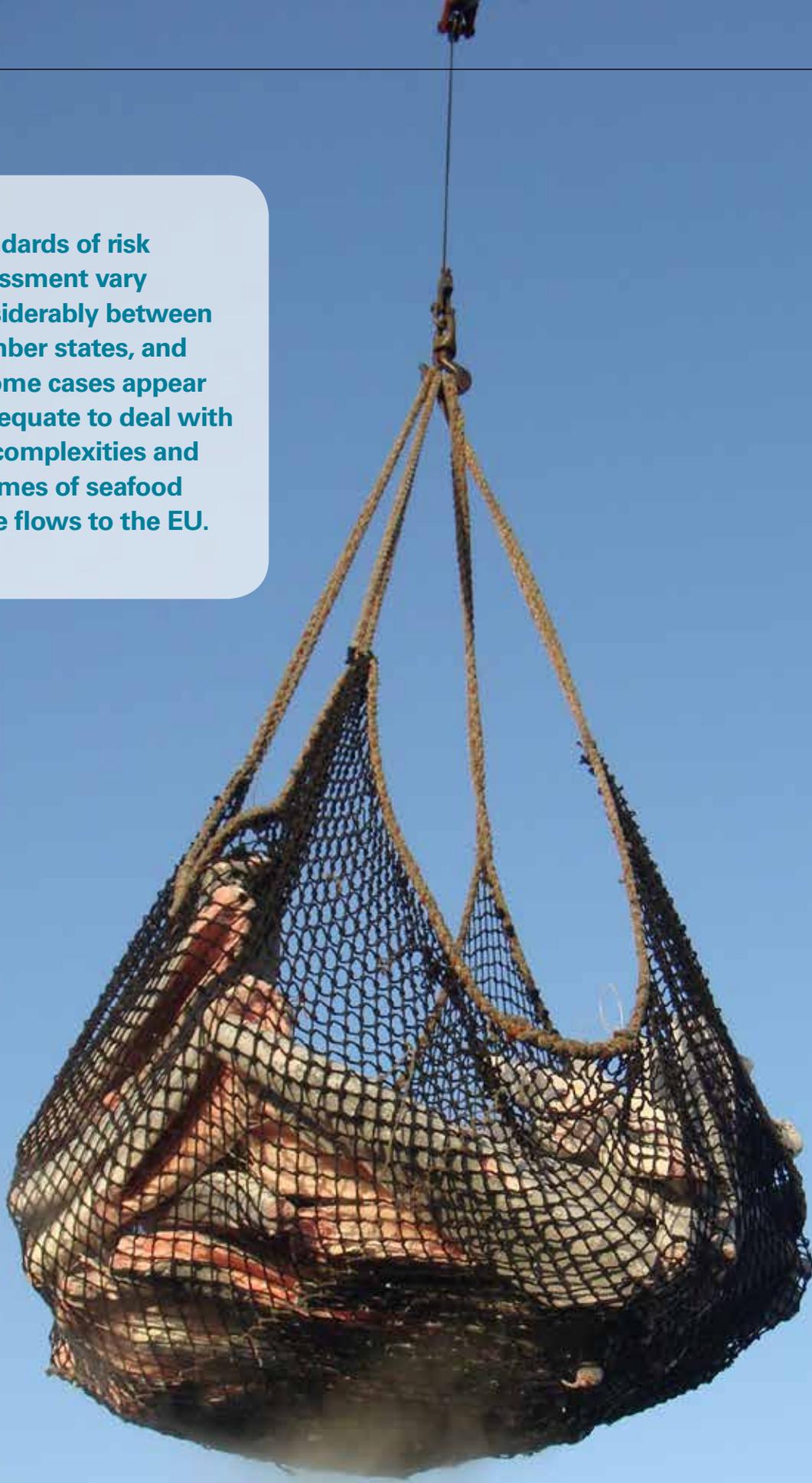

The EU IUU Regulation

Analysis: Implementation of EU seafood import controls



Standards of risk assessment vary considerably between member states, and in some cases appear inadequate to deal with the complexities and volumes of seafood trade flows to the EU.





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Executive summary

A core aim of the European Union's (EU) Regulation to combat illegal, unreported and unregulated (IUU) fishing is to prevent, deter and eliminate trade in fisheries products deriving from IUU fishing into the EU. The Regulation establishes a catch certificate (CC) scheme to assist member state authorities in detecting and blocking illegally sourced products at their borders, which is complemented by a procedure to identify third countries as non-cooperating in the fight against IUU fishing (the "carding" process).

The IUU Regulation entered into force on 1 January 2010, and is thus in its eighth year of implementation. As in other areas of EU policy, every two years the 28 EU member states submit a report to the European Commission on implementation of key obligations under the Regulation. The reports include, amongst other information, data on imports under the Regulation, details of import control procedures and recommendations to improve current systems and frameworks.

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The reports submitted by member states for the period 2010–2015 were obtained via access to information requests to the European Commission. The reports received were analysed to provide an overview of progress towards the full and effective implementation by member states of the IUU Regulation CC scheme. The data reported to the European Commission were corroborated through discussions with competent authorities for

implementation of the IUU Regulation in key seafood importing member states, and through a review of relevant literature. This is the first published analysis of data reported by member states for the most recent two-year reporting period, 2014/15.

The analysis focused on six key requirements under the Regulation with respect to imports:

1. Routine documentary checks of import CCs
2. Application of a risk-based approach to assessing CCs
3. Verification of CCs to ascertain compliance of imports
4. Physical inspections of consignments
5. Rejection of consignments in cases of non-compliance
6. Biennial reporting to the Commission on activities under the Regulation.

