

INVESTIGATION FILE
14 November 2022

THE WILD WEST OF TUNA FISHERIES IN AFRICA

The sheer power of an
outlawed industrial sector.
The guilt of a complicit
administration.



COLLUSION of the French government with the interests of the fishing industry in Africa, attempt to legalize systemic fraud and environmental destruction on a massive scale: BLOOM dives at the heart of a system that threatens marine biodiversity, the climate and even the fundamental principles of our democracies.

Mafia (Oxford Dictionary definition)

A secret organization of criminals. A group of people within an organization or a community who use their power to get advantages for themselves

Corruption (Oxford Dictionary definition)

- 1. Dishonest or illegal behaviour, especially of people in authority.*
- 2. The act or effect of making somebody change from moral to immoral standards of behaviour.*

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SUMMARY UNDERSTAND IT ALL IN JUST TWO PAGES

Marine conservation NGO BLOOM and anti-corruption NGO ANTICOR warn of a case of public-private transfer that causes a clear conflict of interest in the tuna fishing sector.

BLOOM and ANTICOR discovered that the person responsible within the administration¹ of negotiating access to African tuna resources for the French industrial fishing fleets had been recruited by the largest tuna fishing lobby in France, 'ORTHONGEL', a member of the European industrial lobby 'EUROPÊCHE', without respecting the three-year waiting period required by law.

In addition to the functions within the administration, this person also represented France in the international instance responsible for the management and control of tuna fishing in Africa (the "Indian Ocean Tuna Commission").

This case of defection — which could fall under the offence of unlawful taking of interest provided for in Article 432-13 of the French Criminal Code — **breaches the most elementary ethical code consisting of not carrying out activities in the private sector that are linked to previous functions within the public administration.** It is indeed intolerable that a civil servant, armed with the knowledge of confidential files, strategic action plans, decision-making mechanisms, the mapping of relevant actors, as well as potential ongoing disputes would make this sensitive information available to private interests that are incompatible with the general interest that the person was previously supposed to defend. Such information gives industrial lobbies the capacity to navigate with great efficiency in the State matrix in order to influence public decisions towards their particular interests.

The case we are revealing provides a very concrete insight into how defectors reinforce the lobbies' strategies of influence over public decisions. **In addition, this scandal has an immediate norm-destroying impact** that must be fully taken into account: at this very moment, nothing less than the global framework for the control of EU fishing fleets is being reformed at the European level, and **the industrial lobbies are on the verge of obtaining an appalling shift that would allow them to massively increase their official catches and to legitimize years of illegal catches and tax fraud.**

As a matter of fact, the tuna lobby, armed with this strategic former public servant, is on the verge of obtaining a tolerance on catch declarations that would legalize the massive overshooting of quotas, although quotas are precisely instituted to protect species in poor shape.

And that's not the whole story.

Tuna lobbies may well obtain this staggering 'margin of tolerance' thanks to **the decisive lobbying of the French State, which is taking a major part in this matter.**

Indeed, **France's complacency towards its tuna fishing fleets has been nailed by the European Commission:** on 9 June 2021, the latter opened an infringement procedure² against France for having granted illegal derogations to its tuna vessels as well as for failing to control them. On 29 September 2022, the Commission reiterated this formal notice against France, this time by means of a reasoned opinion, which is the last step before the European Union's Court of Justice.

¹ The "Direction des pêches maritimes et de l'aquaculture" (DPMA) or "Department of Marine Fisheries and Aquaculture", which has since been renamed "Direction générale des affaires maritimes, de la pêche et de l'aquaculture" (DGAMPA) or "General Department of Maritime Affairs, Fisheries and Aquaculture".

² See the press release of the European Commission. Available at: https://ec.europa.eu/commission/press-corner/detail/en/inf_21_2743.

If, during the final trilogue negotiations scheduled in Brussels (potentially on the 22nd of November, otherwise at the end of 2022), France obtains, as expected, the increase of the margin of tolerance on catch declarations, it will be able to kill two birds with one stone: on the one hand, it will be able to nip in the bud the legal procedure initiated against it by the European Commission and avoid a conviction, and on the other hand, it will be able to legitimize its years of willful ignorance regarding the abuses of its tuna sector, while institutionalizing the destruction of Africa's marine ecosystems.

France has openly supported the unrelenting lobbying of the tuna industry and directly called on the Members of the European Parliament to adopt amendments that would allow vessels to legally “get it wrong” with their catch declarations. However, **France has omitted to mention the infringement procedure it is under and has thus lied about its true motives:** to avoid a condemnation and to legitimize the overfishing to which it has turned a blind eye for years.

Unless there is a strong reaction from the public and a counter-fire from the European Commission as well as from some EU Member States, **the scandalous and illegal derogations granted to the tuna industry by the French government are about to become the European standard** for all vessels.

France is thereby caught in a blatant act of environmental destruction on a very large scale.

It should be reminded that this dismantling of control rules for fleets targeting wild animals in African waters takes place in the overall context of the collapse of marine biodiversity and chronic overexploitation of tuna populations. In the Indian Ocean, official statistics, although largely underestimated, already recognize that **most catches come from overfished stocks**³. Of the three tuna species targeted, two are currently classified as overfished (yellowfin tuna⁴ and bigeye tuna⁵); while the third (skipjack tuna) is fished at an unprecedented level.⁶

Furthermore, industrial tuna fishing is mostly carried out with non-selective gear: ‘purse seines’ i.e. large encircling nets that capture all animals gathered below artificial rafts called ‘fish aggregating devices’, or ‘FADs’.

This fishing method generates many discards and a true massacre of wildlife.⁷ **Vulnerable and fragile species — such as manta rays, silky and oceanic whitetip sharks — are wiped out by the hundreds of thousands of kilos each year.**

By reporting this public-to-private transfer case to the Public Prosecutor, BLOOM and ANTICOR intend not only to ensure that the rules on public integrity, which are the absolute prerequisite for public action, are respected, **but also to shed light on a system that cultivates conflicts of interest in order to favor the financial stakes of industrial actors to the detriment of the general interest and in particular the protection of the environment and living organisms.**

BLOOM calls on citizens to mass mobilize against the infiltration of lobbies and the conflicts of interest that pervert public action.

