre institutionnel

1.4.1 Les institutions en charge

La plupart des fonctions relatives à la gestion du secteur de la pêche sont regroupées sous le Ministry of AgroIndustry, Food Production & Security qui est organisé en plusieurs directions techniques dont une pour la gestion du secteur pêche (Fisheries Division). Les autres institutions qui interviennent dans la gestion du secteur sont la Shipping Division dépendante du Ministère en charge des transports et qui est responsable de l'attribution du pavillon aux navires de pêche de plus de 24 m, et les Coast Guards dépendants de la Mauritius Police Force en charge de la surveillance des activités de contrôle en mer, et le service des Douanes mauriciennes. D'intérêt pour la mise en œuvre du Reg (CE) 1005/2008, on trouvera ainsi sous le Ministère en charge de la pêche :

- La Fisheries Division responsable des mesures de gestion, de la délivrance des licences aux navires nationaux et étrangers, du pavillon aux navires de pêche mauriciens de moins de 24 m, du dispositif SCS national, du suivi des importations et des exportations. Cette division est l'autorité désignée par Maurice pour valider les documents relatifs aux échanges internationaux de thonidés (documents de La CTOI) et de légine (CDS de la CCAMLR).
- La Division of Veterinary Service qui est l'autorité compétente sanitaire désignée par Maurice et donc en charge du contrôle du respect de mesures relatives à la qualité des produits exportés et à leur traçabilité
- La Fisheries Protection Service qui est une unité dépendante du Ministère en charge des pêches chargées du contrôle du respect de la réglementation et de la délivrance du pavillon aux navires de moins de 24 m. Ses activités comprennent les navires nationaux, le contrôle au port des navires étrangers, ainsi que la conduite d'inspection à terre ou en mer en partenariat avec les Coast Guards.

Les autres institutions d'intérêt sont :

- La Shipping Division dépendante du Ministère responsable des infrastructures publiques, et des transports qui contrôle les règles de sécurité à bord des navires de plus de 24 m et qui décide de l'attribution du pavillon
- Les Douanes qui sont en charge notamment de la délivrance des certificats d'origine, en plus du contrôle général des flux d'importation et d'exportation
- Les Coast Guards (Police de Maurice) qui contrôlent les activités dans la ZEE. Grâce notamment aux deux patrouilleurs hauturiers qu'ils contrôlent (le plus grand n'est

cependant pas opérationnel depuis plusieurs années) et les services d'avions Dornier de surveillance.

1.4.2 L'environnement réglementaire

L'environnement réglementaire de Maurice en matière de gestion des pêches a récemment évolué avec l'adoption en 2007 d'un nouveau *Fisheries and Marine Resources Act 2007 (Act N° 27 of 2007*). Les principales dispositions du cadre réglementaire Mauricien sont les suivantes :

L'attribution du pavillon et la constitution d'un registre national : comme évoqué précedemment, les autorités en charge de la pêche sont responsables de l'attribution du pavillon aux navires de moins de 24 m. Pour les plus de 24 m, le Shipping est l'autorité en charge. Cela concernait en 2009 environ 13 navires. Pour être enregistrés comme navire Mauricien, les navires importés doivent fournir un certificat de radiation du registre précédent. Le pavillon n'est accordé que moyennant le respect de mesures de sécurité vérifiées après visites techniques. L'avis du Ministère en charge de la pêche est sollicité quand il s'agit de pavillonner des navires de plus de 24 m. La délivrance du pavillon respecterait des mesures assez strictes, ce qui explique le faible nombre de navires de cette taille effectivement dans le registre national. La principale faiblesse du cadre juridique est la possibilité pour les navires mauriciens d'obtenir un enregistrement parallèle, c'est-à-dire d'obtenir un autre pavillon tout en restant dans le registre mauricien. Cette possibilité a été utilisée dans un passé récent par des navires mauriciens pour aller pêcher dans les eaux de Madagascar sous ce pavillon. Suivant les explications reçues lors de la mission, ce type d'enregistrement parallèle est découragé par les autorités.

Tous les navires de pêche mauriciens, qu'ils soient artisanaux ou autres doivent être enregistrés dans un registre centralisé de la flotte nationale (d'après les termes du Merchant Shipping Act).

La licence de pêche : tout navire mauricien, qu'il soit artisanal ou non, doit obtenir une licence pour pouvoir exercer. Il en va de même pour les navires étrangers qui souhaitent accéder aux zones de pêche sous juridiction. Les licences sont délivrées pour une durée maximale d'une année par les Autorités en charge de pêche. Sa suspension ou son annulation fait partie de l'arsenal répressif en cas d'infraction grave. Pour les navires étrangers, les Autorités en charge de la pêche effectuent des vérifications préalables à la délivrance en cherchant notamment à s'assurer que le navire en question est bien placé sur la liste positive de la CTOI et à contrario, qu'il n'est pas sur la liste des navires INN de la CTOI ou d'autres organisations régionales de pêche.

Le journal de bord : les navires étrangers licenciés et les navires mauriciens des catégories semi-industrielles et industrielles doivent remplir et retourner des journaux de bord aux Autorités en charge de la pêche. En 2007, les navires licenciés ont retourné 214 journaux de bord dont 208 se sont révélés exploitables.

Transbordement : tout transbordement en mer dans la zone sous juridiction est réputé interdit. Il doit se faire au port.

Le suivi par VMS : le suivi par VMS des navires licenciés est obligatoire depuis 2005. Pour l'instant, l'obligation n'est inscrite que comme condition associée à la licence, mais les Autorités ont prévu d'adopter en 2008 un Acte spécifique qui confirmera l'obligation de communication des données VMS par tout navire étranger dès lors qu'il est licencié et qu'il se trouve dans la zone de juridiction, et à tout navire mauricien de plus de 12 m où qu'il opère. La nouvelle Loi considère également l'application obligatoire du VMS aux navires qui fréquentent Port-Louis régulièrement, qu'ils soient licenciés ou non. Ce nouvel Acte précisera l'intervalle de temps entre deux positions (2 heures), ainsi que les conditions d'agrément des modèles de transpondeurs utilisables. Les données VMS sont reçues par l'Administration des pêches au Centre d'Albion et dupliquées automatiquement aux Gardes Côtes. Actuellement, ces données VMS sont utilisées pour valider les journaux de bord mais sous une procédure manuelle.

Le contrôle des importations et des exportations : les autorités mauriciennes ont mis en œuvre une réglementation spécifique ainsi que des procédures internes pour contrôler toutes les opérations d'importation ou d'exportation de produits de la pêche, qu'elles se fassent par navires transporteurs ou directement par des navires de pêche, et qu'il s'agisse de produit importés pour la consommation

nationale ou pour la transformation. Le Fisheries Act (2007) prévoit ainsi que toute personne qui souhaite importer ou exporter des produits de la pêche en fasse une demande aux Autorités en charge de la pêche qui décide ou non de l'autoriser. Il s'agit d'autorisations nécessaires à chaque opération d'importation ou d'exportation. Au moment de l'importation, les autorités pêche plus d'autres concernées (les Douanes) s'assurent de la présence de la documentation réglementaire, dont les certificats sanitaires délivrés par les Autorités compétentes. La procédure de contrôle à l'exportation consiste à n'autoriser l'expédition que contre présentation des documents requis (douaniers, sanitaires principalement) y compris les documents exigés par la CTOI pour le patudo et l'espadon et par la CCAMLR pour la légine.

Le contrôle des navires au port : Port Louis est fréquenté par des navires nationaux et étrangers. Afin de s'assurer que les navires en question ne profitent pas de leurs escales pour décharger ou transborder des produits d'origine illicite, les Autorités mauriciennes ont mis en place des outils réglementaires et des procédures destinés à vérifier la situation de chaque navire en s'inspirant des procédures recommandées par la FAO sur les contrôles au port. La réglementation prévoit ainsi inter alia que tout navire qui souhaite s'arrêter à Port Louis en fasse la notification 72 heures avant. Si le navire est sur une liste de navires INN d'une ORGP, l'accès est refusé. Au moment de l'arrivée au port, le navire est sujet à des contrôles multiples des différentes autorités compétentes destinés en particulier à vérifier si le navire se trouve sur les listes positives des ORGP compétentes s'il détient à bord des espèces sous mandat de gestion, si les données journal de bord coïncident avec les déclarations du capitaine et les quantités observées en cale, plus d'autres éléments comme les licences de pêche obtenues, la liste de l'équipage et des passeports correspondants. Après inspection, les autorités délivrent un permis de déchargement. L'opération est elle-même contrôlée afin de s'assurer que les quantités déchargées correspondent aux quantités déclarées. Pour les débarquements de légines, la procédure définie par la CCAMLR est adoptée, comprenant en particulier un échange avec les Autorités du pavillon du navire pour s'assurer de la légitimité de ses opérations.

L'arsenal juridique adopté par Maurice est par conséquent relativement complet pour tenter de prévenir les activités de pêche INN par les navires du pavillon, ou l'utilisation de Port Louis par des navires de pêche d'origine INN. Maurice se prépare en outre à publier son plan national contre la pêche INN en réponse à l'IPOA-IUU promulgué par la FAO. Maurice affirme également son engagement politique contre la pêche INN dans toutes les enceintes internationales pertinentes.

1.4.3 Le contrôle du respect

Le contrôle du respect des mesures relève à titre principal de la Fisheries Protection Service (Ministère en charge de la pêche) et des Coast Guards (Forces de Police). Les limites des compétences de chaque administration sont schématiquement une responsabilité du contrôle des activités de pêche artisanale, des activités au port, et des activité en mer dans les zones côtières (lagons et abords océaniques immédiats) pour le FPS, et la responsabilité du contrôle de toute la ZEE avec également une implication au port pour les Coast Guards.

Le développement du dispositif de surveillance de Maurice dans son contexte régional de la COI est soutenu par la CE. Entre 2005 et 2007, la CE a été le principal financeur d'un projet pilote de surveillance, contrôle, suivi (SCS) des grands pélagiques dans l'océan indien sous le PIR 9ème FED (3,5 M€ de financement CE sur 5 M€) qui a notamment favorisé la réforme du cadre juridique national et la mise en place de procédures harmonisées de contrôle au port. Depuis 2007, la CE finance à hauteur de 7 M€ un programme opérationnel de contrôle des pêches qui inclut le financement du fonctionnement des moyens navals et aériens des Etats membres de la COI pour la réalisation de patrouilles conjointes dans les ZEE des Etats côtiers.

2 LES SYSTEMES DE CERTIFICATION EXISTANTS

2.1 La certification d'origine

Les exportations de produits de la pêche de Maurice dans la CE doivent respecter les règles d'origine pour bénéficier de la suspension de droits de douane prévue sous l'APE intérimaire.

La validation des certificats d'origine est assurée par les Douanes Mauriciennes. Etant donné que la plupart des marchandises exportées sont pour l'essentiel des matières premières importées et transformées à Maurice, les Douanes mauriciennes s'assurent à l'importation de la présence d'un certificat d'origine validé par les Autorités compétentes du pays d'origine de la matière première, si l'importateur déclare importer les marchandises pour une réexportation ultérieure vers l'Europe. Les pièces justificatives (certificat d'enregistrement du navire, pavillon, propriété) sont également exigées dans le dossier de déclaration en Douane. La délivrance des certificats d'origine à l'exportation se fait après examen et contrôle des pièces justificatives. Les Douanes procèdent par ailleurs à des vérifications de la comptabilité matière afin de s'assurer que les quantités importées correspondent aux quantités exportées.

Les Douanes mauriciennes n'utilisent pas de régime douanier spécifique pour le traitement des importations destinées au marché local ou au secteur de la transformation pour réexportation. Tout import est mis en libre circulation. Les Douanes expliquent cette méthode par le fait que le régime général d'importation de produits de la pêche à Maurice est à droit nul. On pourrait arguer que cette procédure unique de dédouanement rend possible les mélanges de produits non-originaires avec des produits originaires, alors que l'adoption d'une procédure d'admission temporaire pourrait aider à renforcer l'étanchéité entre les importations destinées au marché local et les importations destinées à la transformation. Ce point a été évoqué avec les Douanes qui objectent que les niveaux de contrôle sont suffisants pour garantir qu'il n'y a pas de tels mélanges de flux (vérification des pièces, comptabilité matière), et que dans ces conditions, la mise en œuvre de régimes d'admission temporaire n'est pas utile. L'importance du respect des règles d'origine est parfaitement comprise par les Autorités mauriciennes suite aux cas de fraudes qui ont été détectés par la partie communautaire vers la fin des années 1990.

A noter également que les Douanes mauriciennes proposent une solution de soumission électronique de demande de certificat d'origine. Les exportateurs peuvent ainsi déposer les demandes par cette voie, mais les procédures de vérification et de délivrance restent totalement manuelles.

2.2 Les certifications dans le cadre des ORGP

Maurice est partie contractante de la CTOI. Le pays est également adhérent à la Convention CCAMLR sans être toutefois partie membre de la Commission (partie coopérante).

Dans le cas de la CTOI, l'implication de Maurice se trouve essentiellement dans la validation des documents relatifs aux échanges d'espadon et de patudo. C'est le Fisheries Department qui est l'autorité nationale habilitée à les valider. Elle le fait relativement facilement car toutes les informations utiles sont collectées sous sa responsabilité (liste des navires licenciés, VMS en particulier).

En ce qui concerne la CCAMLR, l'implication de Maurice est comme Etat du port dans le dispositif de système de documentation des captures de légine (le CDS, Mesure 10-05 de la CCAMLR). Là encore, le Fisheries Department a été désigné comme autorité responsable de la conduite des procédures édictées par la CCAMLR. Ces procédures impliquent une vérification complète du navire à son arrivée au port. Les informations contenues dans le document de capture sont vérifiées auprès des autorités de l'Etat du pavillon du navire, en particulier pour s'assurer que le système VMS de positionnement a correctement fonctionné tout au long de la campagne de pêche. Une fois autorisées, les opérations de débarquement sont contrôlées et les poids déclarés effectivement validés. Le Fisheries Department complète ensuite la procédure électronique de soumission des informations sur le site de la CCAMLR. Suivant les autorités mauriciennes, les procédures seraient mises en œuvre à la satisfaction de la CCAMLR. L'application des règles est également facilitée par le fait que les navires de pêche à la légine qui s'arrêtent à Port Louis sont sous des autorités de pavillon (France et Australie) qui ont des procédures efficaces de suivi de leurs navires. Cependant, la mention d'un incident impliquant Maurice dans le rapport de la 27ème Commission de la CCAMLR (2008) laisse à penser qu'il peut être encore possible d'utiliser Port Louis pour des opérations de transbordement non surveillées, sous

réserve bien entendu de la réponse que pourra apporter Maurice à la Commission à propos de cet incident.

2.3 La certification sanitaire

La certification sanitaire est de la responsabilité de la Division of Veterinary Services (DVIS), autorité compétente dépendante du Ministère en charge de la pêche. Il s'agit d'une Division dont les moyens ont été considérablement renforcés suite à une inspection de l'OAV aux conclusions particulièrement défavorables en 2006.

L'essentiel de la matière première destinée aux exportations étant importée, la DVIS s'assure en coopération avec les Douanes et les autorités pêche que le certificat vétérinaire émis par les autorités compétentes du navire d'origine soit produit à l'importation. Dans la plupart des cas, il s'agit de certificats émis par l'Autorité compétente seychelloise qui certifie la conformité des produits de la pêche transbordés à Victoria par les navires espagnols, français et seychellois. Quand il y a des opérations de débarquement direct à Maurice (à l'occasion d'escales des senneurs au chantier naval), la DVIS vérifie la conformité. La DVIS contrôle également les conditions d'hygiène dans la douzaine d'établissements agréés pour l'exportation, ainsi que les éléments relatifs au contrôle HACCP dont la traçabilité des produits travaillés. Ce contrôle systématique, en plus de celui réalisé par les Douanes, rend compliqué le travail de matières premières qui auraient été importées sans respecter la réglementation. La DVIS délivre finalement les certificats de conformité des produits finaux exportés. Le travail de la DVIS est facilité par le fait que les deux principales unités exportatrices de Maurice (Princes Tuna et Thon des Mascareignes) ont mis en œuvre des procédures internes de suivi très strictes, allant au-delà des minima prévus par la réglementation. Ces conditions sont imposées par les clients finaux de manière à préserver la notoriété de leurs marques. Ces conditions sont particulièrement exigeantes pour les exportations sur le marché britannique où les consommateurs n'hésitent pas à faire valoir leurs droits en cas de problème qu'il soit de nature sanitaire, environnemental ou même social (respect du droit des travailleurs). Des manquements à ces cahiers des charges peuvent avoir des conséquences économiques désastreuses tant pour la marque que pour les entreprises de transformation. Il a pu être constaté en particulier à l'occasion des visites de ces entreprises que tous les éléments de traçabilité sont constamment enregistrés tout au long de la chaîne de transformation. N'importe quelle boîte ou sachet de longes qui est placé dans un container pour l'export peut ainsi être relié au navire à l'origine de la capture de la matière première utilisée, ainsi qu'aux conditions précises de la fabrication (date, heure, numéro de chaîne de traitement, ouvriers impliqués, …)

Maurice envisage de développer un flux d'exportation des produits de la pêche artisanale. Afin de se conformer aux exigences de la réglementation, il est prévu de créer dans le court terme un centre de vente des produits (une criée) qui permettra de mieux maîtriser les aspects sanitaires et la traçabilité amont. Le projet est dans un état relativement avancé. Il bénéficiera d'un soutien financier de la coopération grecque (env. 1 M€).

