(English version)

Question for written answer E-001562/25
to the Commission
Mélissa Camara (Verts/ALE), Rasmus Nordqvist (Verts/ALE)
(16 April 2025)

Subject: Obligations concerning nationals who directly or indirectly support illegal, unreported and unregulated (IUU) fishing

Article 39 of Council Regulation (EC) No 1005/2008 (IUU Regulation) establishes obligations for Member States to ensure that their natural and legal persons ('nationals'), including ultimate beneficial owners from the EU of foreign fishing vessels, do not directly or indirectly support IUU fishing. In line with this obligation, Member States are required to identify, prosecute and take appropriate measures against vessels involved in illegal fishing, while also cooperating with other countries to tackle IUU activities on a global scale.

However, it has come to light that some Member States appear to adopt a restrictive interpretation of these obligations. Specifically, they argue that vessels must first be included on an IUU list by a regional fisheries management organisation (RFMO) before any action can be taken against their ultimate beneficial owners. This restrictive approach has the potential to limit the effectiveness of the regulation and undermine its core objective of preventing illegal fishing worldwide.

Given the above, can the Commission confirm whether Article 39 of the IUU Regulation applies to all ultimate beneficial owners from EU Member States, even if their vessels are not included on an IUU list by an RFMO or the EU itself? If so, how can the Commission ensure the full implementation of these obligations?

Submitted: 16.4.2025

Answer given by Mr Kadis on behalf of the European Commission
(11 June 2025)

One of the main pillars of Council Regulation (EC) No 1005/2008 (the IUU Regulation) ([1]) is action against EU nationals who have engaged in or supported illegal, unreported and unregulated (IUU) fishing. The provisions regarding EU nationals cover both the prevention and sanction of support or engagement in IUU fishing by EU nationals.

More specifically, Article 39(1) of the IUU Regulation prohibits EU nationals from supporting and engaging in IUU fishing. It further provides a non-exhaustive list of examples of such engagement and support, mentioning in particular engagement on board or as operators or beneficial owners of fishing vessels included in the EU IUU vessel list.

However, the general prohibition to EU nationals from engaging in or supporting IUU fishing is not limited to involvement of IUU-listed vessels but IUU fishing activities in general.

In addition, the obligation of Member States under Article 39(3) of the IUU Regulation to take action against EU nationals relates to those that have been identified as supporting or engaged in IUU fishing in general, not only to those that are involved with IUU-listed vessels.

The Commission is working with Member States to provide support in the implementation of Article 40(1) of the IUU Regulation regarding the identification of information of EU nationals pertaining to legal, beneficial or financial interests in, or control of, fishing vessels flagged to a third country which they hold and the names of the vessels concerned.

([1]) Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, ELI: http://data.europa.eu/eli/reg/2008/1005/oj).