On top of reporting this public-to-private transfer case to the Public Prosecutor, BLOOM is also asking the French government to repeal the derogations illegally granted to the tuna fleets in 2015, as well as an official request for access to all the monitoring data that the government has allegedly carried out on distant water fishing fleets since 2009, as well as access to the vessels' positioning data and all the data concerning the use of artificial rafts to increase fishing: FADs (fish aggregating devices).

Transparency is the prerequisite condition to put a stop to the pillaging of Africa by irresponsible industrial actors.

³ The official figure from ISSF is of 50% (<https://www.issf-foundation.org/tuna-stocks-and-management/our-tuna-stock-tools/interactive-stock-status-tool/>), but the latest IOTC data show that bigeye tuna is now also overfished, and that skipjack tuna has never been fished at such a high level, much higher than the advised level.

⁴ IOTC (2021) Executive summary: Yellowfin tuna (2021). Available at: https://iotc.org/sites/default/files/documents/science/species_summaries/english/4_Yellowfin2021E.pdf.

⁵ Fu et al. (2022) Preliminary Indian Ocean bigeye tuna stock assessment 1950-2021 (stock synthesis) — IOTC-2022-WPTT24-10. Available at: <https://iotc.org/sites/default/files/documents/2022/10/IOTC-2022-WPTT24-10.pdf>.

⁶ IOTC (2022) Review of Indian Ocean skipjack tuna statistical data. Available at: https://iotc.org/sites/default/files/documents/2022/10/IOTC-2022-WPTT24-03c_-_SKJ_data.pdf.

⁷ Mannocci et al. (2020) Predicting bycatch hotspots in tropical tuna purse seine fisheries at the basin scale.

A CASE THAT PERFECTLY ILLUSTRATES THE COLLUSION BETWEEN THE PUBLIC AND PRIVATE SECTORS

The identity of the person we are calling into question is deliberately omitted. We wish to denounce a toxic system, not an interchangeable pawn, in a setup that sees public power ethically and structurally collapsing by placing itself at the disposal of private interests and abandoning its mission to defend the general interest.

The tip of the iceberg

The transfer case to the powerful tuna lobbies that we are revealing is just the tip of the iceberg. **Beneath the surface lies a long embedded system allowing the capture of public decisions to the profit of industrial fishing corporations.** The successive episodes that BLOOM has been bringing to light (deep-sea trawling, electric fishing, demersal seining, etc.) highlight the committed support of successive governments to the most destructive industrial fishing methods, against all economic, ecological and social rationales.

A war prize for the tuna lobbies

In April 2022, we discovered the appointment to a high-level position within the European industrial fishing lobby 'EUROPÊCHE' of the person who was responsible, in the French fisheries administration⁸ of tuna fleets in the Indian Ocean. As such, this individual held a strategic position in the public governance of tuna fishing in Africa. In addition to these official French positions, this individual was also elected at a very high level in the 'Compliance Committee' of the Indian Ocean Tuna Commission (IOTC). This person was responsible for the fishing agreements between France and Africa⁹, had to resolve their "implementation problems", participated in the "drafting of instructions" and in "inter-ministerial coordinations" to define France's negotiating positions.

With a broad network, a knowledge of all the confidential discussions and the international negotiations in progress on the future of tuna fishing, the person EUROPÊCHE recruited was a strategic catch.

A Maritime Affairs Officer...

In disbelief at the audacity of the lobbies and the individual in question, BLOOM turned to the anti-corruption NGO ANTICOR, which confirmed the existence of a clear conflict of interest. After a preliminary check, it appeared that this individual was a military officer from the Maritime Affairs Corps. BLOOM and ANTICOR therefore sent a first report to the Military Ethics Commission of the Ministry of Armed Forces on 5 July 2022, exposing the conflict of interest of this defector. We indicated that, in our opinion, this recruitment was contrary to articles R4122-14 to R4122-24-1 of the French Defence Code regarding the exercise of lucrative activities by certain military personnel. On 19 July, the Controller General of the Armed Forces replied that the person in question had indeed received a positive "compatibility opinion" between the envisioned activity and the previous responsibilities. The conflict of interest is so blatant that we inevitably wondered what the person in question had declared to the ethics authorities in order for them to issue such a surprising opinion. On 20 September, we therefore asked the Inspectorate General of Maritime Affairs and the Military Ethics Commission for the documents that had enabled the latter to reach a positive decision.

⁸ The "Direction des pêches maritimes et de l'aquaculture" (DPMA), since renamed "Direction générale des affaires maritimes, de la pêche et de l'aquaculture" (DGAMPA).

⁹ Position details listed on LinkedIn.

...at the “disposal” of the industrial lobbies ransacking African waters

On 18 October, the decision was sent to us, but not the file that the individual had produced. Nevertheless, the decision clearly shows that the functions performed by the person in question are directly related to the negotiation, regulatory framework and control of distant fishing fleets. The conflict of interest should have been sufficiently blatant for the Military Ethics Commission to refuse this move to the tuna lobby, however, this was not the Commission's choice.

The anomalies of the “compatibility opinion”

The first glaring omission in the compatibility opinion is the failure to disclose the officer's role in the Indian Ocean Tuna Commission (IOTC) Compliance Committee. This responsibility is completely overlooked.

The second anomaly that stands out is the assertion that the officer was called upon to “*deal with European Commission entities but not with fishing companies*”, despite the fact that the IOTC Compliance Committee has close links with tuna lobbies and private sector representatives. In effect, this person was known throughout the Indian Ocean fisheries sector.

A third astounding element is the statement that the EURO-PÊCHE and ORTHONGEL entities “*carry out missions of general interest*”! To qualify as such the activities of industrial fishing vessels involved in the extensive plundering of African resources, precisely against the general interest, is extremely shocking.

The compatibility opinion also states that the **recruitment was made on behalf of the French lobby ORTHONGEL and that this organization of fishing vessel owners “will put the person concerned at the disposal” of the Brussels-based producers' organization EUROPÊCHE.**

This recruitment is a jackpot for the French and Spanish tuna vessels, which form the bulk of the European tuna fishing fleet in Africa, at a time when the fraudulent nature of their fishing operations, a complete environmental sacking of African waters, could be discovered...