Enfin, on signalera que la DVIS reçoit actuellement un soutien de la part du programme SFP tous ACP. Il s'agit d'un travail de mise à niveau des activités des laboratoires accrédités pour conduire les analyses officielles.

3 IMPACTS ET CONSEQUENCES SUR MAURICE DU SYSTEME DE CERTIFICATION DES CAPTURES

En ce qui concerne les aspects relatifs à la validation des certificats de capture des navires mauriciens par les autorités nationales (art. 12 du reg (CE) 1005/2008), il apparaît assez clairement que Maurice n'aura aucune difficulté à se conformer à la législation. Le faible nombre de navires de pêche potentiellement exportateurs de produits de la pêche vers la CE, ainsi que les dispositions assez complètes du cadre réglementaire national en ce qui concerne le suivi, contrôle et surveillance des navires nationaux font que les Autorités n'auront aucune difficulté à vérifier les informations soumises par les opérateurs dans les certificats de capture. La désignation de la future Autorité compétente en la matière (art. 20) s'impose également comme une évidence. Cette future autorité, si elle est désignée comme on le pense, possède déjà par ailleurs une expérience de la certification de documents relatifs aux activités de captures de navires de pêche, dont celui mis en œuvre par la CCAMLR et qui peut être désigné comme le plus exigeant des systèmes de documentation adoptés par les ORGP à ce jour. Les Autorités mauriciennes auront cependant probablement besoin d'un soutien pour des explications et la définition des procédures internes. Les entretiens conduits lors de la mission ont permis d'identifier que les Autorités se posent beaucoup de questions d'ordre technique sur la façon de se conformer aux règles.

L'industrie de la pêche mauricienne, qui est plutôt une industrie de transformation de matières premières pêchées par des navires d'autres nationalités, sera plus exposée aux dispositions de l'article 14 du Règlement. Le premier problème qui risque de se poser est une dépendance vis-à-vis de la réactivité des Autorités de pavillon des navires qui alimentent l'industrie de transformation. Les pays actuellement à l'origine de l'approvisionnement de l'industrie locale (Espagne, France, Seychelles) ne sont pas parmi ceux qui rencontreront des difficultés pour valider les certificats de capture de leurs navires, mais l'adoption prochaine de nouvelles sources d'approvisionnement originaire (Maldives) ou l'obtention des certificats de captures de la part de fournisseurs de matières premières non-originaires dans le cadre des dérogations actuelles (Corée, Taiwan, autres pavillons) engendre des craintes parmi les opérateurs locaux. C'est un problème potentiel que Maurice ne peut résoudre. Le second problème qui pourra se poser sera la validation de la déclaration au titre de l'article 14 du reg (CE) 1005/2008 (l'annexe IV au règlement). Suivant les constatations faites à l'occasion de la mission, il existe à Maurice des règlements et des procédures qui ont pour objet de contrôler les flux entrants et sortants, et en particulier de s'assurer au moyen d'une traçabilité tout au long de la chaîne que les matières premières importées utilisées pour la transformation de produits destinés à être réexportés vers la CE ne sont pas mélangées avec des flux provenant d'autres origines. Le système actuel donne satisfaction aux Autorités concernées, et il est probable que les services de Douanes déjà fortement impliqués dans la certification de l'origine, seront à même de valider les informations de l'annexe IV soumises par les exportateurs. A titre de recommandation, on pourrait cependant proposer que des mesures additionnelles soient adoptées pour étanchéifier davantage les différents flux et mieux les contrôler. Une solution pourrait être l'adoption d'un régime douanier spécifique (l'admission temporaire) pour les marchandises destinées à être ré-exportées, et une coopération accrue entre l'Autorité compétente sanitaire et l'autorité douanière pour le suivi de la traçabilité et de la comptabilité matière des flux. La DVIS possède en effet une expertise technique que les Douanes n'ont pas, notamment pour tout ce qui est coefficients de transformation et inspection des systèmes de traçabilité interne des entreprises. Cette coopération sera largement facilitée par le fait que ces services, avec ceux des Pêches et des Gardes Côtes, sont géographiquement concentrés dans des mêmes bureaux au sein du guichet unique (le *One Stop Shop Service*) mis en place sous le concept de *Seafood Hub*.

Toutes les mesures et procédures décrites dans ce rapport de mission ne seront réellement efficaces que s'il existe une volonté politique de les appliquer. Il y a parfois eu dans le passé des contradictions entre les engagements mauriciens en matière de lutte contre la pêche INN et la réalité, mais il est apparu assez clair lors de la mission que l'engagement de Maurice contre la pêche illégale semble désormais sans équivoque car accompagné de réformes intérieures (cadre juridique, organisation des services) et de nouveaux engagements internationaux (NPOA-IUU à paraître).

APPENDIX 1: LIST OF PERSONS MET

La liste suivante présente les personnes rencontrées. Ne sont mentionnées que celles avec qui on a pu échanger des cartes de visite. Toutes nos excuses à ceux (nombreux) qui nous ont consacré du temps et qui ne sont pas mentionnés dans le tableau.

Nom			Qualité	Institution
Mrs	S.	AMMEARALLY-NISTAR	MEXA	MEXA
M.	G	CHUNG	Président	MEXA
M.		DABY	Fisheries Officer	Ministère Pêche
M.	J-L	DOUADY	Qualiticien	Princes Tuna
Mrs	U	DWARKA-CANABADY	Ambassadeur	Affaires Etrangères
M.	R	HURLOLL	Acheteur	Princes Tuna
M.	A	LENOIR	Directeur	Marlin Exports
M.	D	MAUREE	Ass. Directeur des Pêches	Ministère Pêche
M.	M	MUNBODH	Directeur des Pêches	Ministère Pêche
M.	D	NORUNGEE	Resp. Fisheries Management	Ministère Pêche
M.	M	RAULT	Directeur	Froid des Mascareignes
M.	D	REISS	DCE Maurice	CE
M.	S.	RUNGASAMY	Qualiticien	Thon des Mascareignes
M.	C	TALBOT	Directeur	Mer des Mascareignes
M.	J-Y	THEPAUT	DVIS	Ministère Pêche
M.	F	TRANQUILLI	DCE Maurice	CE
M.	H	UNNUTH	Second Secretary	Affaires Etrangères
M.		X	Resp. Certification Origine	Douanes

ANNEX 11: MAURITANIA MISSION

CONTENTS

TABLEAUX

FIGURES

INTRODUCTION

Dans le cadre de la mesure de l'impact de l'adoption du Reg (CE) 1005/2008 sur les pays tiers, la Mauritanie a été sélectionnée comme l'un des pays tiers pour une étude de cas.

Une mission d'étude a eu lieu entre le 20 mars et le 27 mars 2009. Dans le but d'organiser cette mission, la Délégation de la CE s'est rapprochée du Ministère de la Pêche et de l'Economie Maritime (MPMEM). Le Secrétaire Général du Ministère a tout d'abord désigné la Direction de l'Aménagement et de la Recherche Océanographique (DARO) comme point focal avant de désigner le 19 mars la Délégation à la Surveillance des Pêches et du Contrôle en Mer (DSPCM). Au final, aucune assistance n'a été obtenue des services du MPMEM pour l'organisation de la mission, la DARO s'étant retirée de l'organisation de la mission et la DSPCM n'ayant pas eu le temps nécessaire pour la préparer. Pour cause d'indisponibilité de la Délégation CE, aucune réunion de démarrage (« kick off meeting ») n'a été organisée entre la Délégation, les autorités mauritaniennes et l'expert.

La mission a donc été conduite en fonction des contacts et rendez-vous obtenus directement par l'expert, suivant les disponibilités des interlocuteurs. De ce fait la mission n'a pu avoir la densité souhaitée. Elle s'est déroulée suivant le planning suivant :

- Vendredi 20 mars: Arrivée Nouakchott
- Samedi 21 mars: Entretiens avec la DARO, le Secrétariat Général du MPMEM et la Direction de la Marine Marchande
- Dimanche 22 mars: Entretien avec la DPAC. Présentation à la DPI sans succès. Visite du port de pêche artisanale de Nouakchott et du marché couvert aux poissons. Présentation à la DSPCM de Nouakchott sans succès.
- Lundi 23 mars: Présentation à la DPI sans succès. Entretien avec la Direction Générale des Douanes.
- Mardi 24 mars: Transfert sur Nouadhibou. Rencontre avec l'ONISPA. Entretien avec le conseiller technique de la DSPCM. Entretien avec la Fédération Nationale de Pêche (FNP) Entretien avec M. Georgidis, opérateur. Entretien avec le Conseiller technique du Ministre. Entretien avec un conseiller technique de la DARO
- Mercredi 25 mars: Entretien avec la Direction de la SMCP. Entretien avec le Délégué Adjoint et visite de la DSPCM. Entretien avec le PRCC (Programme de renforcement des capacités commerciales du secteur de la pêche mauritanien) Visites d'entreprises bénéficiant d'un agrément CE. Entretien avec un conseiller technique de la DARO. Entretien avec la société PAGRE en charge de l'élaboration du système d'information du MPMEM.
- Jeudi 26 mars : Entretien avec M. Abasse, opérateur. Entretien avec la Direction régionale des Douanes. Transfert sur Nouakchott. Entretien avec le Chef du service « Contrôle » de la DSPCM. Entretien avec le Conseiller technique du Ministre.
- Vendredi 27 mars : retour Paris

Il a été constaté que le MPMEM (tous services confondus) et le secteur privé n'avaient pas connaissance du Règlement 1005/2008, n'ayant reçu aucune information à ce sujet. Il semble que le kit d'information a été transmis quelques jours avant la mission par la Délégation CE à la Direction de la Coopération et de la Programmation du MPMEM dont le Directeur a récemment quitté ses fonctions sans être remplacé, induisant un disfonctionnement de ce service. Il n'a pas été possible de rencontrer le Délégué à la Surveillance (DSPCM), seul habilité à communiquer avec les personnes extérieures au service, réduisant de facto l'intérêt des entretiens obtenus avec les autres personnes de la DSPCM. Malgré les difficultés d'organisation, la mission s'est déroulée dans un excellent esprit de coopération et de transparence.

1 LE SECTEUR DE LA PECHE

1.1 Ressources halieutiques et production

Les eaux de la ZEE mauritanienne (230 000 km²) ont la particularité d'être très productives du fait de la circulation des courants marins dans la région et du régime des vents. Les courants principaux qui touchent les eaux côtières et du large comprennent le courant des Canaries, le courant Nord Equatorial et le Contre Courant Equatorial. Le courant des Canaries, le plus important, transporte des eaux froides, riches en éléments nutritifs vers le sud-ouest. Ce courant, en combinaison avec la topographie des fonds, a une influence majeure sur l'upwelling océanique (remontée d'eaux froides du fond riches en éléments nutritifs).

Trois grands types de ressources sont exploités dans la ZEE mauritanienne:

- **Les espèces démersales**. Certaines espèces ont une importance commerciale élevée (poulpe, merlu, crevettes). Elles sont accessibles à plusieurs types d'engins de pêche comme le chalut, les filets, les lignes ou les nasses.
- **Les petits pélagiques**. Cette ressource est exploitée à titre principal à l'aide du chalut pélagique et de la senne tournante.
- **Les grands pélagiques.** Il s'agit essentiellement de thonidés majeurs et d'espadon, exploités par des senneurs, palangriers et canneurs.

Le suivi de l'état des stocks exploités est assuré par l'Institut Mauritanien des Recherches Océanographiques et des Pêches (IMROP) et fait l'objet de discussion au sein des groupes scientifiques du COPACE.

Le tableau suivant indique le total des captures effectuées dans la ZEE mauritanienne par les navires nationaux et étrangers. Les données proviennent de la DSPCM et sont une compilation des journaux de bord reçus. Ce décompte des captures n'intègre pas les captures de la pêche artisanale récemment réévaluées à 80 000 tonnes contre 20 000 tonnes précédemment.

Le total des captures dans la ZEE est de l'ordre de 750 000 tonnes par an. On peut constater que 93% des tonnages capturés sont des petits pélagiques, et notamment de la sardinelle et du chinchard. Ces prises sont réalisées de manière quasi-exclusive par les chalutiers pélagiques congélateurs.

Les captures d'espèces démersales (poissons et céphalopodes) représentent environ 42 000 tonnes par an. Les céphalopodes constituent l'espèce-cible de la plupart des chalutiers de fond, pour des captures de l'ordre de 25 000 tonnes/an, relativement stables (hormis le pic de 2005).

Les captures de poisson de fond représentent 17 000 tonnes/an sur la période 2002-2008, en baisse très sévère en 2008.

Les captures de crustacés, 4 500 tonnes/an, sont essentiellement constituées de crevettes, côtières et profondes.

Le tableau suivant synthétise l'état actuel des connaissances en matière de stocks.

Tableau 1: Etat des principaux stocks exploités dans la ZEE de Mauritanie

Stocks	Biomasse En T	MSY En T	Captures dans la sous-région[1] (en T)	Captures Mauritanie (en T)[2]	Diagnostic	Recommandations de gestion	Réf. biblio
Sardine stock C	5 140 000	1 108 000	215 000	76 300	Sous-exploité	Augmentation progressive de l'effort de pêche	FAO, 2008
Sardinelle ronde	1 140 000	236 000	351 500	181 000	Surexploité	Réduction de l'effort de pêche	FAO, 2008
Sardinelle plate	1 753 000		154 000	15 000	Sous-exploité	Augmentation progressive de l'effort de pêche	
Chinchard noir	743 000	247 000	244 000	187 000	Modérément à pleinement exploité	Réduction de l'effort de 20µ vue la nature multispécifique de la pêcherie	FAO, 2008
Chinchard de l'atlantique	226 000	78 000	108 000	42 000	Surexploité	Réduction de l'effort de pêche de 20%	FAO, 2008
Poulpe		30 000		25 000	Surexploité	Réduction de l'effort de pêche	FAO, 2007
Crevettes côtières		2 000		2 800	Pleinement exploité	Pas d'augmentation de l'effort de pêche	FAO, 2007
Thiof				414	Arrêt de la pêche ciblée sur cette espèce		FAO, 2007

Source : D'après Ould Taleb Sidi, Abdaim Dia et Lemine Ould Tarbiya « Plan d'aménagement et de développement maîtrisé des pêches artisanles et côtière » DARO Dec 2008

[1] Moyenne des captures 2000-2005
[2] Moyenne des captures 2000-2005

Tableau 2: Les captures (tonnes) dans la ZEE mauritanienne

Espèces	Quantités en Tonne							Moyenne 2002 - 2008			
	2002	2003	2004	2005	2006	2007	2008	Tonnes	%	CA Moyen	%
petits pélagiques	598 696	794 559	805 416	578 150	604 158	730 291	839 623	707 270	93,4%	212 M€	54%
thonidés	3 969	2 639	3 730	2 131	2 394	1 337	3 006	2 744	0,4%	2 M€	1%
poissons	20 375	25 563	21 275	16 940	12 082	19 301	8 455	17 713	2,3%	44 M€	11%
céphalopodes	19 810	23 592	27 362	30 857	25 192	23 731	23 731	24 896	3,3%	112 M€	28%
crustacés	3 723	4 289	3 980	3 881	7 667	4 249	4 249	4 577	0,6%	23 M€	6%
Total	646 573	850 642	861 763	631 959	651 493	778 909	879 064	757 200	100%	393 M€	100%

Source : reconstitution d'après plusieurs sources

Le chiffre d'affaires à la première vente de ces captures peut être estimé approximativement à 400 M€ sur la base de prix moyen estimés[3].

En valeur, la pêcherie de petits pélagiques représente 54% (soit 212 M€) de la valeur des débarquements, les poissons démersaux 11% (soit 44 M€) et celle des céphalopodes environ 28% (soit 112 M€). La valeur des captures de crustacés peut être estimée à 23 M€, soit 6% du total.

