

EU Illegal Unregulated and Unreported Fishing

FISHING FROM SOUTH TO NORTH: The story of the Kerguelen



On **September 20, 2005**, Greenpeace confronted the unregulated bottom trawler *Kerguelen* in the international waters of the Barents Sea, known as the 'Loophole'. At the time that Greenpeace confronted the 86m long *Kerguelen*, available information indicated that she was flagged in Togo, despite contradictory statements by the captain and in the ship's paperwork.¹ The vessel is known to have fished under several different flags of convenience in recent years and has been blacklisted as a vessel engaged in illegal, unregulated and unreported (IUU) fishing since 2005.²

High seas bottom trawling, the fishing activity in which the *Kerguelen* engages has been described by scientists as the most destructive fishing method currently impacting deep-sea life. Bottom trawl fishing threatens one of the most sensitive types of ecosystem in the marine environment - the deep sea.

The following are extracts of the exchange with the Captain of the vessel, which was recorded on September 20, 2005:

Greenpeace: We can not quite see your flag. What is your flag please?
Kerguelen: Flag is from Guinea. Guinea.
Greenpeace: Okay, copy that, thank you sir. And what is the nationality of the crew please?
Kerguelen: Mainly Portuguese and Russians.
Greenpeace: Okay, and may I ask what you are fishing for in this region now? Over.
Kerguelen: We are trying to fish for cod sir. Mainly cod. Over.
Greenpeace: Any luck? Over.
Kerguelen: No, not especially, no. Been here for 2 weeks, have nothing. A few kilos. 700 kilos, or 600. [...]
Greenpeace: And what port do you normally land in? Or do you transship at sea? Over.
Kerguelen: No. Transship at sea, no. Normally we go to Portugal. Normally; last trip we went to Portugal. Only Portugal.
Greenpeace: Do you have a quota that you're fishing on? Over.
Kerguelen: No, this area has no quotas. This area no quotas, so we have no quotas.



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Greenpeace: Okay, I copy that. Stand by for a sec please. [...]
Greenpeace: Sir, I did not understand if you gave me the call sign of your vessel. Could you give me the call sign please?
Kerguelen: Yes, call sign is Five Victor November Kilo Five. I repeat Five Victor November Kilo Five. Over.
Greenpeace: Okay, I copy that.

The *Kerguelen* is the same vessel as the *Kerguelen de Tremarec*, which

¹ There have been irregularities as to exactly which country the *Kerguelen* is flagged by: Lloyds lists her as flying the flag of the French Foreign Territories; their movement database however identifies Mauritius as the listed flag state; NEAFC and the EU list Togo as the flag state, while the Captain of the *Kerguelen* claimed Guinea as the flag state when communicating with Greenpeace in September 2005.

² Council Regulation (EC) No 1300/2005 of 3 August 2005 lists eleven vessels as confirmed by NEAFC to have engaged in IUU fishing, including the *Kerguelen*.

according to Lloyd's Vessel Register - the most authoritative register of ships in the world - on August 18, 2005, was registered as owned by ITM Enterprises. The latter is linked to Intermarché, France's second largest supermarket chain. ITM Enterprises - when it comes to supplying fish - is involved in all stages of the provisioning process: from capture to the dinner table. ITM Enterprises has since submitted documentation to Greenpeace that suggests that the vessel was sold in 2003. To date, it is unclear whether this firmly disassociates ITM Enterprise from the vessel, or not. Greenpeace continues to look for more information on the ownership, operation and management of the vessel.

Before fishing in the Barents Sea, the *Kerguelen* is known to have operated in the Southern Ocean, where she was bottom trawling for Patagonian toothfish in the Exclusive Economic Zones around the French Sub-Antarctic Islands of Crozet and Kerguelen. When this fishery was closed to prevent further damage to the ecosystem, the *Kerguelen* was promptly sent to bottom trawl in Northern waters, where no similar restrictions existed. At least since October 2003, the *Kerguelen* has been working out of **Aveiro Port, Portugal**, and has been allowed to continue bottom trawling and access to the port since her listing as an IUU vessel.

In accordance with the EU's provisions for listed vessels, Portugal and any other Member State has to apply the following measures (EC Reg 1300/2005):

- i) IUU vessels that enter ports are not authorised to land or tranship therein and shall be inspected by the competent authorities. Such inspections shall include the vessel's documents, log books, fishing gear, catch onboard and any other matter relating to the vessel's activities in the Regulatory Area of NEAFC. Information on the result of the inspections shall immediately be transmitted to the Commission;
- ii) fishing vessels, support vessels, refuel vessels, mother-ships and cargo vessels flying the flag of a Member State shall not in any way assist IUU vessels or participate in any transhipment or joint fishing operations with vessels on that list;
- iii) IUU vessels shall not be supplied in ports with provisions, fuel or other services;
- iv) IUU vessels shall not be authorised to fish in Community waters and be prohibited to be chartered;
- v) imports of fish coming from IUU vessels shall be prohibited;
- vi) Member States shall refuse the granting of their flag to IUU vessels and encourage importers, transporters and other sectors concerned to refrain from negotiating and from transshipping of fish caught by such vessels.

The use of flags of convenience and poor enforcement has allowed the ***Kerguelen*** to escape prosecution and hide its trail of destruction. If the close links between the *Kerguelen*, ITM Enterprise and Intermarché are true or have been true at any time in the past, then it appears that in the race to meet consumer demand for fish products and make profits ITM Enterprise has been prepared to exploit existing loopholes and breach French and European Community laws. Portugal, for its part, also appears to ignore European Community law, the United Nations Food and Agriculture Organisation's International Plan of Action on IUU Fishing, the Code of Conduct on Responsible Fishing, and the United Nations Fish Stocks Agreement.

Greenpeace calls on Portugal and the European Community to enforce existing laws and thus prevent pirate vessels from using EU ports as a staging post for deep-sea destruction. EU nationals must be prosecuted for their engagement in illegal activities. Greenpeace further calls on Portugal and the European Community to take concrete action to protect deep-sea life at international level by supporting a United Nations General Assembly moratorium on high seas bottom trawling, until such time as policy makers have developed longer-term, comprehensive regulations to prevent the irreversible destruction and illegal plunder of deep-sea marine life on the high seas.

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