EUROPÊCHE / ORTHONGEL



To learn more
about Européche and
Orthongel, go to pages
16 and 17.

THE CONCRETE EFFECTS ON THE LAW: A PERVERT REPORTING MECHANISM

Masks are off

We are often asked who “the lobbies” are, why politicians echo their asks, how they operate... **People find it difficult to fathom the cynical and calculating ways in which industrial lobbies works, with the aim of maximizing the profits their operators can generate through legislations that are favorable to them.** It is the least of their concern that nature, ecosystems, marine animals, the financial interests of nations and small artisanal fishers of Europe and Africa are harmed, brutalized or overexploited. **The huge industrial fishing units in question here have only one imperative: maximum profits.** To achieve this, they deploy long-term influence strategies that reach across the entire decision-making chain.

It goes without saying that without the deliberate and resolute collusion of public authorities and certain elected officials (who are supposed to, need it be reminded, defend the general interest), the strategies of the lobbies would not last long.

The specific case we are revealing gives a very real face to the toxic game of industrial lobbies and allows us to understand how **a single individual placed in the right place at the right time on the political chessboard can have disastrous consequences for marine animals, the climate, public finances and fishing communities of the South.**

A defector at a turning point for tuna fishing

Today, a European legislation of great importance for tuna fisheries is being negotiated in Brussels: the “Control Regulation” which, as its name suggests, provides the general framework for the control of European fishing fleets, both inside and outside EU waters.

Through this Control Regulation, the tuna fishing lobbies are in the process of obtaining a scandalous measure to legalize the increased destruction of marine life in Africa and the overexploitation of the tuna species targeted by the French and Spanish fleets. In March 2022, a disastrous amendment for marine biodiversity adopted by the European Parliament (in Fisheries Committee) will more than double the ability of fishing fleets to “make mistakes” (and therefore cheat) when reporting their fish catches.

The “margin of tolerance” in the 2009 Control Regulation currently in force is 10%. The amendment adopted by the Parliament increases it to... 25%! In case of a control, the vessels would therefore be entitled to be mistaken about a quarter of the volumes caught! However, since inspections are rare (if ever carried out) when the fish are landed, nothing prevents vessels from invoking a similar margin of error between what they have recorded in their electronic logbooks and what is officially sold. Thus, **for almost all fishing operations, the tuna fishing fleets would be able to benefit from a margin of tolerance amounting to close to 50%!**

In practical terms, this means that a vessel will be able to:

- Fish “dirtier”, i.e. with non-selective methods that catch juveniles that have not reached the reproductive age and all marine fauna including fragile and endangered species such as manta rays, silky sharks, etc.;
- Increase its catch volumes in a now legal manner, while feigning to respect quotas;
- Drastically increase fraud, since increasing the margins of error is equivalent to giving a blank check to systematically under-declare catches. It makes financial fraud all the more easy, as what is not declared can be sold without any control and thus escape any taxation.



→ The ZUBEROA, a tuna purse seiner of the Spanish fishing company Atuneros Congeladores y Transportes Frigoríficos S.A. (ATUNSA).

(Photo © Pierre Gleizes | pierregleizes.com)

YEARS OF FRAUD WITH THE BLESSING OF THE FRENCH GOVERNMENT

In reality, the Parliament position would already constitute a shocking concession, but the threat it represents to marine biodiversity is at least equalled, if not surpassed, by the position of France and the European Union Council. In fact, France has already granted a concession to its tuna fleet in 2015, in absolute disregard of the EU law, which led the European Commission to open an infringement procedure. Today, this illegal derogation corresponds to the position the EU Council and is therefore in the process of becoming law.

In other words, France, which seems to have been found guilty by the European Commission, is now attempting to legitimize the illegal nature of its tuna fisheries by dismantling the legal framework for environmental protection of the entire European Union.

The French illegal derogations

No controls, no audits, no sanctions: France is the land of milk and honey for industrial fishers.

The European regulation on fisheries control currently in force¹⁰ allows for a margin of tolerance of 10% « per species » regarding errors in the declaration of catches. This 10% has already turned into almost 20% of actual catches in the field due to lack of control in most cases (see the boxed text below). This tolerance, which is already far too generous, was nonetheless insufficient for the French industrial fishers, because — as they themselves recognized¹¹ — tuna vessels are in constant breach of the European law. Their devious logic is to push for regulatory change precisely to legalize the systemic fraud of their tuna seiners!

With the complicity of the State, French industrials therefore obtained derogations¹² in 2015 to be able to drastically increase the margin of tolerance in their catch declarations through a subtle technicality: a margin of tolerance of 10% that is no longer per species but “per fishing trip”, which is far from trivial (see next page). These derogations directly contravene the European regulatory framework and are therefore strictly illegal, which is the reason why an infringement procedure has been opened by the European Commission.

These derogations are made necessary for tuna fisheries because they are inherently destructive: by catching huge volumes and numerous species in large nets called “purse seines” associated with “fish aggregating device”, everything is siphoned off, including juveniles, the technology leaving no chance to wildlife. The ultra-technological assistance of these non-selective industrial fisheries (radar, sonar, GPS and FADs) generates a large-scale slaughter that is incompatible with the objectives of preserving biodiversity and the minimum standard of sustainability.

...AND THE SPANISH GOVERNMENT

The French are not the only industrial players to be singled out in the Indian Ocean. The Spanish — the largest tuna fleet in the area (see below “European tuna fisheries in Africa”) — have also been pinpointed on several occasions by the British NGO Blue Marine Foundation for their recurrent under-reporting of catches¹³ and their non-transmission of AIS data (*Automatic Identification System*)¹⁴, which prevents their accurate monitoring.