L'appréciation des captures de la pêche artisanale a donné lieu récemment à un effort particulier des autorités mauritaniennes et de l'IMROP (avec l'appui de l'IRD) avec la mise en place d'enquêtes cadres et d'un recensement des embarcations. Il ressort de ces travaux que les captures de la pêche artisanale sont de l'ordre de 80 000 tonnes. Certaines hypothèses de captures à un niveau de 100 000 tonnes sont évoquées. Les captures de la pêche artisanale sont essentiellement constituées de sardinelle, de mulets et de poulpe. La mise en place, en complément du programme conduit par l'IMROP et l'IRD, d'un projet FAO/IMROP sur financement de la coopération espagnole devrait permettre de mieux cerner la réalité de la pêche artisanale dans ses composantes captures, exploitation et socio-économie.

1.2 Principaux segments de la flotte

1.2.1 La flotte nationale

La pêche artisanale et côtière (PAC)

L'article 13 du Décret N°2002-du 01/10/2002 portant règlement général d'application de la loi 2000-025 du 24 janvier 2000 portant Code des pêches stipule que la pêche artisanale recouvre «toute activité de pêche s'exerçant à pied ou à l'aide de navires non-pontés, motorisés ou non, d'une longueur hors tout inférieure ou égale à 14 mètres, et opérant avec des engins de pêche manuels, à l'exception de la senne tournante coulissante».

Dans le même temps, la pêche côtière est définie comme «toute activité de pêche, s'exerçant à l'aide de navires motorisés, non-pontés d'une longueur hors tout supérieur à 14 mètres et inférieur ou égal à 26 mètres, ou de navires motorisés pontés d'une longueur inférieure ou égale à 26 mètres, et dépourvus de tout moyen de congélation, de chalut ou de drague».

En 2007, à l'issue du processus de visualisation du parc piroguier, 4 022 pirogues ont été recensées. Sur ce parc, environ 3 600 ont été «mauritanisées», représentant l'effectif de la flotte artisanale mauritanienne. Néanmoins, il semble qu'un contentieux existe avec le Sénégal pour environ 600 pirogues dont la «mauritanisation» est contestée par ce pays. (Source DPAC)

La flotte côtière est quant à elle, composée de 99 unités. (Source DPAC)

La pêche artisanale est dispersée sur l'ensemble du linéaire de la côte mauritanienne, alors que la pêche côtière s'exerce essentiellement depuis Nouadhibou et très accessoirement Nouakchott. Il faut relever que les pirogues peuvent travailler en groupe, avec une pirogue collecteuse permettant d'intensifier les temps de pêche et de réduire la consommation de carburant. Cette mutualisation du transport des captures depuis les lieux de pêche jusqu'au point de débarquement rend très difficile l'individualisation des captures par pirogue.

L'essentiel des débarquements de la PAC est effectué en zone Nord (Nouadhibou) (60,4%) et à Nouakchott (31,4%)[4]. Les débarquements effectués sur la côte sont généralement rapatriés sur Nouakchott par véhicule ou, pour la zone sud, évacués sur le Sénégal.

Les effectifs de la PAC sont estimés à 12 000 marins.

[3] On utilise pour cette estimation une valeur lissée de 300 € / tonne pour les petits pélagiques, 800 € / t pour les thonidés, 2 500 € / t pour les poissons, 4 500 € / t pour les céphalopodes et 5 000 € / t pour le crustacés.

[4] D'après Ould Taleb Sidi, Abdaim Dia et Lemine Ould Tarbiya « Plan d'aménagement et de développement maîtrisé des pêches artisanles et côtière » DARO Dec 2008

La pêche industrielle

La flotte de pêche industrielle mauritanienne est composée de deux types de navires :

- les navires dits « glaciers », n'ayant pas de capacité de congélation à bord. Ces navires réalisent des marées d'environ 8 jours et les captures sont traitées dans des unités à terre.
- Les navires «congélateurs » qui réalisent à bord l'ensemble du processus de stabilisation et de conditionnement du produit. Ces navires effectuent des marées d'environ 50 jours.

La flotte de pêche industrielle mauritanienne comprenait 153 unités en 2007[5]. Ces navires sont exploités depuis Nouadhibou et ciblent essentiellement le poulpe.

Tableau 3: Structure en nombre d'unités de la flotte nationale de pêche industrielle démersale.

Licence	Congélateurs	Glaciers	Total
Céphalopode	95	47	142
Crabe		1	1
Crustacés	4		4
Langouste	1		1
Merlu		1	1
Poisson, sauf merlu	2	2	4
Total	102	51	153

Source : « Etat sur la gestion de la capacité de la pêche en Mauritanie » DD ECOMAR - 2008

Sur ces 153 unités recensées, 123 apparaissent opérer régulièrement. Les unités non-actives sont essentiellement des navires glaciers.

L'origine de ces navires conduit à une dichotomie assez marquée entre navires dits « chinois » et navires « européens »[6].

Tableau 4: Caractéristiques physiques moyennes des navires de pêche industrielle mauritaniens.

	Congélateur			Glacier			Total		
	Puissance (CV)	TJB	Longueur (m)	Puissance (CV)	TJB	Longueur (m)	Puissance (CV)	TJB	Longueur (m)
Chine	802	281	42	529	232	39	712	265	41
Europe	934	268	32	478	100	22	816	224	29
Moyenne	858	276	37	511	187	33	753	249	36

Source : « Etat sur la gestion de la capacité de la pêche en Mauritanie » DD ECOMAR - 2008

Au total, 47 armements différents opèrent les navires de pêche industrielle, mais seulement 12 sociétés opèrent plus de 4 navires ce qui traduit un éparpillement du secteur. Ce chiffre est en fait plus restreint, certaines de ces sociétés ayant des liens capitalistiques très étroits, ce qui ramène le chiffre des armements structurés à 3 sociétés (AON ; MAOA ; MCP).

[5] « Etude sur la capacité de gestion de pêche en Mauritanie » – DD-ECOMAR 2008

[6] Il convient de noter que ces caractéristiques sont fondées sur la déclaration des armateurs et ne sont pas vérifiées par l'administration mauritanienne. Le PRCC a fait réaliser un état de la flotte industrielle par le Bureau Veritas qui a relevé des valeurs sensiblement différentes. (2008)

Tableau 5: Liste des sociétés gérant plus de quatre navires de pêche industrielle.

	Congélateurs	Glaciers	Total
MCP	19		19
COPEMAC	5	7	12
MASOF	4	8	12
MCF CO SA	9		9
Groupe Abdallahi Ould Noueigued	8		8
Al Asmac		8	8
Armaship	6		6
SMFC		6	6
ARPECO	5		5
IFC	4		4
SAHIL Pêche	4		4
Burma Pêche	4		4
	68	29	97

Source : « Etat sur la gestion de la capacité de la pêche en Mauritanie » DD ECOMAR - 2008

1.2.2 La flotte étrangère

La pêche artisanale et côtière (PAC)

Une convention en matière de pêche et d'aquaculture a été signée le 25/02/2001 entre la Mauritanie et le Sénégal. Au titre de cette convention, 270 pirogues sénégalaises sont autorisées à travailler sous le régime de la licence libre, avec une obligation de débarquer 25% des produits en Mauritanie. En mars 2008, la Commission mixte a porté le nombre de licences à 300 et réduit à 15% des prises l'obligation de débarquement. Cette mesure a été prise essentiellement pour des raisons pratiques, le marché local étant incapable d'absorber de grandes quantités de petits pélagiques.

La pêche industrielle

La flotte de pêche industrielle étrangère en Mauritanie peut être décontractée en fonction des licences qui permettent aux navires d'opérer, ces licences ne pouvant être cumulées.

Il n'a pu être obtenu d'informations détaillées sur les licences délivrées/utilisées pour les années récentes auprès des organismes rencontrés durant la mission (DPI et DSPCM). Il sera donc fait recours à la bibliographie.

Tableau 6: Bilan des licences effectivement utilisées en 2005.

	Céphalopodes	Démersaux	Crevette	Pélagique	Merlu	Sélective	Thon	Total
Licences nationale	*113*	*0*	*13*	*0*	*1*	*4*	*0*	*131*
Affrètement	*0*	*0*	*0*	*20*	*0*	*3*	*0*	*23*
Licences UE	47	0	24	13	10	10	32	136
Licences libres	0	0	7	22	0	0	11	40

Source : « Etude sur l'ajustement des capacités céphalopodières de pêche industrielle et possibilités de transfert vers d'autres segments ». GOPA - 2005

La pêche des céphalopodes par la flotte étrangère (47 licences) est réalisée par des navires européens, essentiellement espagnols.

La pêcherie crevettière est également exploitée par les navires étrangers, en nombre plus élevé que les navires de pêche sous pavillon mauritanien ou affrétés. Sur les 31 licences utilisées en 2005 par des armateurs étrangers, 77% l'étaient par des navires sous pavillon européen.

La pêche des petits pélagiques est effectuée par 35 navires étrangers, dont 63% sous pavillon non-UE. (essentiellement Europe de l'Est)

Le merlu est également une espèce recherchée par la flottille européenne, ainsi que le poisson de fond hors merlu. Dix navires communautaires disposent de licences pour une pêche « sélective ».

Les eaux mauritaniennes coïncident avec la limite septentrionale de la distribution des thonidés tropicaux dans l'océan atlantique. L'activité des navires dans cette zone est saisonnière et tombe pour l'essentiel sous le cadre de l'accord de pêche UE-Mauritanie. (32 licences). Néanmoins d'autres licences libres sont accordées à des navires non-européens (11 licences)

1.3 Transformation du poisson et distribution

En dehors de la région du fleuve (Sud), la consommation domestique de poisson est très faible. Aussi, la Mauritanie exporte la majeure partie de sa production halieutique et a développé une organisation industrielle et logistique dédiée. Le MPMEM[7] estime qu'environ 130 000 tonnes de produits de la pêche sont débarquées dans les ports et sur les plages mauritaniens, dont 90% sont exportés via le secteur de la transformation et du mareyage et 10% alimentent le marché domestique.

Les produits de la pêche débarqués en Mauritanie comprennent les produits congelés capturés par la flotte industrielle nationale, et les produits frais qui sont débarqués par les unités de pêche artisanale et côtière et les navires glaciers du secteur de la pêche industrielle.

L'obligation de débarquement en Mauritanie ne s'applique pas aux navires étrangers licenciés qui ont la possibilité de débarquer leurs prises à l'étranger. Ceci est notamment le cas des chalutiers pélagiques congélateurs qui ne trouvent pas à Nouadhibou d'installations adaptées.

Dans l'ensemble, la production de la pêche industrielle est faiblement valorisée. Il s'agit essentiellement pour l'industrie nationale d'opérer un process de tri et conditionnement du poisson frais issus des glaciers avant congélation et stockage. Les produits issus des congélateurs sont simplement stockés avant expédition.

Les captures de la pêche artisanale sont généralement mareyées avant expédition par avion vers l'Europe. Le filetage et le tranchage restent l'exception. Toutefois, certaines espèces comme la courbine, et, surtout, le mulet, se prêtent bien à la transformation locale, dans des petits ateliers à faible intensité de capital, faisant appel à des procédés artisanaux très simples, en dégageant une

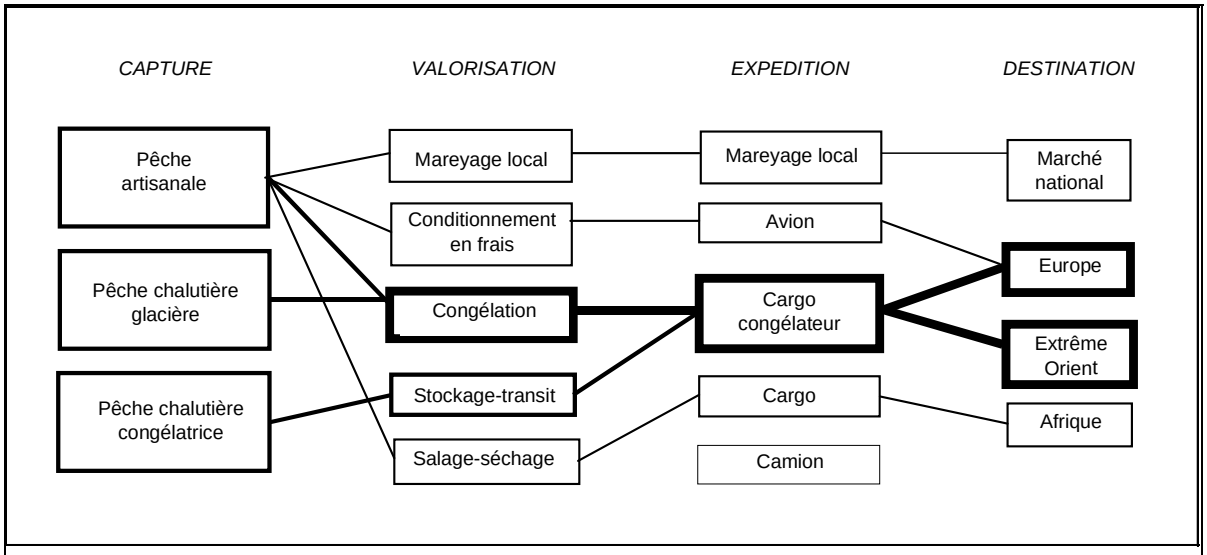
[7] « Stratégie de gestion durable du secteur des pêches et de l'aquaculture 2008-2012 » MPMEM 2007

forte valeur ajoutée. Enfin, une part de la production artisanale est exportée vers le Sénégal, dans des proportions non-connues (pas d'enregistrement par les Douanes pour les produits de la pêche fraîche) mais significatives et concerne essentiellement des petits pélagiques frais entiers.

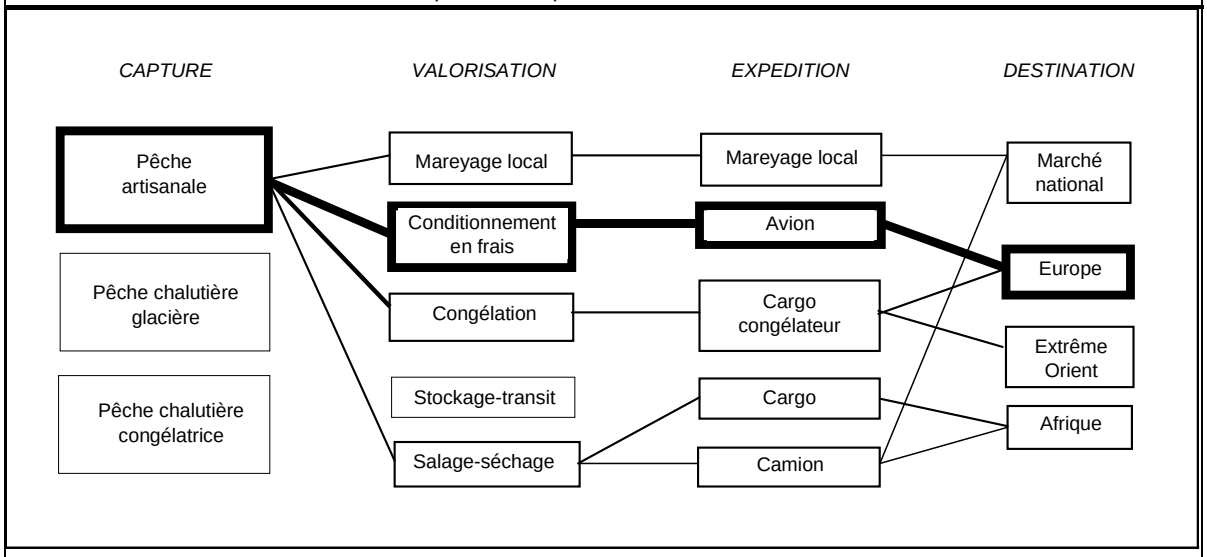
La Mauritanie dispose d'un nombre élevé d'unités de transformation de produits de la mer, d'importance et de qualité très variable. Parmi celles-ci, 46 sont agréées par l'ONISPA pour exporter sur le marché communautaire. Dans l'ensemble, ce secteur souffre d'approvisionnements irréguliers conduisant à une sous-utilisation généralisée de l'outil industriel.

De façon schématique, à partir des disponibilités portuaires, routières et aéroportuaires, Nouadhibou s'est spécialisé dans le traitement et l'exploitation des produits congelés évacués par voie maritime, tandis que Nouakchott s'est orienté vers les produits frais expédiés par avion (Europe) ou par la route (sous-région).

Les schémas ci-dessous donnent une vue synthétique des filières développées à partir de Nouadhibou et de Nouakchott (source IMROP). Depuis la publication de l'image de ces flux, un nouveau flux d'exportation par camion vers l'Europe et l'Afrique principalement a pu se mettre en place grâce à la construction de la route reliant Nouakchott à Nouadhibou.



