



# Analysis of the implementation of the SMEFF Regulation: Reflagging Behaviours

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**EU IUU FISHING COALITION**



**OCEANA**

The Nature  
Conservancy



# Analysis of the EU fishing fleet's reflagging behaviours

- Period analysed → January 2018 - November 2021
- Follows on a **previous [EU IUU Fishing Coalition's study \(2016\)](#)** which identified loopholes in the FAR
- Aim → identify problematic reflagging behaviours following the SMEFF Regulation's entry into force



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## **FINDING 1: EU Member States are adhering to Article 6 of the SMEFF Regulation**

*Article 6:*

*2. A flag Member State may only issue a fishing authorisation if it has verified that the vessel did not:*

*(a) engage in IUU fishing*

*(b) operate in waters of a third country allowing non-sustainable fishing*

*(c) operate in waters of a red-carded country*

*3. Operators shall provide the following information:*

*(a) catch declarations*

*(b) a copy of fishing authorisations*

*(d) complete flag history*

**FINDING 2: No vessels have returned to the EU fleet from a non-EU country with a yellow card**



## FINDING 3: Some vessels exhibit potentially problematic reflagging behaviours whilst maintaining beneficial ownership within the EU

### Carded Countries

- EU vessels reflagged to carded countries while maintaining beneficial ownership within the EU  
→ e.g. Latvian vessels to Cameroon

### SFPAs

- **14** of the 96 reflagged vessels appear to be operating in SFPA countries. EU beneficial ownership remains for **at least 3** of these vessels
- If SFPA fishing opportunities are exhausted, these EU-based owners could retain access to these areas through national quotas



## FINDING 4: reflagged vessels may be exporting their catch to the EU

- 12 of the 96 reflagged vessels were found on the DG SANTE list of non-EU country →

authorised establishments can continue to supply the EU market and may therefore compete with the products of operators that maintain an EU flag.



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## RECOMMENDATIONS TO THE EUROPEAN COMMISSION

- Engage with other major distant water fishing nations
- Considers the performance of destination flag States
- Harmonised and effective implementation of import controls
- Effective cooperation/dialogue with flag States
- Control of nationals: ensure effective implementation of articles 39 and 40 IUU Regulation
- Facilitates public access to beneficial ownership