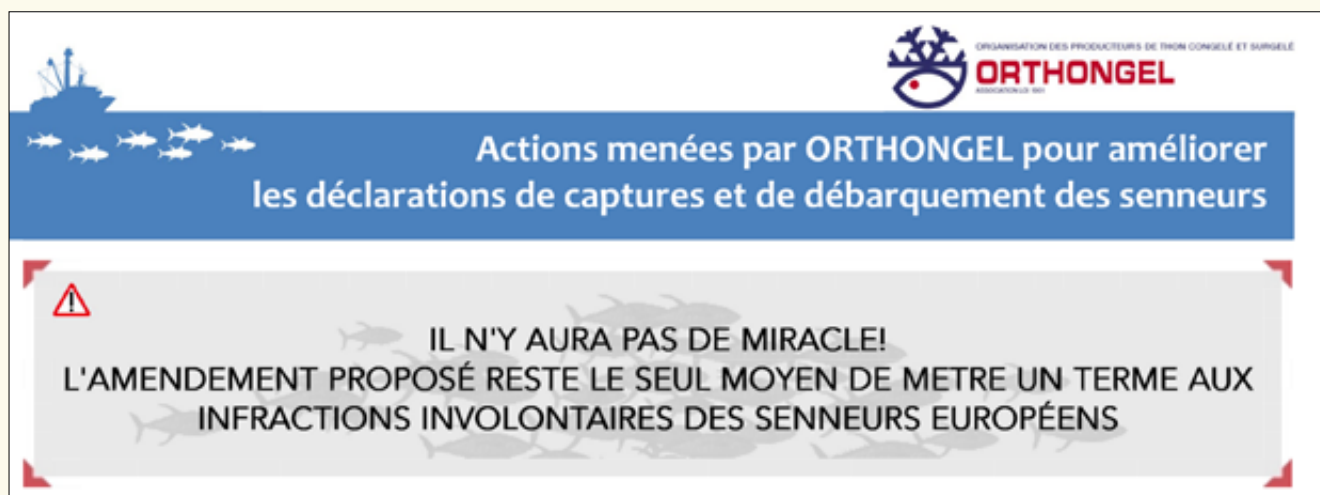
¹⁰ Council Regulation (EC) No 1224/2009 of 20 November 2009.

¹¹ See ORTHONGEL's webpage dedicated to the margin of tolerance, available at: <http://www.orthongel.fr/index.php?page=tools/notes/margetolerance>.

¹² DPMA circular, 6 July 2015: <http://orthongel.fr/special/MargeTolerance/CirculaireDPMA2015.pdf>

¹³ <https://www.iotc.org/documents/inconsistencies-tropical-tuna-catch-calculations-and-reporting-spain>

¹⁴ https://www.blumarinefoundation.com/wp-content/uploads/2022/05/Tuna_Report_update.pdf



→ Screenshot from Orthongel's website, explaining that French tuna vessels are in continuous violation of the law:

"There won't be any miracles! The proposed amendment remains the only way to put an end to the involuntary breaches of European seiners"

(<http://orthongel.fr/special/MargeTolerance/Infographie-actionsOP-MoT-en.pdf>)



→ The ZUBEROA, a tuna seiner of the Spanish fishing company Atuneros Congeladores y Transportes Frigoríficos S.A. (ATUNSA).

(Photo © Pierre Gleizes | pierregleizes.com)

MARGINS OF TOLERANCE CALCULATED "BY SPECIES" OR "BY FISHING TRIP": THE CHOICE BETWEEN TWO EVILS

A THREAT TO MARINE LIFE

How to find one's way through the imbroglio of the margins of tolerance? To appreciate the harmfulness of the legislative change that the tuna lobbies and EU Member States would like to see endorsed at the European level, it is necessary to understand how the calculations of the margins of tolerance work in practice.

Consider a French tuna vessel fishing in the Indian Ocean (on the High seas or within the framework of existing fishing agreements with the Seychelles, Madagascar and Mauritius).

In this area, only yellowfin tuna is subject to quotas, unlike bigeye tuna and skipjack tuna.

1 A margin of tolerance “per species”

The 10% margin of tolerance “per species” corresponds to the current Control Regulation.

Currently, when, for instance, 100,000 kg of yellowfin tuna are caught, and the 10% margin of tolerance is applied, 90,000 kg can be recorded in the logbook.

In the event of an inspection upon landing the catch, the declared catch is lawful. The other two species that are caught (e.g. bigeye tuna and skipjack tuna) are not subject to quotas and the quantities declared are of little importance here.

As there usually is no inspection upon landing, the master of the vessel can once more use a margin of tolerance between what was declared in the logbook and what will be reported in the sales note, for example to a processing plant based in the Seychelles. The final reported catch becomes 90 000 kg minus 10%, i.e. 81 000 kg.

This is how **19,000 kilos out of the 100,000 kilos that were caught can escape any taxation**, given that they do not officially exist. **These 19,000 kilos of fish also “evapo-**

rate” and are therefore not included in the monitoring of catch and quotas, which are crucial to assess the health of fish populations. These 19,000 kilos of tuna that have fallen off the radar of the tax authorities and scientists can therefore be caught again during the next fishing trip. **Within the current legal framework but in the absence of inspection, this vessel can therefore already actively participate in the overfishing of yellowfin tuna, while optimizing its activity from a fiscal point of view.**

The 25% “per species” tolerance margin for tuna fisheries corresponds to the Control Regulation as currently negotiated and voted for by the European Parliament. It is a pervert reporting mechanism.

Thanks to the same mechanisms, but with a new margin of tolerance that is truly insane, a fishing vessel will be able, for 100 000 kilos of yellowfin tuna caught, to report only 75 000 kilos in its logbook and declare, in the absence of inspection upon landing, another 25% less, i.e. 56 250 kilos!

2 A margin of tolerance “per fishing trip”

The 10% margin of tolerance “per fishing trip*” corresponds to the illegal French derogations and the amendment supported by ORTHONGEL and France at the EU level. It reflects a high degree of environmental recklessness.

In the case of a 10% margin of tolerance per fishing trip, which is the solution already illegally implemented by France since 2015, and which is requested at the European level by both ORTHONGEL and France, the non-quota species now play a key role this time, given that they are substituted for the species under quota.

The mechanism is as follows: for a catch of 100,000 kilos of yellowfin tuna and 100,000 kilos of skipjack tuna, the inspection being based on the whole catch, the master of the vessel may very well declare a ridiculously low quantity

of the species under quota (in this case yellowfin tuna), for example 100 kilos, and declare 179,900 kilos of skipjack tuna (which is not subject to quotas).