Les filières de la pêche au départ de **NOUADHIBOU**



Les filières de la pêche au départ de **NOUAKCHOTT**

Figure 1: Les filières de la pêche au départ de Nouadhibou et de Nouakchott. Source : IMROP

Il convient de relever que l'exportation de produits frais est théoriquement interdit depuis le second semestre 2008, ceci afin d'améliorer l'approvisionnement du marché intérieur. Cette décision pourrait trouver une autre justification dans la volonté de contraindre les exportateurs à mieux déclarer ces flux afin de mieux les évaluer.

1.4 Commerce extérieur

1.4.1 Exportations

Les Douanes mauritaniennes n'ont pas été en mesure de fournir des informations détaillées sur les exportations de produits de la mer mauritaniens. L'explication fournie est qu'aucune incrémentation des déclarations douanières n'est actuellement réalisée en routine.

S'agissant de l'exportation des produits congelés dont la Société Mauritanienne de Commercialisation de poisson (SMCP) à l'exclusivité, il s'avère que deux marchés principaux se partagent la production mauritanienne : l'Europe et le Japon, l'Afrique restant un client de moindre importance.

Le marché européen est le principal débouché des exportations mauritaniennes enregistrées par la SMCP. En moyenne pour les années 2005-2007, le marché communautaire a absorbé 48% en poids des exportations totales, devant le marché japonais (39%) et le marché africain (14%).En valeur, le marché japonais a absorbé 57% des exportations mauritaniennes de produits congelés, devant l'Europe (41%) et le marché africain (2%). Ceci s'explique essentiellement par le fait que le marché japonais importe de Mauritanie essentiellement du poulpe alors que le marché communautaire importe également du poisson congelé. Le marché africain importe essentiellement des petits pélagiques en congelé.

Le tableau suivant indique que les exportations de produits mauritaniens dans la CE se situent autour de 26 000 tonnes annuellement pour une valeur de 100 M€. Les exportations sont dominées par les mollusques congelés (environ 55%en tonnage et en valeur), le poisson congelé et le poisson frais.

Tableau 7: Exportation annuelle des produits de la pêche mauritaniens par la SMCP

	Japon			Europe			Afrique			Total		
	Quant	Valeur kUSD	*Valeur K€*	Quant	Valeur kUSD	*Valeur K€*	Quant	Valeur kUSD	*Valeur K€*	Quant	Valeur kUSD	*Valeur K€*
2005	16 078	86 741	*69 804*	20 353	53 604	*43 137*	6 322	2 686	*2 161*	42 753	143 031	*115 102*
2006	17 566	89 627	*71 438*	20 278	68 400	*54 518*	5 240	2 262	*1 803*	43 084	160 289	*127 759*
2007	16 396	108 166	*79 035*	21 061	85 559	*62 516*	6 427	4 262	*3 114*	43 884	197 987	*144 665*

Source : SMCP – Bulletin annuel de statistiques 2007.

Tableau 8: Exportations de produits de la mer mauritaniens vers la CE

	2005				2006				2007				Moyenne			
	Tonnes	%	Valeur k€	%	Tonnes	%	Valeur k€	%	Tonnes	%	Valeur k€	%	Tonnes	%	Valeur k€	%
Poisson frais	3 914	15%	18 788	20%	3 722	14%	20 452	21%	4 284	16%	24 005	22%	3 973	15%	21 082	21%
Poisson congelé	5 039	19%	9 733	10%	6 742	25%	14 513	15%	7 188	27%	17 131	16%	6 323	24%	13 792	14%
Filets frais	220	1%	1 606	2%	158	1%	1 200	1%	0	0%	0	0%	126	0%	935	1%
Filets congelé	510	2%	3 064	3%	354	1%	1 458	1%	0	0%	0	0%	288	1%	1 507	2%
Poisson séché salé	290	1%	1 040	1%	457	2%	1 984	2%	620	2%	2 692	2%	456	2%	1 905	2%
Crustacés	1 262	5%	6 346	7%	765	3%	4 062	4%	513	2%	4 147	4%	847	3%	4 852	5%
Mollusques	14 832	56%	52 404	56%	14 224	54%	53 960	55%	13 706	52%	59 009	55%	14 254	54%	55 124	55%
Conserves de poisson	241	1%	1 022	1%	55	0%	184	0%	76	0%	741	1%	124	0%	649	1%
Conserves d'invertébrés	0	0%	0	0%	0	0%	0	0%	9	0%	22	0%	3	0%	7	0%
Farine de poisson	0	0%	0	0%	0	0%	0	0%	20	0%	12	0%	7	0%	4	0%
Total	26 308		94 003		26 477		97 813		26 416		107 759		26 400		99 858	

Source : Eurostat

Tableau 9: Mode de transport des exportations mauritaniennes de produits de la mer vers la CE

2007	Mer				Route				Air			
	Tonnes	%	€ 0,00	%	Tonnes	%	€ 0,00	%	Tonnes	%	€ 0,00	%
Poisson frais	2 177	9%	9 807	11%	0	0%	0	0%	2 109	8%	14 218	13%
Poisson congelé	6 923	29%	16 437	18%	263	100%	565	100%	8	0%	130	0%
Filets frais		0%	0	0%	0	0%	0	0%	0	0%	0	0%
Filets congelé		0%	0	0%	0	0%	0	0%	0	0%	0	0%
Poisson séché salé	618	3%	2 681	3%	0	0%	0	0%	2	0%	11	0%
Crustacés	464	2%	3 388	4%	0	0%	0	0%	52	0%	755	1%
Mollusques	13 728	57%	59 096	64%	0	0%	0	0%	7	0%	55	0%
Conserves de poisson	76	0%	741	1%	0	0%	0	0%	0	0%	0	0%
Conserves d'invertébrés	9	0%	22	0%	0	0%	0	0%	0	0%	0	0%
Farine de poisson	20	0%	12	0%	0	0%	0	0%	0	0%	0	0%
Total	24 015	91%	92 182	85%	263	1%	565	1%	2 178	8%	15 169	14%

Source : Eurostat

En matière de mode de transport vers le marché communautaire, le transit maritime est bien évidemment très largement majoritaire compte tenu de la nature des produits exportés où le congelé domine. Le poisson frais se partage entre expédition avion et arrivage par bateau, sans doute directement du navire de pêche lors d'escales techniques à Las Palmas.

Il a été tenté de reconstruire un bilan approximatif du commerce extérieur mauritanien à partir des données SMCP et des données Eurostat, ainsi que de données générales sur l'exportation vers la sous-région. Le commerce extérieur mauritanien peut être approché en recoupant les données SMCP pour le produit congelé et Eurostat pour les autres produits, permettant un total documenté. A ce total est rajouté une estimation faite des exportations vers la sous-région de façon informelle.[8] Ce flux est alimenté par des produits basiques (petits pélagiques issus de la pêche piroguière) mais également par des produits de plus forte valeur qui seront traités dans des unités de transformation de Dakar, actuellement en sous-activité, où le prix de l'énergie est moins élevé[9] permettant un prix de revient plus compétitif.

Sur la période 2005 - 2007 les exportations mauritaniennes de produits de la mer peuvent donc être estimées à 106 000 tonnes . Il est à relever que c'est l'Afrique qui est le premier client de la Mauritanie avec 60% des exportations en volume. En terme de valeur, cette destination ne pèse que pour 10% des exportations mauritaniennes. L'Europe est la première destination des produits de la mer mauritaniens en valeur (48%) et le second en volume (24%). Le Japon est le troisième marché en volume (16%) et le second en valeur. (43%)

La Mauritanie relève du régime douanier PMA/TSA. A ce titre, les exportations mauritaniennes de poisson ne sont pas soumises à taxation à leur entrée sur le territoire douanier communautaire.

[8] Cette estimation est réalisée à partir du chiffre de 130 000 tonnes de débarquement en Mauritanie, déduction faite d'une consommation nationale de 13 000 tonnes (données MPMEM) et des exportations documentées ramenées en poids vifs (estimation à partir des coefficients de conversion de la FAO).

[9] Source : transformateurs mauritaniens. Comm. pers.

Tableau 10: Estimation du commerce extérieur des produits de la pêche de Mauritanie. 2005-2008

			2005				2006				2007				Moyenne 2005 - 2007			
			Tonnes	%	K€	%	Tonnes	%	K€	%	Tonnes	%	K€	%	Tonnes	%	K€	%
Japon	Congelé	SMCP	16 078	15	69 804	38	17 566	17	89 627	43	16 396	15	108 166	46	16 680	16	89 199	43
Europe	Tous produits	Eurostat	26 308	24	94 003	51	26 477	25	97 813	47	26 416	25	107 759	45	25 400	24	99 858	48
Afrique	Congelé	SMCP	6 322	6	2 161	1	2 262	2	1 803	1	4 262	4	3 114	1	4 282	4	2 359	1
Total documenté			48 708	45	165 968	90	46 305	44	189 243	91	47 074	44	219 039	92	46 362	44	191 416	91
Exportations régionales	Tous produits	Estimations	60 000	55	18 000	10	60 000	56	18 000	9	60 000	56	18 000	8	60 000	56	18 000	9
TOTAL			108 708		183 968		106 305		207 243		107 074		237 039		106 362		209 416	

Source : Elaboration Oceanic Développement à partir de données SMCP, Eurostat et estimations MPMEM

1.4.2 Importations

Le poisson issu de la pêche étrangère est soit exporté directement par le navire de pêche, soit transbordé sous contrôle douanier en rade de Nouadhibou. A de très rares occasions, un débarquement pour stockage temporaire peut avoir lieu avant réexportation. Dans ce cas, la Douane mauritanienne fait usage de la procédure de l'admission temporaire, la marchandise restant consignée jusqu'à sa sortie du territoire.

Les seules importations importantes et régulières sont issues des débarquements de la pêche sénégalaise. Elles ne sont pas comptabilisées par la Douane.

1.5 Cadre institutionnel

1.5.1 Les institutions en charge

Deux organismes sont principalement concernés par la mise en oeuvre de la nouvelle réglementation :

- le Ministère des Pêches et de l'Economie Maritime (MPMEM)
- Le Ministère des Finances (Douanes)

Le Ministère des Transports n'est plus directement concerné depuis le rattachement de la Direction de la Marine Marchande au MPMEM en 2008.

Le principal organe intervenant dans la gestion des pêcheries est le Ministère des Pêches et de l'Economie Maritime (MPEM), qui est la structure gouvernementale chargée de l'aménagement des ressources halieutiques, de l'exercice de la tutelle des entreprises publiques et parapubliques présentes dans le secteur et de la gestion de l'espace maritime et des activités de pêche dans les eaux sous juridiction mauritanienne.

Le Ministère s'articule autour d'un Secrétariat Général et de 7 directions d'administration centrale et d'une Délégation dont :

- La Direction de la pêche industrielle (DPI) dont la mission est la mise en œuvre de la politique d'accès aux ressources et de gestion de l'exploitation pour la pêche industrielle et le suivi des activités et la gestion des navires de pêche industrielle.
- La Direction de la pêche artisanale et côtière (DPAC) chargée de la mise en oeuvre de la politique d'accès aux ressources, de la gestion de l'exploitation, du suivi des activités et de la gestion des embarcations pour la pêche artisanale et côtière.
- la Direction de l'aménagement et de l'océanographie (DARO) qui a en charge le développement de bases de données et de systèmes d'information sur les pêches à des fins d'aménagement des pêcheries et des ressources halieutiques, et la conception, l'élaboration et le suivi de la mise en œuvre des plans d'aménagement par pêcherie et des mesures de gestion des ressources halieutiques.
- La Direction des industries de pêche et de l'inspection sanitaire (DIPIS) en charge notamment de l'élaboration des textes réglementaires en matière d'hygiène et de salubrité des produits de la mer et des établissements et navires habilités à traiter ces produits.
- La Direction de la Marine Marchande (DMM) compétente pour les actions relatives à la mauritanisation, l'immatriculation et le jaugeage des navires de pêche.

Le contrôle des pêches est assuré par une administration de mission spécifique, la Délégation à la Surveillance des Pêches et au Contrôle en Mer. (DSPCM) La DSPCM est dotée d'une autonomie financière. Elle a pour mission d'assurer la surveillance maritime en déclenchant et coordonnant les opérations de suivi, de contrôle et de surveillance de l'espace maritime mauritanien et des activités liées à la pêche. Elle est essentiellement composée de personnels militaires mis à disposition. Ceci, en sus de son statut, explique la forte autonomie dont jouit la DSPCM dans l'organisation du Ministère. La DSPCM est également chargée de la lutte contre la pollution du milieu marin, la lutte contre les fraudes et trafics illicites en mer, l'application des lois et règlements de l'Etat en matière d'hygiène et de sécurité sur les navires. Elle participe au sauvetage en mer.
Au niveau déconcentré, le MPEM dispose d'un service, la Direction Régionale des Pêches de Dakhlet Nouadhibou (DRP) qui est chargée de représenter, au niveau régional, l'Administration Centrale du

Département. Cette structure déconcentrée dispose de très peu de moyens tant humains que matériels.

Le MPEM assure la tutelle de:

- La SMCP, qui est l'unique exportateur de poisson congelé de Mauritanie depuis 1984. Elle commercialise environ 40.000 tonnes par an de produits congelés à bord et à terre.
- L'ONISPA, office créé par décret n° 066/2007 du 13 mars 2007 qui a la charge exclusive de l'inspection et du contrôle sanitaires des produits de la pêche et des outils de production (usines, navires de pêche, moyens de transport, infrastructures de débarquement et de distribution, intrants, points de ventes,…). Il convient de relever que le laboratoire de contrôle, jusqu'à présent rattaché à l'IMROP, vient de passer dans le giron de l'ONISPA sans que l'on sache s'il s'agit ou non d'une décision temporaire en attente d'un nouveau statut pour ce laboratoire.

Le Ministère des Finances est également impliqué via la Direction Générale des Douanes qui est en charge du contrôle des flux aux frontières du pays. Les Douanes sont représentées sur les ports et aéroports de Nouadhibou et de Nouakchott, principaux points d'exportation des produits de la pêche vers l'Europe. L'Organisation mondiale des Douanes ne liste pas la Mauritanie comme Etat partie à la Convention internationale de Kyoto pour l'harmonisation et la simplification des régimes douaniers. La Direction Générale des Douanes à Nouakchott considère que la Mauritanie est bien partie à cette convention.

1.5.2 L'environnement réglementaire

L'attribution du pavillon mauritanien est encadrée par la Loi N°1995-009 du 31 janvier 1995 portant Code de la Marine Marchande qui fixe notamment les conditions de la mauritanisation du navire. La construction navale étant absente de Mauritanie, la totalité de la flotte industrielle est importée. Elle doit donc se soumettre aux conditions fixées par le Code de la Marine Marchande pour le passage sous pavillon mauritanien. Il convient de souligner que la Direction de la Marine Marchande ne tient un registre de la flotte nationale sous forme informatique que depuis quelques mois et que celui-ci n'est pas intégré dans un quelconque système d'information du Ministère. Enfin, la Direction de la Marine Marchande admet que les caractéristiques des navires intégrées dans le registre national sont issues des données déclaratives des armateurs et qu'aucun contrôle de ces données (longueur ; jauge brute et nette ; puissance) n'est effectué. De même, les attestations de radiation de précédents registres ne sont pas forcément complétées, nombre de navires se trouvant plusieurs années après leur passage sous pavillon mauritanien sous le régime de « mauritanisation provisoire ».

Selon la Loi N°2000-025 du 24 janvier portant Code des pêches, modifiée par l'Ordonnance N°2007-022 du 9 avril 2007, les activités de pêche sont soumises à autorisation préalable du Ministre chargé des pêches, aucun navire national ou étranger ne pouvant se livrer à des activités de pêche dans les eaux sous souveraineté ou juridiction mauritanienne sans être titulaire d'une licence de pêche. Cette disposition est d'application effective pour la pêche industrielle. Elle ne l'est pas pour la pêche artisanale et côtière. L'aboutissement du processus d'immatriculation des embarcations de la PAC devrait fournir au Ministère la base nécessaire à la mise en place de cette disposition.

La licence de pêche délivrée par le Ministre doit être conservée à bord et présentée à toute réquisition des agents de contrôle. L'octroi ou le renouvellement de la licence est subordonné au paiement d'une redevance ou d'autres droits dont le montant et les modalités de versement sont fixés par la réglementation.

Trois régimes d'accès sont institués :

- le régime d'acquisition, pour la flotte nationale. Les navires pêchant dans le cadre de ce régime sont des navires acquis par des opérateurs mauritaniens ou dans le cadre de sociétés mixtes de droit mauritanien. Le produit issu de cette pêche est considéré comme mauritanien. Il doit être débarqué en Mauritanie.
- Le régime d'affrètement qui consiste en une location du navire étranger par un affréteur mauritanien sur la base d'une clé de répartition des produits et des charges. L'affrètement est généralement réalisé sur la base du « wet charter » (fourniture de l'équipage par l'affrété ; conduite des opérations de pêche par l'affrété). Ce régime a été institué comme un mode transitoire en vue d'une intégration ultérieure à la flotte nationale. Ces navires

ont l'obligation de débarquer leurs captures démersales en Mauritanie et de transborder en rade les espèces pélagiques. Le produit issu de cette pêche est considéré comme mauritanien.

- Le régime de la licence libre, qui sous réserve du paiement d'une redevance permet aux navires d'exercer leur activité de pêche dans la ZEE mauritanienne conformément aux dispositions encadrant cette activité. Les licences libres ne sont pas soumises à l'obligation de débarquement et de transbordement en rade, leur production étant librement commercialisée par l'armateur et exportée directement. Les navires travaillant sous accord de pêche UE-Mauritanie rentrent dans ce cadre.

Pour les navires qui y sont astreints (navires affrétés), ou qui le souhaitent (procédure agréée avec l'UE) le transbordement des captures doit s'effectuer en rade des ports mauritaniens, sous contrôle des autorités de surveillance (DSPCM, Douane). Ce transbordement est considéré comme une sortie de la zone de pêche. Les navires doivent remettre les originaux du journal de pêche et notifier leur intention soit de continuer la pêche, soit de sortir de la zone de pêche mauritanienne

L'article 34 du Code des pêches oblige les navires autorisés à transmettre aux autorités les données statistiques et les informations sur les captures. A cette fin, l'article 40 du décret n° 2002-073 institue un journal de pêche basé sur le modèle défini par l'arrêté N° R-046, que les capitaines des navires industriels doivent tenir à jour, dans lequel ils enregistrent quotidiennement les renseignements relatifs aux activités de pêche, et transmis, à l'issue de chaque marée, à la DSPCM. Les thoniers quant à eux peuvent utiliser le modèle du journal de pêche de l'ICCAT (Commission internationale pour la conservation des thonidés de l'Atlantique). Dans tous les deux cas, les renseignements à fournir portent notamment sur les quantités de poissons, les espèces pêchées, transbordées ou transportées, les dates et les zones de pêche et de prises ou de transbordement, les caractéristiques des navires, les engins de pêche et les méthodes de pêche utilisées ou tout autre renseignement utile. Les navires de pêche artisanale et côtière devraient être soumis à un journal de pêche spécifique qui n'a pas encore été établi.

Des observateurs sont embarqués à bord des navires industriels avec pour mission générale d'observer, pour le compte des autorités compétentes, le déroulement des activités des navires de pêche. Les observations portent sur le respect de la réglementation, notamment des engins et zones de pêche, de la quantité et la composition spécifique des captures, dont ils doivent rendre compte dans un rapport trimestriel communiqué régulièrement à l'IMROP. Tout capitaine de navire de pêche industrielle autorisé à opérer dans les eaux sous juridiction mauritanienne devra, lorsqu'il en est requis par l'autorité compétente, permettre à l'observateur mauritanien d'embarquer pour la durée de son séjour à l'intérieur des dites eaux

Les navires étrangers autorisés à pêcher sont tenus de communiquer à l'Administration compétente, les informations indiquant le moment et le lieu de leurs entrées et sorties des eaux sous juridiction mauritanienne, leur position à intervalles réguliers, leur cargaison et titres justificatifs ou captures éventuelles effectuées.

A l'exception des thoniers, des palangriers de surface et des chalutiers pélagiques congélateurs, les navires ne peuvent rentrer dans la ZEE mauritanienne que par deux bouées, l'une près de la frontière sud, et l'autre près de la frontière nord. Ces entrées-sorties doivent se faire en présence de la DSPCM.

La mesure principale d'aménagement des pêcheries repose sur la fixation de l'effort de pêche. Elle est renforcée par des mesures techniques: repos biologique, maillage des filets, taille minimale de capture, techniques, engins et gréements de pêche prohibés, zonage et cantonnements, fixation du taux de captures accessoires (fausse pêche) etc. Des plans d'aménagement pour les principales pêcheries (poulpe; crevette) sont en cours d'élaboration.

L'ensemble des navires de pêche industrielle est soumis à l'obligation d'embarquer un système VMS et de fournir une position horaire au FMC mauritanien. Les données sont recueillies par la DSPCM à Nouakchott, avec duplication à Nouadhibou. Cette organisation est récente et ne fonctionne semble-t-il qu'imparfaitement. Auparavant, l'ensemble des données étaient acquises et analysées à Nouadhibou. Les informations ainsi obtenues et analysées ne sont pas partagées avec d'autres services au sein du MPEM ou d'autres administrations nationales.

Les établissements de traitement et de transformation des produits de la pêche sont censément soumis à autorisation préalable du MPMEM. Dans les faits, seuls les établissements souhaitant exporter vers le marché communautaire sont soumis à agrément délivré par l'ONISPA. Cet agrément porte essentiellement sur la construction et l'agencement général du(es) bâtiment(s) utilisé, les conditions de traitement des produits et l'existence et la mise en oeuvre d'un plan HACCP. A de rares exceptions près, les niveaux d'exigence sont assez bas. Le programme PRCC vise à mettre à niveau les entreprises, notamment par un programme de formation des responsables qualité des entreprises et la mise en place de plans HACCP cohérents et satisfaisants. Il est à noter que la traçabilité des produits est embryonnaire pour ce qui concerne le produit congelé bord (entreposage), étant facilité par les codes et marques apposés sur les cartons. Par contre, pour le congelé à terre et les produits frais, la traçabilité peut être considérée comme inexistante quelle que soit l'origine des produits (PAC ; glaciers). L'ONISPA dit être consciente de ce problème et devrait inciter les entreprises à mettre en place les procédures nécessaires pour parvenir à une traçabilité effective des produits. Il est à relever que le PRCC va entreprendre dans les prochains mois un audit complet des entreprises disposant d'un agrément sanitaire UE afin de constater l'état effectif des établissements et *in fine* d'engager un programme d'appui afin de les hausser à un niveau de qualité satisfaisant. Il convient enfin de souligner que le rattachement du Laboratoire de référence à l'ONISPA n'est pas satisfaisant, cet organisme devenant tout à la fois juge et partie dans le contrôle sanitaire.

En conclusion, on peut considérer que le cadre réglementaire mauritanien est assez complet même si il pêche dans son application. Il est à noter que le régime de passage sous pavillon national se fait dans la pratique d'une façon assez lâche (régime provisoire *ad vitam aeternam*) et ne donne pas lieu à vérification des données de l'armateur. Le régime de la pêche artisanale et côtière connaît un début d'encadrement effectif avec la fin du recensement du parc piroguier et l'immatriculation des embarcations, permettant à terme de donner un support effectif à l'obligation de licence pour cette catégorie de la flotte mauritanienne. Il faut également constater qu'il n'existe aucun suivi de l'activité d'éventuel(s) navire(s) mauritanien(s) travaillant hors des eaux mauritaniennes, le dispositif législatif et réglementaire ne concernant que l'activité de pêche pratiquée dans les eaux mauritaniennes. Enfin, le secteur de la transformation ne dispose que d'une forme embryonnaire de gestion de la traçabilité, essentiellement appliquée aux produits congelés bord de la pêche industrielle. En dernier lieu, l'absence de système d'information cohérent au sein du MPMEM nuit à l'efficacité générale du dispositif administratif et de contrôle, chaque service établissant ses propres bases de données selon ses propres critères et veillant à ne pas les rendre accessibles à d'autres services.

1.5.3 Le contrôle du respect

Le décret N°94- 125 créant une Délégation à la surveillance des pêches et au contrôle en mer prévoit que « l'Etat affecte à la Délégation l'ensemble des moyens humains, techniques et financiers nécessaires à la bonne exécution de ses missions ».

Actuellement, la DSPCM[10] dispose d'une dotation en matériel très large comprenant notamment :

- des moyens nautiques (2 navires hauturiers, 1 vedette de 18 m, 3 vedettes de 10 m pour le contrôle et la surveillance dans la rade de Nouadhibou et la zone artisanale et côtière, 10 embarcations réparties entre 5 postes côtiers le long du littoral, 3 vedettes pour la surveillance du Parc du Banc d'Arguin)
- des moyens aériens (un avion de surveillance de la Direction de l'Air est affrété en fonction des besoins)
- des moyens de détection: cinq stations radars équipées de radios HF et VHF.
- de véhicules permettant les contrôles à terre, notamment en période d'arrêt biologique
- d'un centre coordinateur des opérations de contrôle et de suivi VMS à Nouakchott avec duplication à Nouadhibou. Le traitement des journaux de pêche est également effectué à Nouadhibou.

La DSPCM est structurée en services spécialisés:

- service « opérations » ;
- service « technique » ;

[10] « Communication de la DSPCM aux Etats Généraux de la Pêche » MPMEM 2007

- service « contrôle et statistiques » ;
- service « finances et matériel ».

Le service des opérations est chargé de la conduite des opérations de surveillance, contrôle et assistance en mer, dans les ports et rades.

Le service technique est chargé du suivi technique et de la maintenance des outils de surveillance maritime et aérienne affectés à la DSM.

Le service du contrôle et des statistiques est chargé :

- de la collecte, de la tenue, des traitements et de la ventilation des données et informations, et notamment, celles contenues dans les journaux des pêches de navires ;
- du traitement administratif des procès-verbaux d'infractions au Code des pêches et aux infractions maritimes, des procès verbaux connexes et du suivi des contentieux afférents ;
- du recouvrement des amendes ;
- du contrôle des débarquements et transbordements dans les ports et rades.

Les divisions directement rattachées au Délégué sont

- le centre de communications maritimes. Il assure la liaison permanente entre la Délégation et ses unités de surveillance navales et aériennes.
- le secrétariat.

La DSPCM bénéficie, depuis 1989 d'un appui financier important de la coopération allemande, dans le cadre du projet GTZ "Surveillance de la pêche". Elle bénéficie également d'une dotation financière issue de l'accord de pêche UE-Mauritanie, ainsi que d'une dotation en propre de l'Etat mauritanien.

Le contrôle de l'accès des pirogues sénégalaises dans les eaux mauritaniennes et le suivi de l'accord de pêche entre les deux Etats a conduit la DSPCM à nouer des relations étroites avec son homologue sénégalais (DPSP). Par le passé, la DSPCM avait engagé une collaboration active avec l'UCOS basée à Banjul dans le cadre du projet sous-régional de coordination des efforts de surveillance AFR géré par la CSRP.

L'activité de la DSPCM peut être considérée comme satisfaisante. Elle se traduit par une mobilisation effective de ses moyens, sans rupture de l'activité de surveillance.

En charge du contrôle des pêches, ayant une fonction d'enregistrement des captures et capable de faire le lien entre le registre d'immatriculation des navires, le registre des licences et les débarquements, la DSPCM semble être, dans le cadre actuel, l'organisme mauritanien le plus à même de délivrer les prochains certificats de capture, sous réserve d'un décloisonnement de l'activité des services au sein de la DSPCM, de la mise en place d'un système d'information cohérent au sein du MPMEM et d'un registre national des navires de pêche régulièrement documenté tant pour la pêche industrielle que pour la PAC.

1.6 Nature et étendue de la pêche illégale

1.6.1 Les navires nationaux

Il est probable que des navires battant pavillon mauritanien pêchent à l'extérieur de la ZEE mauritanienne sans contrôle effectif exercé par l'Etat du pavillon. La cause essentielle est à rechercher dans le manque de rigueur dans la tenue du registre national des navires de pêche par la DMM qui ne possède pas les moyens pour effectuer l'ensemble des contrôles nécessaires à la « mauritanisation » du navire et le suivi de l'activité du navire tout au long de sa vie sous pavillon national. Hors DMM, le registre des navires est bien souvent considéré comme la liste des navires licenciés pour la pêche en Mauritanie. Enfin, la compétence du MPMEM telle que prévue par la loi ne s'exerce que dans les eaux sous juridiction mauritanienne, ce qui peut signifier que les navires mauritaniens travaillant en haute mer ou dans d'autres ZEE ne sont pas de la compétence du MPMEM.

A contrario, le système actuel qui conditionne le passage sous pavillon mauritanien à la détention d'une licence de pêche délivrée par le MPMEM empêche toute utilisation complaisante du pavillon mauritanien.

Les actions de pêche illicites recensées portent essentiellement sur des infractions relatives à l'utilisation d'engins de pêche prohibés (maillages, monofilaments etc.), de non-respect des zonages (pêche industrielle en zone réservée à la pêche artisanale, pêche artisanale motorisée à l'intérieur des limites du PNBA), voire de non-respect des termes de la licence (pêche de courbine par des navires industriels glaciers ayant une licence petits pélagiques). Ces infractions sont latentes et omniprésentes, et sont constatées au niveau de la pêche artisanale, côtière et industrielle.

Au niveau des déclarations de captures, la Mauritanie est confrontée à certaines difficultés. La pêche artisanale ne fait pas l'objet d'un enregistrement des captures et le registre des navires artisans n'est encore qu'évoqué par le MPEM. Il est avéré également que des captures de langouste verte sont régulièrement effectuées dans les eaux marocaines. S'agissant de la pêche industrielle, il y aurait une pratique incluant des transbordements non-autorisés (dans des zones non-couvertes par les radars) et des débarquements dans des ports étrangers voisins. (Dakhla notamment ; Dakar dans le passé)

1.6.2 Les navires étrangers

La Mauritanie a semble-t-il bien endigué le phénomène régional de la pêche industrielle étrangère pêchant sans autorisation dans ses eaux grâce aux moyens déployés par la DSPCM. Selon des informations recueillies au cours de la mission, le dernier navire « pirate » détecté pêchant à l'intérieur de la ZEE mauritanienne remonte à 2001.

Au niveau de la pêche artisanale, il existe une pêche étrangère non-autorisée, d'origine sénégalaise. Cette pêche rentre dans un tissu économique favorable, ces pirogues étant souvent en lien avec des affréteurs mauritaniens.

1.6.3 Trafic portuaire

La Mauritanie n'accueille dans le port de Nouadhibou et sa rade que des navires détenteurs d'une licence de pêche valable pour les eaux mauritaniennes. Il n'y a donc pas de débarquement ou de transbordement de navires étrangers dont l'activité ne serait pas suivie par la DSPCM.

Les navires étrangers pêchant sous licence libre, sous régime d'affrètement ainsi que les navires nationaux doivent notifier au moins 72 heures à l'avance leur intention de rentrer dans le port de Nouadhibou ou en rade. Tous les transbordements sont soumis à un processus d'autorisation préalable et sont contrôlés. Dans la pratique, il semble que l'absence de coordination inter-services puisse conduire l'autorité portuaire à accorder l'autorisation d'entrée au port sans avoir accès à une procédure de vérification que ce navire est bien détenteur *hic et nunc* d'une licence de pêche valable délivrée par le MPMEM. Il en serait de même pour le contrôle de la cargaison par la Douane.

2 LES SYSTEMES DE CERTIFICATION EXISTANTS

2.1 La certification d'origine

Les exportations de produits de la pêche de Mauritanie vers l'UE doivent respecter les règles d'origine pour bénéficier de l'exonération de droits de douane prévue par le régime douanier PMA-TSA. Le certificat est vendu par la Chambre de Commerce et d'Industrie, rempli par l'exportateur et validé par les Douanes sans qu'à aucun moment un contrôle particulier ne soit effectué sur l'origine exacte du produit. Ce système a conduit à une fraude massive aux certificats d'origine par le passé.

Le régime du « point franc » (usine travaillant en franchise douanière) accordé à 1 usine de traitement de poisson et 3 usines de fabrication de farine de poisson implique la présence d'un poste douanier permanent dans ces établissements. Celui-ci s'assure essentiellement que les produits importés (notamment les équipements et consommables) ne sont pas mis en libre circulation sur le marché domestique. Aucune attention particulière ne semble être apportée à l'origine des produits importés. Un certificat d'origine est semble-t-il systématiquement accordé aux produits issus de ces entreprises.

Les opérations de stockage temporaire réalisées par des entreprises étrangères (armateurs) notamment sur Nouadhibou donnent lieu à consignation du produit et à délivrance d'un certificat de non-manipulation (T2M) lors de la réexportation.

2.2 La certification dans le cadre des ORGP

La Mauritanie n'est pas membre de l'ICCAT ni d'aucune autre ORGP hors commission baleinière internationale, ceci alors même qu'une pêche aux thonidés est réalisée dans ses eaux et que certains de ses navires pourraient être engagés dans une telle pêche.

2.3 La certification sanitaire

La certification sanitaire des produits de la pêche est délivrée par l'ONISPA, organisme autonome nouvellement créé (décret n° 066/2007 du 13 mars 2007) qui a la charge exclusive de l'inspection et du contrôle sanitaires des produits de la pêche et des outils de production.