In the event of an inspection, the reported catch would be compliant, given that the total declared catches (180,000 kg) would be 10% below the actual catches (200,000 kg), regardless of whether the composition of the catches has anything to do with the actual catch or not.

This would mean that 99,000 kg of yellowfin tuna would not be included in the quotas, even though the species was placed under a quota regime precisely to curb its dramatic over-exploitation!

* The 10% margin of tolerance per trip already exists under the multi-annual management plan for the Baltic Sea and is denounced as an environmentally harmful measure. Regulation (EU) 2016/1139 of the European Parliament and the Council. Available at: <https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=CELEX%3A32016R1139>.

THE REFORM OF THE CONTROL REGULATION

→ **In 2009** at the time of the negotiation of the European Control Regulation (finally adopted in November 2009)¹⁵, the European Commission's position was a margin of tolerance on catches limited to 5%, knowing that it was in fact doubled to almost 10% through a mirror tolerance at the time of landing of the catches and in case of slack control (which is the reality). But the EU Member States obtained a 10% margin (i.e. nearly 20% in the field).

→ **July 2015** France grants derogations to its tuna fishing fleets allowing them to benefit from a margin of tolerance per fishing trip (and no longer per species), which allows, knowing the lack of control, a drastic increase in the catches of species such as yellowfin tuna. This species, which is greatly overfished, is the only one under quota in this region. Such derogations are illegal under European law, but the European Commission failed to quickly react.

→ **30 May 2018** The European Commission releases its legislative proposal for the reform of the 2009 Control Regulation. It proposes to maintain the margin of tolerance at 10% (so nearly 20% in reality, due to the lack of control) currently in effect.

→ **Early 2018** The Commission launches an audit mission to assess how French authorities control their external fishing fleets.¹⁶ These audit reports serve as the basis for the preparation of the infringement procedures. The audit reports are not public, despite requests from the NGO ClientEarth.

“If we managed to send men to the Moon in the 1960s, we can certainly estimate catches within 10% accuracy in 2021.”



Virginijus Sinkevičius,
European Commissioner for the Environment,
Oceans and Fisheries, 9 March 2021

→ **10 February 2021** Vote in the European Parliament's Fisheries Committee. Pro-lobbies MEPs win hands down with the active support of France. Only Green MEP Caroline Roose denounces the “*nonsensical tolerance margins of up to 25%*” which would lead to the “*massive under-reporting of catches and render an entire part of the Common Fisheries Policy ineffective*”. As is often the case, she's a voice in the wilderness in the Parliament's Fisheries Committee, which has long been won over by the interests of the powerful industrial fishing lobbies.

→ **9 March 2021** A few days before the Plenary vote in the European Parliament, the European Commission warns of the danger of increasing the margin of tolerance and calls on MEPs not to exceed the 10% margin per species. The Commissioner for the Environment, Oceans and Fisheries Virginijus Sinkevičius argues that “*if we managed to send men to the Moon in the 1960s, we can certainly estimate fish catches within 10% accuracy in 2021.*”¹⁷

¹⁵ Regulation (CE) No 1224/2009, 20 novembre 2009.

¹⁶ Outside of EU waters, thus notably in West and East Africa.

¹⁷ Video available at: <https://www.europarl.europa.eu/plenary/en/vod.html?mode=unit&vodLanguage=EN&playerStartTime=20210309-15:54:29&playerEndTime=20210309-16:03:12>.

- **11 March 2021** Plenary vote on the Control Regulation. The amendment increasing the catches to 25% for tuna species (thus to almost 50%) is adopted despite the firm opposition of the European Commission.
- **9 June 2021** The European Commission opens an infringement procedure against France through a formal notice.
- **The 29 September 2022** Although it could have done so as early as 9 August 2021, in the absence of any action by France to comply with the deficiencies raised by the European Commission, the latter publishes a “*reasoned opinion*”¹⁸ enjoining France to implement the necessary measures to comply with the Control Regulation within two months, otherwise the Commission may refer the matter to the Court of Justice of the European Union.

THE BATTLE OF THE NGO CLIENTEARTH FOR DATA TRANSPARENCY

Following the audits carried out by the European Commission on the control by the different Member States of their fishing fleets, the NGO ClientEarth requested access to the audit documents, which they were denied, the Commission arguing, among other things, that the data contained in these reports did not constitute environmental information. This allowed to keep audit reports secret.

On 17 June 2021, after several refusals, ClientEarth decides to take the European Commission to the Court of Justice of the European Union¹⁹ to gain access to these reports containing crucial environmental information.

On 21 October 2022, the hearing between ClientEarth and the European Commission takes place at the ECJ in Luxembourg. Judgment is expected in several weeks. A decision to make these reports public would lift the veil on the failures of States to meet their obligations to control and sanction their fishing fleets.

In parallel, the NGOs working on the revision of the Control Regulation have made very specific proposals in order to improve data transparency²⁰ in the context of the new Regulation.

¹⁸ Opinion available at https://ec.europa.eu/commission/presscorner/detail/%20en/inf_22_5402.

¹⁹ <https://curia.europa.eu/juris/document/document.jsf?text=&docid=245188&pageIndex=o&doclang=fr&mode=lst&dir=&occ=first&part=1&cid=472967>

²⁰ To read the NGOs' demands: <http://www.transparencyfisheries.org/our-work/transparency/>

THE ALL-POWERFUL INDUSTRIAL FISHING AND TUNA FISHING LOBBIES: EUROPÊCHE AND ORTHONGEL



EUROPÊCHE

Europêche is Europe's most powerful and damaging industrial fishing lobbies, as detrimental to biodiversity as the oil and mining lobbies.

Europêche brings together the largest industrial fishing corporations in Europe. Its members²¹ notably include:

- The **Union des armateurs à la pêche de France** (UAPF), which represents large-scale offshore fishing, e.g. the industrial trawlers of the Intermarché fleet (**Scapêche**) involved in deep-sea fishing, the tuna company **CFTO** "Compagnie française du thon océanique" based in Concarneau but entirely under Dutch capital of the giant consortium **Parlevliet & van der Plas**, or **France Pélagique**, which belongs to the other Dutch giant **Cornelis Vrolijk** (and which owns the *Scombrus*, an 81-meter vessel whose inauguration we denounced in September 2020). The UAPF is chaired by Xavier Leduc, who is also the Chair of Orthongel.
- The **Deutscher Fischerei-Verband**, whose two prominent members are the **Doggerbank Seefischerei** (which owns for example the 140m Maartje Theadora) and the **Mecklenburger Hochseefischerei**, both subsidiaries of the sprawling Dutch Parlevliet & van der Plas.
- Or the **Pelagic Freezer-Trawler Association** (PFA), which represents nine industrial fishing companies and the largest European vessels, measuring up to 145m in length and targeting pelagic fish in Africa.