Suite aux rapports relativement sévères de l'OAV (2004 et 2006), l'ONISPA a été chargé de remédier aux carences constatées. Malgré les efforts accomplis la situation reste fragile.

Pour accomplir ses tâches, l'ONISPA dispose de 8 vétérinaires et de 10 techniciens. Il est reconnu que les contrôles effectués par l'ONISPA ont gagné en rigueur et méthode par rapport à la précédente organisation. L'ONISPA dispose d'un budget relativement faible pour assurer son fonctionnement (100 M d'ouguiya soit moins de 300 000 euros)

Après audit, l'ONISPA a agréé pour l'exportation sur l'Europe 98 navires congélateurs et 46 établissements à terre (32 à Nouadhibou et 14 à Nouakchott).

L'ONISPA a prévu d'améliorer son organisation interne avec notamment la réalisation d'un manuel de procédures administratives et un manuel de procédures des analyses de laboratoire, et de réactualiser le manuel d'inspection pour assurer la transparence et la traçabilité de tous les actes administratifs et techniques. Par le passé, des certificats frauduleux ont été utilisés. Il semble qu'il existe encore des entreprises qui obtiennent des certificats pour des quantités de produits sans rapport avec leur capacité effective de traitement, couvrant ainsi la production d'établissements non-agréés.

L'ONISPA doit encore s'attacher à assurer les inspections sanitaires au niveau des débarquements de la pêche artisanale et côtière ainsi qu'au niveau des infrastructures de débarquement des produits artisanaux.

Le rattachement du laboratoire de contrôle à l'ONISPA (précédemment à l'IMROP) pose une question de fond et risque de soulever des remarques de la part de l'OAV.

L'ONISPA est conscient que la traçabilité au sein des entreprises (armements et établissements) est hétérogène et laissée à l'initiative des opérateurs.

2.4 La certification CITES

La Mauritanie a ratifié la CITES en 1998. L'administration en charge de cette certification est le Ministère de l'environnement[11]. La CITES enregistre quelques exportations très ponctuelles d'animaux marins ou de produits issus d'animaux marins couverts par la CITES au départ de la Mauritanie

[11] Il n'a pas été possible de rencontrer cette administration durant la mission.

Tableau 11: Exportations par la Mauritanie d'animaux marins couverts par la CITES

Taxon	Type	2000	2001	2002	2003	2004	2005	2006	2007	2008
Testudinidae spp.	carapaces	5	0	0	0	0	0	0	0	0
Caretta caretta	carvings	0	0	0	0	0	1	0	0	0
Chelonia mydas	carapaces	0	1	1	1	0	1	0	0	0
Hippocampus kuda	Animal vivant	0	0	0	0	8	7	0	0	0
Acropora spp	Animal vivant	0	0	0	0	0	0	0	3	0
Total		5	1	1	1	8	9	0	3	0

Source: CITES

APPENDIX 1: LIST OF PERSONS MET

Nom			Qualité	Institution
M.	Boughourbal Moulaye	ABASSE	PDG	APM/SEPH
M.	Lamine	CAMARA	Chef du Service Aménagement DARO	MPMEM
M.	Yannick	CARTERET	Conseiller Technique Ministre	MPMEM
M		DIA	Chef de service DPAC	MPMEM
M.	Marc	FEUGUEUR	Responsable Projet PRCC	FNP
M.	Nikolas	GEORGIADIS	Directeur Général	Georgiadis Group
M.	Ly Mamadou	HAMET	Directeur Commercial	SMCP
M.	Ahmed	LAFDAL	Chef Service Contrôle	DSPCM
M.	Jean-Philippe	LARTIGUE	Conseiller Technique DARO	MPMEM
M.	Yann	LAURENT	Consultant en charge de la conception du nouveau système d'information du MPMEM	Sous contrat DARO
M.	Jean-Louis	LAUZIERE	Conseiller Technique DSPCM	DSPCM
M.	Ahmed	OULD BABAH	Directeur Régional des Douanes Nouadhibou	Direction générale des Douanes
M.	Ely	OULD BOURRASS	Inspecteur Central des Douanes	Direction Générale des Douanes
M.	Brahim	OULD CHADLI	Directeur Général	SMCP
M.	Mustapha	OULD LWAVY	Délégué Adjoint	DSPCM
M.	Mohamed Mahmoud	OULD SADEGH	Secrétaire Général	Fédération Nationale de Pêche
M.	Ulrich	SCHACK	Conseiller Technique DARH	MPMEM
M.	Mohamed Lemine	SID BRAHIM	Directeur de la Marine Marchande	MPMEM
M.	Ba Abou	SIDI	Directeur	ONISPA
M.		TOLBA	Adjoint Directeur de la Marine Marchande	MPMEM

ANNEX 12: NATURE AND EXTENT OF IUU FISHING IN CASE STUDY COUNTRIES

CONTENTS

TABLES

1 NATURE AND EXTENT OF IUU FISHING IN NAMIBIA

1.1 IUU fishing by Namibian vessels

Although Namibia has a well founded fisheries management and MCS system, there have been a number of well publicised cases of involvement of Namibian flagged or operated vessels engaging in IUU fishing activities.

1.1.1 Paloma V case

Namibian flagged MFV "Paloma V" was arrested in New Zealand in May 2008, following an port state inspection by authorities in the Port of Auckland. Alleged IUU fishing activity was identified based on information from computers onboard. This included re-fuelling and re-supply of an IUU listed vessel, "Chilbo San 33" during the period August 8-9, 2007. The vessel had previously been licensed to fish for toothfish in the CCAMLR area by the MFMR, but the licence had lapsed. The vessel failed to declare the catches on board when it entered New Zealand waters. The legal proceedings in New Zealand are still underway. In the meanwhile Paloma V was served with de-registration certificate by the Namibian Ministry of Works and Transport, Department of Maritime Affairs. The owners declared their intent to reflag the vessel in Mauritius.

1.1.2 Antillas Reefer case

Another Namibian flagged vessels, the "Antillas Reefer", which has some links with the operators of the Paloma V, was arrested by the Mozambican authorities in July 2008 after it was observed fishing without a licence off the central province of Zambezia on 23 June.

When fishing inspectors weighed the "Antillas Reefer" cargo, they found that it was carrying 43 tonnes of sharks, four tonnes of shark fin, 1.8 tonnes of shark tail, 11.3 tonnes of shark liver, and 20 tonnes of shark oil. The total value of this catch was put at around five million US dollars. Also found on board were 65 tonnes of bait (frozen squid and fish), and illegal fishing gear for fishing with deepwater long lines. The vessel was apparently targeting deep sea sharks. The Fisheries Ministry has imposed a fine of 4.5 million US dollars on the ship's owners and has confiscated the ship and everything on board.

Antillas Reefer had previously been licensed by Namibia to harvest *Dissostichus* toothfish ssp in the CCAMLR Convention area for 2007/8. Antillas Reefer offloaded its catch at the port of Durban on May 5-9, 2008, to the satisfaction of the South African fisheries officials. After leaving the port of Durban, the vessel operator informed the Ministry of Fisheries and Marine Resources in Namibia that it was heading for Mozambique to fish under a joint venture arrangement with a Mozambican partner. An application for tuna fishing licence was in process at the time of the arrest.

1.2 IUU fishing by foreign flagged vessels

1.2.1 Alleged illegal discarding (mid-water trawl segment)

The Ministry of Fisheries and Marine Resources has reported that an inspection done between October 24 and 29 2007 revealed that a number of foreign flagged horse mackerel vessels licensed by the Ministry had on board devices used to dump fish at sea, in contravention of Marine Resources Act. These devices would permit high grading[1]. The majority of the fleet was recalled to port for further inspection. Seven vessels were placed under arrest in October 2007, and act which brought the whole horse mackerel industry to a halt. One vessel absconded in

[1] The Namibian, November 13, 2007,
http://www.namibian.com.na/2007/November/national/07CA7BA369.html

2008. Some of the vessels have been allowed to return to sea. The case is ongoing, with the vessels under guard by the fisheries patrol vessel, although no prosecution has yet been launched by the Prosecutor General. The continued losses are seriously undermining the future of the present operators in the sector.

In July 2005, one of the mid-water trawl vessels was also arrested for fishing in a restricted area.

1.2.2 Other IUU risks

Historically the Patagonian toothfish fishery (based around Prince Edward island 1700km southeast of S.Africa) was associated with extensive IUU fisheries in the 1990s, which led to near collapse of the stocks. An estimated 60 IUU vessels were operating in the fishery, landing in S.Africa, Namibia and Mauritius. Catch rates have never recovered, and the fishery is less profitable and therefore less attractive to IUU vessels. The CCAMLR flag and port state controls introduced in 2005, the catch documentation scheme introduced in 2006 and the VMS requirement in 2007, have increased the operational barriers to maintaining an IUU fisheries activity. However, IUU activities do continue in November 2008, a report by TRAFFIC estimated that between 2004 and 2007, the percentage of trade represented by IUU catch averaged 17 per cent, compared to CCAMLR's average estimate of 10 per cent of total landings[2]. Toothfish landings in Nambia appear to have fallen to a low level; only three landings have been declared since the introduction of the catch certification scheme.

The high level of functioning marine and air surveillance activities in both Nambia and S.Africa creates a strong deterrent against illegal fishing by unlicensed and licensed vessels. Table 2 shows an assessment of the IUU fishing risks and impacts for Nambia, presented at the SADC Expert Consultation on IUU fishing in Windhoek, April 2008. Most of the sectors present only a low risk, with medium level indirect economic risks associated with offshore and inshore demersal fisheries.

Nevertheless there have been a number of well documented cases in S.Africa, and although no cases are reported in Namibia, the data suggests that the surface longline vessels carrying SE Asian flags, targeting sharks is one of the regional fisheries in which IUU practices are common.

Table 1: Examples of IUU fishing by SE Asian flagged vessels in S.African waters

Date	Vessels Name	Flag	Location	Reason
February 2005	Fortune 1	Indonesia	S.African	for fishing for shark without a licence
Aug 2005	Oryang 353	Korea	S.Africa	Shark finning in breach of licence conditions
June 2005	Dong Won 630	Korea	S.Africa	Shark finning in breach of licence conditions

[2] "Continuing CCAMLR'S Fight Against IUU Fishing For Toothfish", presented to CCAMLR meeting, Hobart on October 27 to November 5 2008. See http://www.wwf.org.au/news/illegal-toothfish-still-on-the-plate/

Table 2: Risks of IUU fishing and impacts in Namibia

IUU Level >		Low			Medium			Low			Low		
Impacts		Offshore - Large Pelagics			Offshore & Inshore - Demersal			Inshore & Shelf Edge - Horse Mackerel			Offshore & Coastal - Crustacean		
		Fishing without a license	Fishing prohibited species	Miss/under reporting	Fishing prohibited species	Miss/under reporting	Fishing in closed area/time	Fishing prohibited species	Miss/under reporting	Fishing in closed area/time	Fishing without a license	Miss/under reporting	Fishing in closed area/time
Economic	Direct loss of revenue	L	L	L	L	L	L	L	L	L	L	L	L
	Indirect loss of revenue	L	L	L	M	M	M	M	M	M	M	M	M
	Downstream loss of revenue	L	L	L	L	L	L	L	L	L	L	L	L
Ecosystem	Target stock status	L	L	L	L	M	M	M	M	M	M	M	M
	Overlap stock status	M	M	M	M	M	L	M	M	L	M	M	M
Social	Food security	L	L	L	L	L	L	L	L	L	L	L	L
	Fisher conflicts	L	L	L	L	L	L	L	L	L	L	L	L
	Safety	L	L	L	L	L	L	L	L	L	L	L	L

Source: Study and analysis of the status of IUU fishing in the SADC region and an estimate of the economic, social and biological impacts, SADC Stop illegal fishing programme, MRAG, and CapFish, Presented at the SADC Expert Consultation on IUU Fishing, April 2008

2 NATURE AND EXTENT OF IUU FISHING IN INDONESIA

2.1 IUU fishing by Indonesian vessels

There are numerous media and official reports of IUU fishing undertaken by Indonesian vessels. Four Indonesian flagged vessels were listed in September 2008 by the Western and Central pacific Fisheries Commission as being engaged in IUU activities. The vessels were MV Senko, MV K.M. Minako, MV Youko and MV Tomio. All were stated as being operated by PT. Harini Asri Bahari, of Jakarta, Indonesia. No data is available regarding the circumstances giving rise to the listing. Eleven out of 96 vessels listed on the Greenpeace blacklist of IUU vessels (based on evidence collated from nine RFMOs i.e. officially blacklisted) carry the Indonesian flag. Many of the listings were for surface longliners which were fishing in the IATCC region (of which Indonesia is not a member).

There have traditionally been many recorded incursions into the Australian zone by Indonesia fishers, particularly undertaken by traditional or small-scale vessels. Since 1974, traditional Indonesian vessels have been allowed access to a defined area of the Australian fishing zone (northwest of Broome) in which Australia agrees not to enforce its fisheries laws – an area known as the MoU Box3. However increasing IUU fishing by Indonesian vessels targeting shark (long line and gillnet) has occurred either in the MoU Box (through a failure to comply with agreed rules) or as a result of opportunistic fishing in other areas of the AFZ around the MoU Box. Until 2006, Australia's Department of Agriculture Fisheries and Forestry undertook an aggressive policy of arrest and destruction of vessels. However this has been replaced to an extent with a softer approach, including education and training support for fishers in Indonesian fishing community identified as being the major sources of IUU fishing[4]. visits by Australian Fisheries Officers to Indonesian ports and printing and distribution of free maps explaining the prohibited zones. This policy appears to be successful. Only 12 cases have been reported in 2008 (cf.200 in 2006).

A number of Indonesian flagged long liners operate in the Indian Ocean, and land product into Sri Lanka, often via a carrier/fishing vessel. The authors have observed that many of these are not listed on the IOTC positive list, and they are therefore suspected of not operating in compliance with Indonesia's obligations as an IOTC member.

2.2 IUU fishing by foreign flagged vessels

Illegal fishing by foreign vessels in Indonesian waters is recognised as a major problem by the MMAF, and is reflected in the policy of the MMAF to support by all means possible the fight against IUU fishing within the region. Table 3 shows the development of the marine patrols and the numbers of illegal vessels apprehended, indicating that the patrols have had a powerful effect in reducing the level of illegal fishing from 30-45% of vessels inspected to 10-15%. Between January and December 2008, of 232 foreign vessels apprehended fishing illegally in Indonesian waters, more than 70 of these were Vietnamese. Other flags arrested included Thailand, Philippine and China. The MMAF estimates that illegal, unreported and unregulated fishing in Indonesian waters result in annual losses of US$2-3 billion based on an assumed loss of catches of 25% of current levels at an ex-vessel price of USD2/kg.

---

[3] Memorandum of Understanding Between the Government of the Republic of Indonesia and the Government of Australia Concerning the Implementation of a Provisional Fisheries Surveillance
and Enforcement Arrangement.

[4] Source:
http://www.daff.gov.au/fisheries/iuu/overview_illegal,_unreported_and_unregulated_iuu_fishing

Table 3: Marine patrols and IUU vessels apprehended

Vessel	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**
Number of Patrol Vessels	1	6	11	14	16	20	21
Number of Vessels Inspected		154	193	344	1,447	2,207	1,654
Number of IUU Vessels arrested	12	40	85	112	132	184	223
Percentage of IUU Vessels		*26*	*44*	*33*	*9.1*	*8.34*	*13.5*

3 NATURE AND EXTENT OF IUU FISHING IN THAILAND

3.1 IUU fishing by Thai vessels

3.1.1 National waters

There are on average 600-700 infractions/year, most commonly in relation to fishing without suitable licence. The profile of infractions during 2003 to 2008 is shown in Table 4. Most infractions are in relation to technical measures in relation to trawl nets.

Table 4: Fisheries infractions detected by DoF, 2003 to 2008

	2003	**2004**	**2005**	**2006**	**2007**	2008
Pair trawl	28	35	46	28	23	24
Single trawl	176	162	117	85	128	59
Fixed nets	58	19	1	11	9	30
Seine nets	55	48	71	101	86	90
Purse seine	10	16	55	44	56	16
Other nets	218	122	126	95	102	70
Shellfish rake	76	80	40	97	102	111
Nets	-	-	1	-	1	-
Shrimp trawls	18	44	58	52	55	23
Other gears	31	111	91	39	59	27
Totals	670	637	606	552	621	450

3.1.2 Non-Thai EEZ

Thailand, being a major processing and exporting country, has a high demand for fishery products as a raw material for its processing and distribution business operators. Not only does this result in a high level of demand for imports, but it also provides pressure for illegal fishing. Thai vessels with a tradition of distant water fisheries have been implicated in illegal fishing in a number of countries in the region. In particular, Thai vessels have been arrested for fishing without a licence in Indonesia

3.2 IUU fishing by foreign flagged vessels

Incursions by foreign vessels doe not appear to be a significant problem; there are no reported illegal fishing operations undertaken by foreign fishing vessels.