In a report published in October 2022 by the think tank InfluenceMap, **Europêche is identified as one of the most environmentally destructive lobbies in Brussels**²². The lobby Europêche is singled out for its negative influence on public decisions, almost systematically objecting to measures designed to protect biodiversity and blocking policies aimed at reducing the staggering loss of wild species at a time of accelerated extinction of life on Earth.

InfluenceMap analyzed about 750 public statements from 12 industrial lobbies. On a scale from A ("best") to F ("worst"), **Europêche received an overall grade of E minus, which is only half a rank above the worst possible grade, held by the oil and mining lobbies.**

Europêche campaigns against emergency measures such as the establishment of a vast network of marine protected areas where trawling and industrial fishing methods would be banned. The lobby has also historically fought against the protection of the deep ocean.

Established in April 2022, the Europêche "tuna group" represents the interests of two European tropical tuna fishing organizations: the Spanish lobby **OPAGAC-AGAC** (of which Albacora is a member) and the French lobby **Orthongel**.

²¹ <http://EUROPÊCHE.chil.me/our-members>.

²² Read the InfluenceMap report at: <https://influencemap.org/report/Industry-Associations-Biodiversity-Policy-19612>.



ORTHONGEL

The French tuna fishing lobby

A producer organization representing all French and Italian tuna seiners.

→ The **Compagnie Française du Thon Océanique** (CFTO) is the leading tropical tuna fishing company in Europe. It became a subsidiary of the Dutch group **Parlevliet & van der Plas** (P&P) in 2016, which has invested in several major EU fishing companies, such as Doggerbank Seefischerei in Germany, UK Fisheries in the United Kingdom, Pesquera Ancora in Spain, Euronor and the “Compagnie des pêches de Saint-Malo” in France.

The CFTO currently has a fleet of 14 seiners operating both in the Atlantic Ocean (from its base in Abidjan, Cote d'Ivoire) and in the Indian Ocean (from its base in Port Victoria, Seychelles). The CFTO also operates an Italian-flagged tuna seiner in the Indian Ocean, **TORRE GIULIA**, for the Italian fishing company **Industria Armatoriale Tonniera SpA** (IAT), and two support vessels since 2016.

→ **Via Ocean** (formerly **Saupiquet**), whose fleet was established in 1977 and has been a subsidiary of the Italian conglomerate **Bolton Group**, since 2000, the market leader in canned tuna in Europe with e.g. the brands Rio Mare, Palmera and Saupiquet. The group also owns Tri Marine, one of the world leaders in the tuna market. Saupiquet's vessels operate in the Atlantic Ocean and, like the CFTO, target only tropical tuna species.

→ **Sapmer** was founded in 1947 in the Reunion Island, and has subsidiaries in the Seychelles and Mauritius (where the company owns two processing plants). Sapmer started targeting tropical tunas in late 2006 and currently operates **nine tuna seiners and two supply vessels**.

EUROPEAN TUNA FISHERIES IN AFRICA

In France, tuna is a mass consumption product, usually canned. Tuna ranks as the most consumed fish each year, with nearly 4 kilos per capita.²³ At the global level, the tuna fishing sector represents nearly 10% of the world's fish catches²⁴ and supports a vast international trade estimated to be worth more than 42 billion dollars.²⁵ The waters bordering Africa represent the second largest tuna fishing area in the world, after the Western Pacific Ocean. Spain and France are the main players of the area.

France and Spain, the heavyweights of tuna fishing

Over the years, Spain and France have deployed an enormous industrial fleet in Africa: **in 2021, 48 “tuna seiners”, with an average length of 82 meters, were active in African waters.**

Spain and France alone catch more than a quarter of the tuna officially fished in Africa, with respectively 17.5% and 8.0% of the catches (1st and 2nd place in the ranking of the largest fishers). These figures are highly underestimated, given the issue of chronic under-reporting, but also because the third most important fishing country, the Seychelles, is in reality a State of convenience: its entire fleet of tuna seiners belongs to French and Spanish interests. **Once this is accounted for, the French and Spanish catches amount to one third of the total.**²⁶

Among the selective fishing practices that are an exception to the environmental disaster of tuna seiners, let's mention the Maldives, which accumulates about 10% of the total catches only through fishing poles and lines (fish targeted and caught one by one, without any incidental catch).

Tuna caught in Africa by European vessels*

* Bluefin tuna, which includes three species (*Thunnus thynnus*, *T. orientalis*, et *T. maccoyii*) is not fished in Africa.



Bigeye tuna
Thunnus obesus
(up to 2,50m)



Yellowfin tuna
Thunnus albacares
(up to 2,30m)



Skipjack tuna
Katsuwonus pelamis
(up to 1,10m)



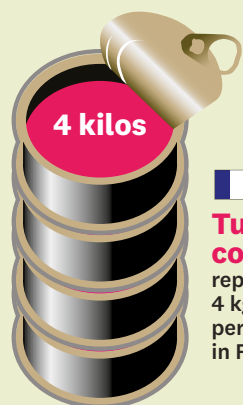
The largest seiner fishing in Africa, “Albatun Dos” is 116 meters long. This industrial monster belongs to Albacora, the company of the Garat family in Spain. Javier Garat is the Chairman of EUROPÊCHE, for which the public agent from the French administration is on a mission. The second largest seiner is the “Albatun Tres”, 115m, from the same company. Overall, only two seiners are smaller than 60 m (yet still larger than 50 m).

²³ FranceAgriMer (2022) Chiffres-clés des filières pêche et aquaculture en France en 2021. Available at: https://www.franceagrimer.fr/fam/content/download/67037/document/CC_p%C3%A4che_aqua%20FR.PDF?version=6.