3.3 Laundering of products of IUU fisheries

Thailand has a substantial level of imported fishery products from almost every fishing nation in the world, plus the import of some products defined only as “high seas” origin. The apparently relatively weak checks regarding the origins, and the volumes involved provide the opportunity for unscrupulous traders to launder the identity of fishery products. Thailand is recognised as a centre for laundering of income from the international drug trade, including by the CIA[5]. It would therefore not be surprising to find that some less scrupulous Thai enterprises are involved in the importing products of IUU fisheries, processing them, and the re-exporting them as Thai origin. Although there have been no specific cases identified in Thailand, this is possibly because there has been no specific effort to detect them. The problem is however recognised by the Asia Pacific Fishery Forum (http://www.apfic.org/) and reflected in the Regional Plan of Action (RPOA) to Promote Responsible Fishing Practices (including Combating IUU Fishing) in the APEC Region.

3.4 Regional Plan of Action (RPOA) on IUU fishing

In the context of IUU fishing in Thailand and Indonesia, it is worth mentioning the RPOA, to which both countries have committed. At the Regional Ministerial Meeting on Promoting Responsible Fishing Practices including Combating Illegal, Unreported, Unregulated (IUU) Fishing in the Region, Bali, 4th May 2007, representatives responsible for fisheries of Australia, Brunei Darussalam, Indonesia, Malaysia, Papua New Guinea, The Philippines, Singapore, Thailand, Timor-Leste and Vietnam, adopted the RPOA for promoting responsible fishing practices including combating IUU fishing.

The objectives of the RPOA are to enhance and strengthen the overall level of fisheries management in the region, in order to sustain fisheries resources and the marine environment, and to optimise the benefit of adopting responsible fishing practices. The activities proposed cover conservation of fisheries resources and their environment, managing fishing capacity, and combating illegal, unreported and unregulated (IUU) fishing (Figure 2). As yet there are few concrete activities, there is a need to locate sources of finance and plan detailed intervention activities. However, there is a clear potential regional role of SEAFDEC (SE Asian Fisheries Development Centre[6]) as a implementing body for example, for delivery of regional programmes of MCS strengthening.

[5] https://www.cia.gov/library/publications/the-world-factbook/geos/th.html
[6] See http://www.seafdec.org/cms/index.php

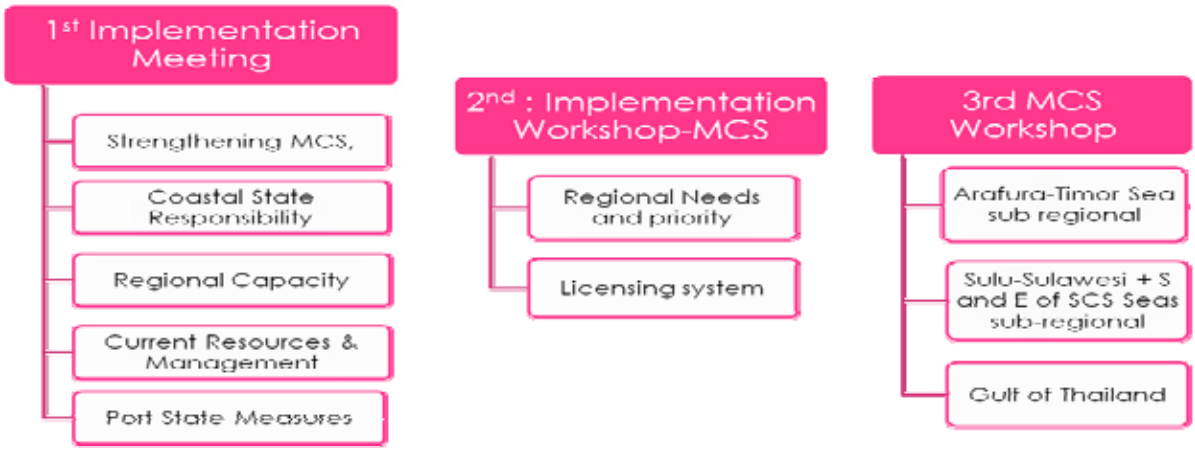


Figure 1: proposed Activities under the SE Asian RPOA on IUU fishing

4 NATURE ET ETENDUE DE LA PECHE ILLEGALE MAROC

4.1 Les navires nationaux

Les autorités marocaines sont convaincues que les navires nationaux sont globalement respectueux de la réglementation et que le dispositif de contrôle permet de détecter les principales infractions. Cela ne veut pas dire qu'il n'y pas de cas de violations des dispositions. Chaque année la Commission d'Arraisonnement qui doit transiger sur les pénalités infligées aux contrevenants est saisie de cas divers.

Ainsi, en 2004, un total de 201 infractions ont été constaté dont :

- 42% pour pêche en zone interdite
- 41% pour la pêche d'espèces sous-taille
- 13% pour usage d'engins prohibés
- et 4% d'autres délits.

158 infractions avaient été détectées en 2003. Suivant les indications des autorités marocaines, les navires sous accord (CE, Russie ou Japon) n'ont pas fait l'objet de procédures d'infraction sur ces dernières années.

Le montant des amendes anticipées dans la Loi de Finances 2007 était de 2 MMAD, soit un peu moins de 180 000 €, ce qui paraît relativement faible.

4.2 Les navires étrangers

Les risques d'intrusion de navires étrangers dans la ZEE marocaine sont jugés mineurs, et n'ont en tout cas pas fait l'objet d'arraisonnement sur ces dernières années. La frontière maritime au Sud du pays est relativement bien surveillée du fait du problème de souveraineté sur le Sahara Occidental et de la surveillance des cas d'immigration clandestine. Les quelques cas rapportés par l'Administration marocaine concernent des navires artisans andalous qui ont pénétré dans la zone par le Nord.

A noter que le Maroc a été impliqué dans l'affaire du Polestar. Ce navire de transport inscrit sur la liste des navires de pêche INN de la NEAFC a tenté de faire escale dans le port d'Agadir. Bien que n'étant pas partie contractante de la NEAFC et ne disposant pas par conséquent des outils juridiques adéquat, les autorités marocaines lui ont malgré tout interdit l'accès aux

services portuaires. Ceci a valu au Maroc les félicitations des parties contractantes de la NEAFC.

C'est probablement sur cet aspect du contrôle au port que le Maroc pourra jouer un rôle au sein de la coordination internationale contre la pêche INN. Du fait de leurs proximités avec l'Europe, les ports marocains constituent en effet un emplacement de choix pour tenter de décharger des captures d'origine INN avant de les commercialiser sur le marché européen. L'incident du Polestar et la participation active de la délégation marocaine aux travaux préparatoires à l'instrument contraignant de contrôle au port sous l'égide de la FAO indiquent la détermination des autorités du pays dans cette lutte.

5 NATURE AND EXTENT OF IUU FISHING IN ECUADOR

5.1 IUU fishing by Ecuadorian vessels

Information on illegal fishing activities and statistics on infractions in Ecuador was not readily available. The general impression is that compliance is high in the tuna fisheries, which is most relevant in the context of the present study. Fisheries control is well established to deal with the various occurrences of infractions. In some cases there appears to be a need for stronger management measures (i.e. shrimp trawling) but this is in a different field of competency. Nonetheless, some specific cases are presented in the following:

5.1.1 Tuna

Ecuadorian vessels have been operating in the western Pacific under a fisheries agreement with Kiribati. There are at least four Ecuadorian vessels out of a group of about 11 South American vessels that have been observed in the western Pacific, probably related to lower catches in the Eastern Pacific Ocean (EPO). In the case of Ecuadorian vessels, this appears however to be a seasonal strategy to carry on fishing during the closed season in the EPO. This was considered a serious breach of resolutions adopted by the WCPFC, as the Pacific Island was undermining the efforts of the Commission to keep catches at sustainable levels by providing fishing licenses to South American vessels (i.e. these are not on the list of authorised vessels of the WCPFC). There have also been various reports of illegal fishing by Ecuadorian vessels in U.S. territorial waters (i.e. Jarvis and Baker islands).[7]

Ecuador has applied and been accepted as a cooperating non-party at the annual meeting of the WCPFC, 8-12 December 2008, held in Busan, Republic of Korea[8]. This can be seen as part of a strategy to legitimise the presence of Ecuadorian vessels in the western Pacific, which is expected to solve the problem of IUU fishing. It is however not clear how much will be given to Ecuador in terms of resource allocation.

5.1.2 Sharks

The protection of various shark species has been the subject of legislation, including the Executive Decree No. 486 of 23 July 2007 [9]. Shark-finning is prohibited but the catch of shark species as bycatch is allowed. This decision has been criticised by environmental groups but the position of the government is that shark by-catches are important for the livelihood of artisanal fishermen. A National Plan of Action for Sharks was prepared in 2005[10] and a monitoring and implementing programme[11] has been set up for sharks, which includes a

[7] Based on various articles available at www.illegal-fishing.info and the report by Greenpeace (2007), "Fishy business: stolen Pacific tuna in the European market".
[8] Based on press release by the SRP, 13/12/2008 (www.subpesca.gov.ec)
[9] Other legislation include Acuerdo No. 151, No. 097, No. 036; Decreto 2130, 2262
[10] Aguilar, F., Chalén, X., Villón, C. 2005. Plan de acción nacional de tiburones. INP, 23p.
[11] http://tiburon.subpesca.gov.ec

certification scheme on the legality of catches for commercial purposes. Thus, export of shark fins is legal, mostly to Asia, provided that this is accompanied by proper documentation and certification.

Nonetheless, illegal fishing for sharks and shark-finning continue to be a problem although reliable estimates on scale are not available. Some cases have received substantial press coverage both in Ecuador and abroad[12].

5.1.3 Sea cucumbers

A fishery for sea cucumbers takes place in the Galapagos, involving the harvest by diving of about 4 million individuals during a fishing season of about 60 days. The fishery is therefore regulated but the high value of sea cucumbers for export to Asia has placed considerable pressure on the resource. The stock (*Isostichopus fuscus*) is considered to be overexploited and illegal fishing appears to be normal[13].

5.2 IUU fishing by foreign flagged vessels

Fishing by foreign flagged vessels in Ecuador is only allowed under special circumstances. This is the case for foreign purse seiners (and a few longliners) that are allowed in order to satisfy the demand for raw material in the tuna processing industry. The Venezuelan purse seiner "Don Abel" is currently being subject to various sanctions due to fishing without authorization[14]. But this type of episode appears to be incidental and the general impression is that fishing activity carried out by these foreign vessels is duly authorised and well regulated.

No information concerning other types of IUU fishing by foreign vessels was available. This is as expected considering that Ecuadorian territorial waters are well monitored, including assistance from the US base in the Manta area.

6 NATURE ET ETENDUE DE LA PECHE ILLEGALE : SENEGAL

6.1 Les navires nationaux

Le Sénégal semble très exposé à des pratiques de pêche INN par des navires de son pavillon.

Il y a le cas de la pêche artisanale : l'absence de cadre réglementaire autour de cette flotte rend possible toutes sortes de comportements à caractère INN. La gravité de la situation pourrait être amoindrie si l'on était en face d'embarcations à faible rayon d'action cantonnées aux zones côtières du pays, mais les capacités de certaines unités font qu'elles disposent d'un rayon d'action et de potentiel de capture proches de certains navires de la pêche industrielle. Dans les faits, cela se traduit par l'exploitation sans autorisation des ressources contenues dans les zones sous juridiction d'autres ZEE d'Etats côtiers, problème qui se traduit dans les faits par des arraisonnements récurrents. Certaines de ces pirogues sont également soupçonnées de charger en mer des produits de la pêche capturés par des navires de pêche étrangers, le plus souvent de manière illicite, et de les placer sur le marché export en tant que produit originaire du Sénégal. Ce type de trafic n'a cependant jamais fait jamais l'objet de constatations en

[12] http://www.seashepherd.org/galapagos/defending-sharks.html; www.illegal-fishing.info
[13] MRAG 2005. Review of impacts of IUU fishing on Developing Countries; Toral-Granda, M.V. 2005. Requiem for the Galápagos sea cucumber fishery? SPC Beche-de-mer information Bulletin 21; TRAFFIC Bulletin Vol. 17, 1999 http://www.seashepherd.org/galapagos/sea-cucumbers.html
[14] SRP

flagrant délit. La pêche artisanale sénégalaise est par conséquent un vecteur potentiel d'activités INN qui a des conséquences sur Etats côtiers de la sous-région.

En ce qui concerne la pêche industrielle, le cadre réglementaire fixe certaines limites opposables aux opérateurs. Il y a certes un problème récurrent d'incursion de ces navires nationaux dans les zones côtières ou de maillages non réglementaires, mais qui peut être détecté notamment grâce au VMS. Les activités des navires sénégalais en dehors de la ZEE peuvent être source de problème également dans les ZEE d'autres pays. En effet, le cadre juridique sénégalais ne s'applique pas à leurs activités dès lors qu'ils ont quitté la zone sous-juridiction et il n'existe pas de régime d'autorisation pour pouvoir quitter la ZEE. Or, il est de pratique courante dans ce secteur de diversifier les zones de pêche, notamment pour la flotte des congélateurs qui sont des navires qui restent plusieurs semaines en mer. Ces unités exploitent les zones des pays situés plus au Sud sous des régimes d'accès publics ou privés. L'absence de possibilités de suivi ne permet pas au Sénégal d'exercer ses responsabilités sur ces navires. Cela étant dit, les affaires d'arraisonnement ayant impliqué des navires sénégalais dans la région sont plutôt rares. On ne trouve pas par ailleurs de navires sénégalais sur les listes de navires INN adoptées par les ORGP et ce pavillon ne fait pas partie des pavillons de non-respect combattus par les ONG[15]. Tout ceci tendrait à indiquer un comportement globalement respectueux. L'affaire récente de l'arraisonnement d'un palangrier sénégalais dans la ZEE de Madagascar n'implique pas nécessairement la responsabilité de l'administration nationale. Ce navire était connu et on savait parfaitement dans quelle zone il travaillait (déclaré à la CTOI).

Quoi qu'il en soit, l'administration sénégalaise manque de moyens supplémentaires de suivis de cette flotte qui font que dans l'état actuel des choses, il pourra être difficile de valider les certificats de captures soumis par les opérateurs. Parmi ces moyens, il semble désormais urgent d'introduire dans les textes les modalités de tenue et de soumission d'un journal de bord. L'affaire semble pourtant relativement simple : il suffit de définir un format standard, d'adopter un carroyage statistique de la ZEE, et de prévoir des délais de soumission rapide des formulaires à l'administration après le retour au port. Cette donnée permettra d'une part de rapprocher les données de la marée avec les données recueillies lors des inspections au débarquement, et d'autre part de corréler les déclarations de zone avec les tracés VMS. Outre le fait de pouvoir détecter certains comportements, on gagnera aussi en précision sur les statistiques de captures. D'autres éléments tels que la déclaration obligatoire d'entrée-sortie de zone sous juridiction permettront de resserrer les conditions de suivi de cette flotte.

6.2 Les navires étrangers

La pêche INN dans les eaux sénégalaises par des navires étrangers est supposée minime par les autorités du pays, et il est probable que ce soit à raison. En effet, malgré ses moyens limités, le Sénégal maintient une présence en mer qui a un caractère dissuasif. Les opérations FRONTEX et associées, même si elles ont un autre objectif, augmentent cet effet dissuasif. Il y a également une pression forte exercée sur les opérateurs étrangers illégaux par les navires de pêche artisanale qui en raison de leur rayon d'action important occupent la ZEE.

Dans l'étude réalisée par le MRAG en 2005 pour la task force, l'incidence de la pêche INN dans la ZEE du Sénégal avait été estimée à 7,1% de la valeur des captures, ce qui est relativement faible par comparaison avec les pays de la sous-région (valeur de 32 MUSD pour une valeur totale des captures de 423 MUSD, base 2003). Il est fort probable que cette pêche INN dans les eaux sénégalaises est à imputer pour l'essentiel aux comportements de certains navires battant pavillon national, industriels ou artisanaux. Il apparaît également que les navires sénégalais ont une part dans les niveaux de pêche INN estimés pour les ZEE des pays voisins comme la Guinée Bissau (20% de pêche INN), la Sierra Leone (30%) ou encore la Guinée (50%).

[15] Voir par exemple "The Changing Nature of Highs Seas Fishing ", WWF et Gouv. Australie, Octobre 2005

7 NATURE ET ETENDUE DE LA PECHE ILLEGALE: MAURICE

7.1 Les navires nationaux

La flotte nationale est de dimension restreinte et semble t-il bien suivie. Les risques associés aux pratiques éventuelles de pêche INN de cette flotte sont probablement relativement faibles. En ce qui concerne les navires artisanaux dans les zones côtières, les risques incluent principalement l'emploi d'engins interdits comme le filet maillant, ou la pratique de techniques de pêche prohibées (pêche sous-marine, interdite à Maurice). Les Autorités mauriciennes relèvent environ 200 cas d'infractions de ce type par an.

S'agissant des navires de pêche hauturiers, ils sont très peu nombreux. En 2009, il ne restait plus en activité qu'un palangrier de surface hauturier ciblant les espèces de thonidés, et 7 palangriers de surface côtiers. Il n'a pas été signalé de problèmes particuliers avec cette flotte que ce soit au niveau des Autorités nationales ou de l'ORGP compétente.

7.2 Les navires étrangers

La ZEE Mauricienne est une zone favorable pour la pêche palangrière de thonidés. Maurice est par conséquent pleinement exposé aux risques de pêche INN par cette flotte d'origine asiatique, avec comme conséquence pour le pays un appauvrissement des ressources thonières régionales et un manque à gagner sur la vente de licences de pêche.

La lutte contre ces navires étrangers illégaux est au centre de l'action de la CE envers les pays membres de la COI. A la fin 2008, il avait été possible de conduire 7 missions conjointes des pays membres de la COI pour un total de 171 jours de patrouilles maritimes. Le bilan d'étape indiquait l'établissement de 7 procès verbaux d'infraction. En ce qui concerne plus particulièrement Maurice, 1 navire en situation illégale a été arraisonné grâce à ces patrouilles conjointes. Les Autorités mauriciennes ont par ailleurs arraisonné un autre navire en situation illégale par leurs actions propres de surveillance. Ce sont donc deux navires en situation illégale qui ont pu être appréhendés ces dernières années dans la ZEE mauricienne, ce qui peut sembler faible.

A noter que la participation mauricienne aux plans de déploiement conjoints a longtemps été un problème. Plusieurs fois prévu, l'engagement de moyens de patrouille et d'inspection mauriciens s'est fait attendre. Ca n'est que vers la fin 2008 que Maurice a pleinement joué le jeu de la coopération avec les autres Etats membres de la COI, laissant craindre un temps aux promoteurs du projet un manque de volonté politique du pays envers la lutte contre la pêche illégale. L'engagement fin 2008 et la poursuite des actions en 2009 (au moment du passage de la mission, une mission conjointe impliquant Madagascar et Maurice était en train de se dérouler) tendrait à indiquer que Maurice a changé sa stratégie plutôt attentiste au début du projet pour une stratégie plus proactive.

7.3 Les trafics portuaires

Port-Louis est un port qui est très fréquenté par des flottes de pêche étrangères qui ciblent en majorité des thonidés à la palangre, mais aussi par d'autres flottes aux activités diverses comme la pêche à la légine dans la zone Antarctique et la pêche d'espèce de grands fonds sur les monts sous-marins situés dans les eaux internationales de l'océan indien. Il existe donc un risque que ces navires profitent de leurs escales à Maurice pour décharger ou transborder du poisson d'origine illicite.

Cela a probablement été le cas pendant de nombreuses années. En ce qui concerne la pêche à la légine Antarctique, Maurice a longtemps été considéré comme un port peu surveillé qui permettait aux navires INN de décharger leurs captures sans être inquiétés. Il en était probablement de même avec les navires de pêche thonière.

Dans un passé récent, Maurice a considérablement resserré ses contrôles au port. Cela s'est fait dans un premier temps par une coopération avec la CCAMLR pour la vérification des données de capture des navires qui déchargeaient de la légine à Maurice. Les volumes annuels transbordés sont ainsi passé de plus de 10 000 tonnes par à la fin des années 90 à moins de 2 000 tonnes par an récemment. Ensuite, il y a eu l'adoption en 2007 d'un nouveau cadre réglementaire qui prévoit en particulier l'implication des Autorités de la pêche dans le processus de suivi et de contrôle des navires étrangers qui s'arrêtent à Port-Louis, avec des procédures qui s'inspirent du modèle préconisé par la FAO dans le cadre des mesures de contrôle du ressort de l'Etat du port. En outre, les autorités sanitaires et douanières ont accentué leurs contrôles afin de s'assurer de la traçabilité des produits travaillés par les entreprises locales.

On ne peut cependant conclure que tout est parfait à Maurice (cf incident CCAMLR mentionné page suivante). L'importance des mouvements dans le port (plus de 55 mouvements d'escales par mois en moyenne en 2007 avec des pics à plus de 80 vers la fin de l'année) accentue le risque que des produits illicites puissent transiter par Maurice à l'insu des Autorités. Mais le sentiment général à l'issue de la mission est qu'il existe une volonté politique pour diminuer ce risque autant que possible.

8 NATURE ET ETENDUE DE LA PECHE ILLEGALE: MAURITANIE

En ce qui concerne les aspects relatifs à la validation des certificats de capture des navires mauritaniens par les autorités nationales (art. 12 du reg (CE) 1005/2008), il apparaît assez clairement que ce pays aura des difficultés à se conformer à la législation.

Le nombre élevé de navires de pêche nationaux potentiellement exportateurs de produits de la pêche vers la CE, le cloisonnement inter-services au sein du MPMEM, l'absence de gestion de l'information au sein du Ministère font que les autorités auront les plus grandes difficultés à vérifier les informations soumises par les opérateurs dans les certificats de capture et ce, malgré un cadre législatif et réglementaire plutôt complet.

La DSPCM paraît être l'organisme qui dispose a priori des moyens techniques nécessaires et qui concentre d'ores et déjà certaines informations nécessaires à la vérification des certificats. La DSPCM est en outre implantée à Nouadhibou et Nouakchott.

Les Autorités mauritaniennes auront certainement besoin d'un soutien pour des explications et la définition des procédures internes. Comme évoqué en introduction, les autorités mauritaniennes viennent de découvrir l'existence de la mise en place du certificat de captures à compter du 1er janvier 2010. Malgré les affirmations unanimes au sein du MPMEM que la Mauritanie est à même de gérer ce nouveau dispositif et sera prête à la date annoncée, il est fort probable que la complexité des mesures à prendre et leur application au sein du MPMEM n'a pas été correctement évaluée.

L'industrie de la pêche mauritanienne n'importe que peu de produits de l'étranger. Elle ne sera donc pas dépendante de la réactivité des Autorités de pavillon tiers.

Le faible niveau de process de l'industrie de transformation facilitera également pour l'industrie de transformation la mise en oeuvre de la gestion de l'information et la gestion des flux physiques. Néanmoins, il sera d'abord indispensable que l'industrie mette en place une traçabilité effective et fiable des produits qui n'existe pas actuellement. Ce processus peut être assez long dans le contexte local.

L'expérience des certificats d'origine et des certificats sanitaires qui ont donné lieu à des fraudes constatées devrait mettre en garde les autorités mauritaniennes et les inciter à entamer au plus vite une réflexion d'ensemble en y associant étroitement la profession.

ANNEX 13: DETAILS OF COST BENEFIT ANALYSIS

TABLES

Table 1: Base data and Scenario 1

SCENARIO 1: Pre-regulation	Namibia	Indonesia	Thailand	Morocco	Ecuador	Senegal	Mauritius	Mauritania	Overall
Year	**2005**	**2007**	**2007**	**2007**	**2007**	**2006**	**2008**	**2007**	
Total exports (tonnes)	295,147	702,707	1,676,509	530,000	401,372	74,022	77,600	43,884	3,801,241
Exports to EC (tonnes)	84,097	51,159	238,267	182,990	173,367	44,332	51,079	21,061	846,352
Exports farmed products to EC (tonnes)	-	19,438	15,839		62,952		-	-	98,229
Exports marine capture fish to EC (tonnes)	84,097	31,721	222,428	182,990	110,415	44,332	51,079	21,061	748,123
Exports Non-EC (tonnes)	211,050	651,548	1,438,242	347,010	228,005	29,690	26,521	22,823	2,954,889
Value of total exports (EUR)	251,662,720	1,510,793,230	3,981,670,000	1,200,000,000	1,062,284,000	236,000,000	168,000,000	144,665,000	8,555,074,950
Value of EC exports (EUR)	222,767,691	203,627,040	605,470,000	741,475,000	558,743,000	178,001,680	143,485,000	62,516,000	2,716,085,411
Value of exports aquaculture products to EC (EUR)	-	106,934,445	74,270,000		246,155,000		-	-	427,359,445
Value Exports marine capture fish to EC (EUR)	222,767,691	96,692,595	531,200,000	741,475,000	312,588,000	178,001,680	143,485,000	62,516,000	2,288,725,966
Value exports non-EC (EUR)	28,895,029	1,307,166,190	3,376,200,000	458,525,000	503,541,000	57,998,320	24,515,000	82,149,000	5,838,989,539
EC export dependency	89%	13%	15%	62%	53%	75%	85%	43%	32%
Av. Value of exports (non-EC) EUR/Tonne	137	2,006	2,347	1,321	2,208	1,953	924	3,599	1,976
Av. Value of exports (EC) EUR/tonne	2,649	3,980	2,541	4,052	3,223	4,015	2,809	2,968	3,209
Av. Value of marine capture fish to EC EUR/tonne	2,649	3,048	2,388	4,052	2,831	4,015	2,809	2,968	3,059
VA on EC exports (EUR/tonne)	1,060	1,592	1,016	1,621	1,289	1,606	1,124	1,187	1,284
VA on non-EC exports (EUR/tonne)	54,8	802,5	939,0	528,5	883,4	781,4	369,7	1,439,8	790,4
VA on exports to the EC	89,107,076	81,450,816	242,188,000	296,590,000	223,497,200	71,200,672	57,394,000	25,006,400	1,086,434,164
VA on exports (Non-EC)	11,558,012	522,866,476	1,350,480,000	183,410,000	201,416,400	23,199,328	9,806,000	32,859,600	2,335,595,816
Total VA on exports	100,665,088	604,317,292	1,592,668,000	480,000,000	424,913,600	94,400,000	67,200,000	57,866,000	3,422,029,980
IUU Assumptions									
% of exports lost to IUU	2%	10%	10%	5%	2%	10%	2%	5%	7.6%
Exports to all countries lost due to IUU fishing (tonnes)	5,902,94	70,270,70	167,650,90	26,500,00	8,027,44	7,402,20	1,552,00	2,194,20	289,500
EC exports lost due to IUU fishing (tonnes)	1,682	3,172	22,243	9,150	2,208	4,433	1,022	1,053	44,962
MCS system									
Total cost of MCS (EUR)	3,523,278	21,151,105	55,743,380	16,800,000	14,871,976	3,304,000	2,352,000	2,025,310	119,771,049

Table 2: Scenario 2 Compliance with regulation

SCENARIO 2: Compliance With Regulation	**Namibia**	**Indonesia**	**Thailand**	**Morocco**	**Ecuador**	**Senegal**	**Mauritius**	**Mauritania**	**Overall**
IUU assumptions									
IUU reduction due to impact of regulation	60.0%	60.0%	60.0%	60.0%	60.0%	60.0%	60.0%	60.0%	60,0%
Trade flows									
Additional EC exports due to reduced IUU	1,009	1,903	13,346	5,490	1,325	2,660	613	632	26,977
EC exports (tonnes)	85,106	53,062	251,613	188,480	174,692	46,992	51,692	21,693	873,329
% change in EC trade	1.2%	3.7%	5.6%	3.0%	0.8%	6.0%	1.2%	3.0%	3.2%
Total exports (tonnes)	296,156	704,610	1,689,855	535,490	402,697	76,682	78,213	44,516	3,828,218
Value of additional exports	2,673,212	7,575,504	33,913,200	22,244,250	4,270,267	10,680,101	1,721,820	1,875,480	84,953,834
Value of Exports to the EC (EUR)	225,440,903	211,202,544	639,383,200	763,719,250	563,013,267	188,681,781	145,206,820	64,391,480	2,801,039,245
Value of Total exports (EUR)	254,335,932	1,518,368,734	4,015,583,200	1,222,244,250	1,066,554,267	246,680,101	169,721,820	146,540,480	8,323,766,484
Control costs									
Additional cost of IUU certification system (5% of MCS)	176,164	1,057,555	2,787,169	840,000	743,599	165,200	117,600	101,266	5,988,552
Value added									
VA on exports to the EC	90,176,361	84,481,018	255,753,280	305,487,700	225,205,307	75,472,712	58,082,728	25,756,592	1,120,415,698
Increase in value added	1,069,285	3,030,202	13,565,280	8,897,700	1,708,107	4,272,040	688,728	750,192	33,981,534
Cost of implementation (EUR/tonne of all existing EC imports)	2	21	12	5	4	4	2	5	7
Cost of implementation (EUR/tonne of existing marine EC imports)	2	33	13	5	7	4	2	5	8
Cost of implementation (% of export value)	0.08%	1.09%	0.52%	0.11%	0.24%	0.09%	0.08%	0.16%	0.26%

Table 3: Non-compliance with regulation

SCENARIO 3: Non-compliance with Regulation	**Namibia**	**Indonesia**	**Thailand**	**Morocco**	**Ecuador**	**Senegal**	**Mauritius**	**Mauritania**	**Overall**
Total exports (tonnes)	295,147	702,707	1,676,509	530,000	401,372	74,022	77,600	43,884	3,801,241
Exports redirected from EC market (tonnes)	84,097	31,721	222,428	182,990	110,415	44,332	51,079	21,061	748,123
Exports farmed products to EC (tonnes)	-	19,438	15,839	-	62,952	-	-	-	98,229
Exports Non-EC (tonnes)	295,147	683,269	1,660,670	530,000	338,420	74,022	77,600	43,884	3,703,012
Value of exports redirected from EC market (EUR)	200,490,922	87,023,336	478,080,000	667,327,500	281,329,200	160,201,512	129,136,500	56,264,400	2,059,853,369
Value of exports aquaculture products to EC (EUR)	-	106,934,445	74,270,000	-	246,155,000	-	-	-	427,359,445
Value (total) of exports (EUR)	229,385,951	1,501,123,971	3,928,550,000	1,125,852,500	1,031,025,200	218,199,832	153,651,500	138,413,400	8,326,202,353
VA on exports of aquaculture products to EC	-	42,773,778	29,708,000	-	98,462,000	-	-	-	170,943,778
Loss in value added of exports	22,276,769	9,669,260	53,120,000	74,147,500	31,258,800	17,800,168	14,348,500	6,251,600	228,872,597
Total value added on exports	78,388,319	594,648,033	1,539,548,000	405,852,500	393,654,800	76,599,832	52,851,500	51,614,400	3,193,157,383
% loss in value	8.9%	0.6%	1.3%	6.2%	2.9%	7.5%	8.5%	4.3%	2.7%
% loss in value added	22.1%	1.6%	3.3%	15.4%	7.4%	18.9%	21.4%	10.8%	6.7%

Table 4: Cost benefit summary

SUMMARY	Namibia	Indonesia	Thailand	Morocco	Ecuador	Senegal	Mauritius	Mauritania	Overall
Scenario 1: Pre-regulation									
Costs	0	0	0	0	0	0	0	0	0
Benefits	0	0	0	0	0	0	0	0	0
Scenario 2: Compliance with regulation									
Incremental Costs	176,164	1,057,555	2,787,169	840,000	743,599	165,200	117,600	101,266	5,887,287
Incremental Benefits	1,069,285	3,030,202	13,565,280	8,897,700	1,708,107	4,272,040	688,728	750,192	33,231,342
Net incremental benefit	893,121	1,972,646	10,778,111	8,057,700	964,508	4,106,840	571,128	648,927	27,344,055
Cost advantage (EUR/tonne of IUU fishing eliminated)	175	556	209	153	561	62	192	160	218
Cost-benefit ratio	6.1	2.9	4.9	10.6	2.3	25.9	5.9	7.4	5.6
Additonal cost as% of EC export value	0.07%	0.07%	0.07%	0.07%	0.07%	0.07%	0.07%	0.07%	0.07%
Change in value added of exports as % of Sc1.	1.1%	0.5%	0.9%	1.9%	0.4%	4.5%	1.0%	1.3%	1.0%
Scenario 3: Non-compliance with regulation									
Incremental Costs	0	0	0	0	0	0	0	0	0
Incremental Benefits	***-22,276,769***	***-9,669,260***	***-53,120,000***	***-74,147,500***	***-31,258,800***	***-17,800,168***	***-14,348,500***	-6,251,600	-228,872,597
Net incremental benefit	***-22,276,769***	***-9,669,260***	***-53,120,000***	***-74,147,500***	***-31,258,800***	***-17,800,168***	***-14,348,500***	-6,251,600	-228,872,597
Change in value added of exports as % of Sc1.	-22.1%	-1.6%	-3.3%	-15.4%	-7.4%	-18.9%	-21.4%	-10.8%	-6.7%

Bold Italics represent negative figures