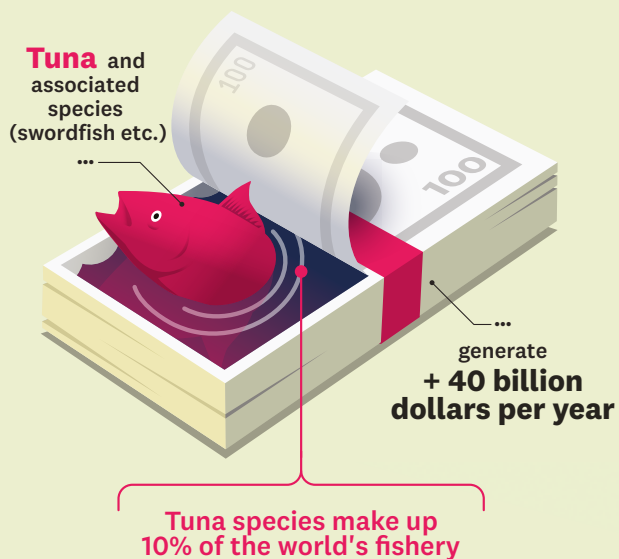
²⁴ FAO (2018) The state of world fisheries and aquaculture — Meeting the Sustainable Development Goals. Available at: <https://www.fao.org/3/i9540en/i9540en.pdf>.

²⁵ Galland et al. (2016) Netting billions: a global valuation of tuna.

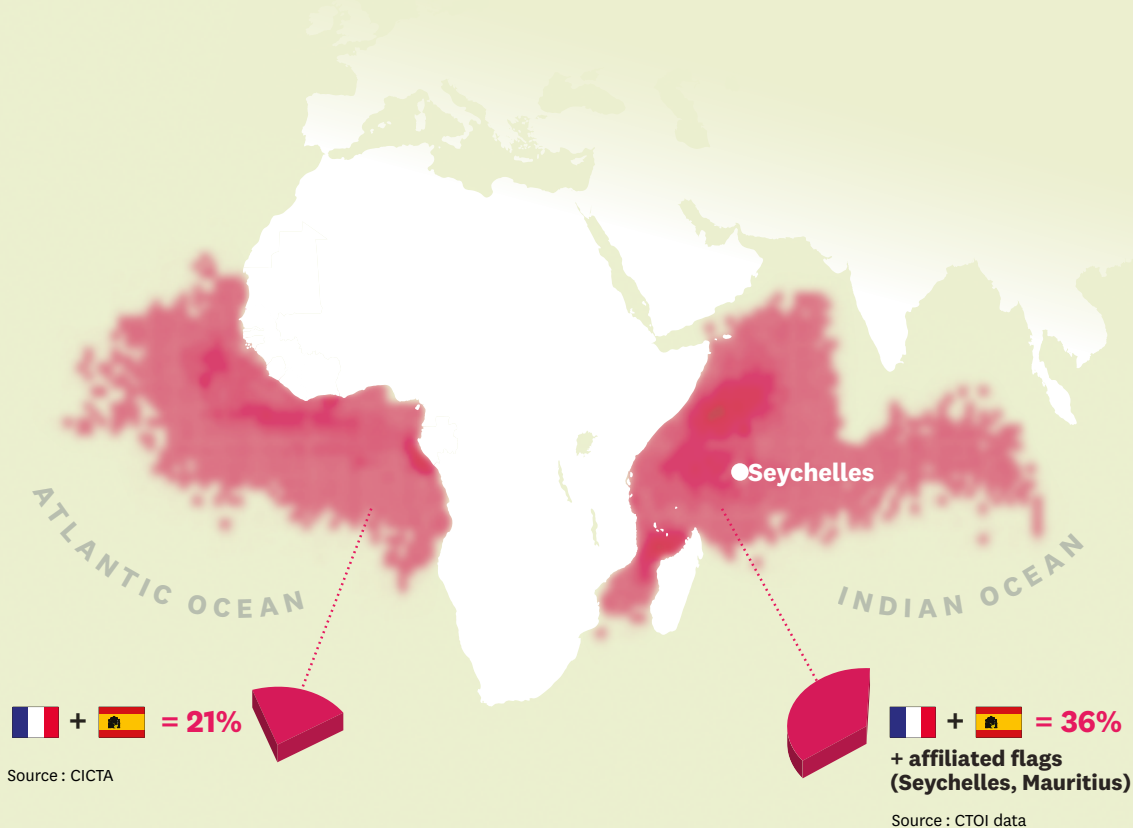
²⁶ This figure is still underestimated, since French and Spanish tuna fishing companies also own vessels registered in Mauritius, Ecuador, Panama, Belize, etc.



Tuna consumption
represents
4 kg per capita
per year
in France



Fishing areas and activities of European tuna seiners around Africa



The industrial fishing of tropical tuna has progressively developed since the 1940s and now extends over the majority of the world ocean.²⁷ Pacific catches largely dominate the market, with most of the catches made by Japan and the United States.²⁸ The second most important tuna fishing area is the Western Indian Ocean, where French and Spanish seiners are major players and operate either in the framework of fishing agreements or on the High seas.²⁹ Both countries historically fished in the Atlantic Ocean but moved part of their fleets to the Western Indian Ocean in the mid-1980s, following the establishment of fishing quotas by the International Commission for the Conservation of Atlantic Tunas (ICCAT).³⁰ Overall, the number of seiners operating in tropical waters has increased considerably since the 1980s, and now accounts for nearly 70% of global catches.³¹ This expansion in the number of vessels and their catches has been assisted by technological improvements (e.g., sonar), the construction of larger vessels (the average carrying capacity of French seiners has increased from 600 tons in the early 1980s to more than 1,000 tons since the mid-2000s),³² and the use of fish aggregating devices (FADs) since the late 1980s.^{33, 34, 35}

What is the health of tuna populations at the global level?

The management of tuna fisheries is a challenge:³⁶ these species are more likely to be overfished than others given their wide geographic distribution and multilateral governance.³⁷

An increasing share of the world's tuna stocks is overfished: from 11% in 2011 to 22% in 2022.³⁸

The current situation in the Indian Ocean is dire. **In 2022**, of the three tuna species targeted, two are currently classified as overfished (yellowfin tuna³⁹ and bigeye tuna⁴⁰); while the third (skipjack tuna) is fished at an unprecedented level.⁴¹

The situation is particularly troublesome for yellowfin tuna in the Indian Ocean, as the massive and uncontrolled use of FADs — notably by French and Spanish industrial vessels operating in the area under the fishing agreements established by the European Union — leads to the capture of very large numbers of juveniles, thus endangering the population of this species: **97% of yellowfin tuna caught under FADs by the European seine fleet in the Indian Ocean between 2015 and 2019 were juveniles.**⁴²

²⁷ Miyake *et al.* (2004) Historical trends of tuna catches in the world. Available at: <https://www.fao.org/3/y5428e/y5428e.pdf>.

²⁸ Coulter *et al.* (2019) Using harmonized historical catch data to infer the expansion of global tuna fisheries. Available at: <https://doi.org/10.1016/j.fishres.2019.105379>.

²⁹ Le Manach *et al.* (2013) European Union's public fishing access agreements in developing countries. Available at: <https://doi.org/10.1371/journal.pone.0079899>.

³⁰ Miyake *et al.* (2010) Recent developments in the tuna industry — Stocks, fisheries, management, processing, trade and markets. Available at: <https://www.fao.org/3/i1705e/i1705e.pdf>.

³¹ Ibid.

³² Chassot *et al.* (2012) Statistics of the French purse seine fishing fleet targeting tropical tunas in the Indian Ocean (1981-2011). Available at: <https://hal.ird.fr/ird-00780451/document>.

³³ Op. cit. Miyake *et al.* (2010)

³⁴ Campling (2012) The tuna 'commodity frontier': business strategies and environment in the industrial tuna fisheries of the Western Indian Ocean. Available at: <http://dx.doi.org/10.1111/j.1471-0366.2011.00354.x>.

³⁵ Scott, Lopez (2014) The use of FADs in tuna fisheries. Available at: <https://www.europarl.europa.eu/document/activities/cont/201402/20140212ATT79234/20140212ATT79234EN.pdf>.

³⁶ Ortuño Crespo, Dunn (2017) A review of the impacts of fisheries on open-ocean ecosystems. Available at: <https://doi.org/10.1093/icesjms/fsx084>.

³⁷ Maguire *et al.* (2006) The state of world highly migratory, straddling and other high seas fishery resources and associated species. Available at: <https://www.fao.org/3/a0653e/a0653e00.htm#Contents>.

³⁸ ISSF (2022) ISSF status of tuna stocks tool (updated Jul 2022). Available at: <https://www.issf-foundation.org/tuna-stocks-and-management/our-tuna-stock-tools/interactive-stock-status-tool/>.

³⁹ IOTC (2021) Executive summary: Yellowfin tuna (2021). Available at: https://iotc.org/sites/default/files/documents/science/species_summaries/english/4_Yellowfin2021E.pdf.

⁴⁰ Fu *et al.* (2022) Preliminary Indian Ocean bigeye tuna stock assessment 1950-2021 (stock synthesis) — IOTC-2022-WPTT24-10. Available at: <https://iotc.org/sites/default/files/documents/2022/10/IOTC-2022-WPTT24-10.pdf>.

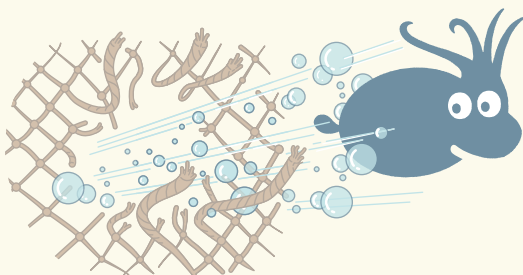
⁴¹ IOTC (2022) Review of Indian Ocean skipjack tuna statistical data. Available at: https://iotc.org/sites/default/files/documents/2022/10/IOTC-2022-WPTT24-03c - SKJ_data.pdf.

⁴² Rattle (2020) Failure to manage yellowfin tuna by the Indian Ocean Tuna Commission. Available at: <https://www.blumarinefoundation.com/wp-content/uploads/2020/10/Failure-To-Manage-Yellowfin-Tuna-by-the-IOTC-FINAL.pdf>.

CONCLUSION & ASKS

French tuna fisheries in Africa are opaque, destructive and too often illegal. In this regard, BLOOM asks:

- 1** The immediate withdrawal in the Control Regulation currently under negotiation ("trilogue" phase) of the European Parliament's amendment raising the margin of tolerance for tuna fisheries to 25% and the Council position changing from 10% per species to 10% per fishing trip. We support the European Commission's initial position in 2009 of a **maximum 5% margin of tolerance per species for tuna fisheries**.
- 2** The opening of an investigation for massive fraud and damage to the financial interests of the European Union, as well as the condemnation of the fraudulent tuna fishing fleets for large-scale destruction of biodiversity and the sanctioning of the illegality of the practices and those responsible for orchestrating this illegality.
- 3** The opening of an investigation into the systemic collusion of the central French fisheries administration with the tuna fishing sector.
- 4** A sanction against the derogations illegally granted by France in 2015. BLOOM is asking the French government to immediately repeal these illegal and destructive provisions.
- 5** Full and permanent transparency on the number of controls carried out by the French authorities in the fisheries sector, for all segments and all fishing territories, as well as the results of the controls (identity of offenders, reasons, penalties etc.).
- 6** Full and permanent transparency on satellite positioning data of vessels (VMS data), catch data declared to the authorities (logbooks) and all data concerning FADs (fish aggregating devices).
- 7** While waiting for the implementation of this transparency, which is a minimum democratic requirement, BLOOM is today sending a request to the French government to have access to all the data mentioned above (controls, VMS, logbooks, FADs).
- 8** Access to the audit reports produced by the European Commission in the framework of the audit missions it has conducted in Member States to verify the level of application of the European Control Regulation. They contain crucial environmental information that should systematically be in the public domain. The fish does not belong to industrial fishers.
- 9** The urgent establishment of fully protected marine areas in the Indian Ocean to allow for the recovery of marine bio-masses and species.





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November 2022