The analysis highlights clear disparities in the implementation of import controls across the EU, creating an uneven playing field for operators and leaving the system open to abuse. Differences were observed, in particular, in the frequency and rigour of checks and verifications of CCs, and in the quality of risk assessment procedures for identifying consignments for verification. There is evidence that disparities in import controls may be resulting in the diversion of high-risk trade flows to member states that implement less stringent procedures for the assessment of import CCs. This undermines the significant progress made by some member states to fully implement the IUU Regulation CC scheme and provides insufficient assurance that products stemming from IUU fishing are not entering the EU market.

This analysis highlights the need for the European Commission and member states to step up efforts to ensure the improved and harmonised implementation of import controls under the IUU Regulation across the EU.

Every two years the 28 EU member states submit a report to the European Commission on implementation of key obligations under the Regulation. The reports include data on imports, details of import control procedures and recommendations to improve current systems and frameworks.



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Introduction

The Environmental Justice Foundation (EJF), Oceana, The Pew Charitable Trusts and WWF are working together to secure the harmonised and effective implementation of the European Union's (EU) Regulation to end illegal, unreported and unregulated (IUU) fishing¹.

A core aim of the IUU Regulation – Regulation (EC) No. 1005/2008 – is to prevent, deter and eliminate trade in fisheries products deriving from IUU fishing into the EU². IUU fishing undermines attempts to sustainably manage global fish stocks, with serious implications for the health of marine ecosystems, food security and the livelihoods of those living in coastal communities.

The EU is the world's largest market for fisheries products in terms of value, with imports worth an estimated €22.3 billion in 2015³. By establishing controls on imported seafood and setting out a system of trade sanctions, the IUU Regulation aims to drive improvements in fisheries governance and traceability systems in countries that export fish to the EU.

The IUU Regulation establishes a catch certificate (CC) scheme to assist member state (MS) authorities in detecting and blocking products of IUU fishing at their borders. Seafood⁴ consignments exported by third (non-EU) countries to the EU – whether as direct landings by their vessels in EU ports, consignments arriving as maritime freight at EU container terminals or arrivals by other modes of transport – must be accompanied by a CC attesting the legal origin of the products and validated by the flag State of the vessel which caught the seafood.

The EU is the world's largest market for fisheries products in terms of value, with imports worth an estimated

€22.3 billion

The CC scheme is complemented by a procedure to identify third countries as non-cooperating in the fight against IUU fishing. According to this procedure, countries may be pre-identified (yellow-carded) and, as a last resort, identified (red-carded) for failure to take action against IUU fishing in line with their international flag, coastal, port and/or market State obligations. A red card is accompanied by a ban on the importation of products caught by the carded country's vessels to the EU, among other sanctions.

The IUU Regulation also establishes standards for port State controls in MS, including thresholds and procedures for the inspection of landings and transshipments by third country vessels in EU ports. This completes the EU's suite of enforcement tools to support implementation of the EU Common Fisheries Policy, alongside the flag State obligations set out in the EU Control Regulation (EC) No. 1224/2009 and in the Regulation governing the EU's external fishing fleet (currently, Regulation (EC) No. 1006/2008⁵).

Review of progress – member state implementation of IUU import controls

The IUU Regulation entered into force on 1 January 2010, and is thus in its eighth year of implementation. Every two years, the 28 EU MS submit a report to the European Commission on implementation of the Regulation⁶, based on which the Commission is required, every three years, to draw up a report for the European Parliament and Council⁷. To date, MS have submitted reports for the periods 2010/11, 2012/13 and 2014/15, with the first Commission review of progress under the IUU Regulation published in the EU Official Journal on 1 October 2015⁸.

The reports submitted by MS for the period 2010–2015 were obtained via access to information requests to the European Commission. Twenty-five reports were provided for 2010/11, 27 reports for 2012/13 and 23 reports for 2014/15. Reports could not be provided where they had not been submitted at the time of the access to information request, or MS had not responded to the request to share their reports. Details of the reports received in response to the access to information requests are included in Annex 1.

The reports include, amongst other information, data on imports under the IUU Regulation, details of import control procedures and recommendations to improve current systems and frameworks. The specific questions directed to MS in the reporting template are provided in Annex 2.

The data in the reports were analysed to provide an overview of progress towards the full and effective implementation by MS of the IUU Regulation CC scheme. The analysis focused on the most recent biennial reports (for 2014/15 – 23 reports received), but considered previous reports where appropriate to enhance the level of analysis. This is the first published analysis of data reported by MS for the period 2014/15.

As in other areas of EU policy, the self-reporting of data by MS is a key mechanism through which the European Commission can oversee the progress of individual MS in effectively implementing EU law. However, given the inherent limitations of self-reported data – including inaccuracies and subjective judgement/interpretation – it is important that these data be corroborated by other means. For the purposes of the present analysis, this was undertaken through detailed discussions with the competent authorities for IUU Regulation implementation in four of the largest seafood-importing MS in the EU⁹. A review of previous analyses of MS implementation of import controls under the IUU Regulation, produced for the European Commission in 2014¹⁰ and the European Parliament in 2013¹¹, provided further corroboration of the MS data analysed in this study.

In the analysis progress is measured against the following key requirements of the IUU Regulation:

1. Routine documentary checks of all import CCs received
2. Application of a risk-based approach to assessing CCs
3. Verification of CCs to ascertain compliance of imports
4. Physical inspections of consignments
5. Rejection of consignments in cases of non-compliance
6. Biennial reporting to the Commission on activities under the Regulation.

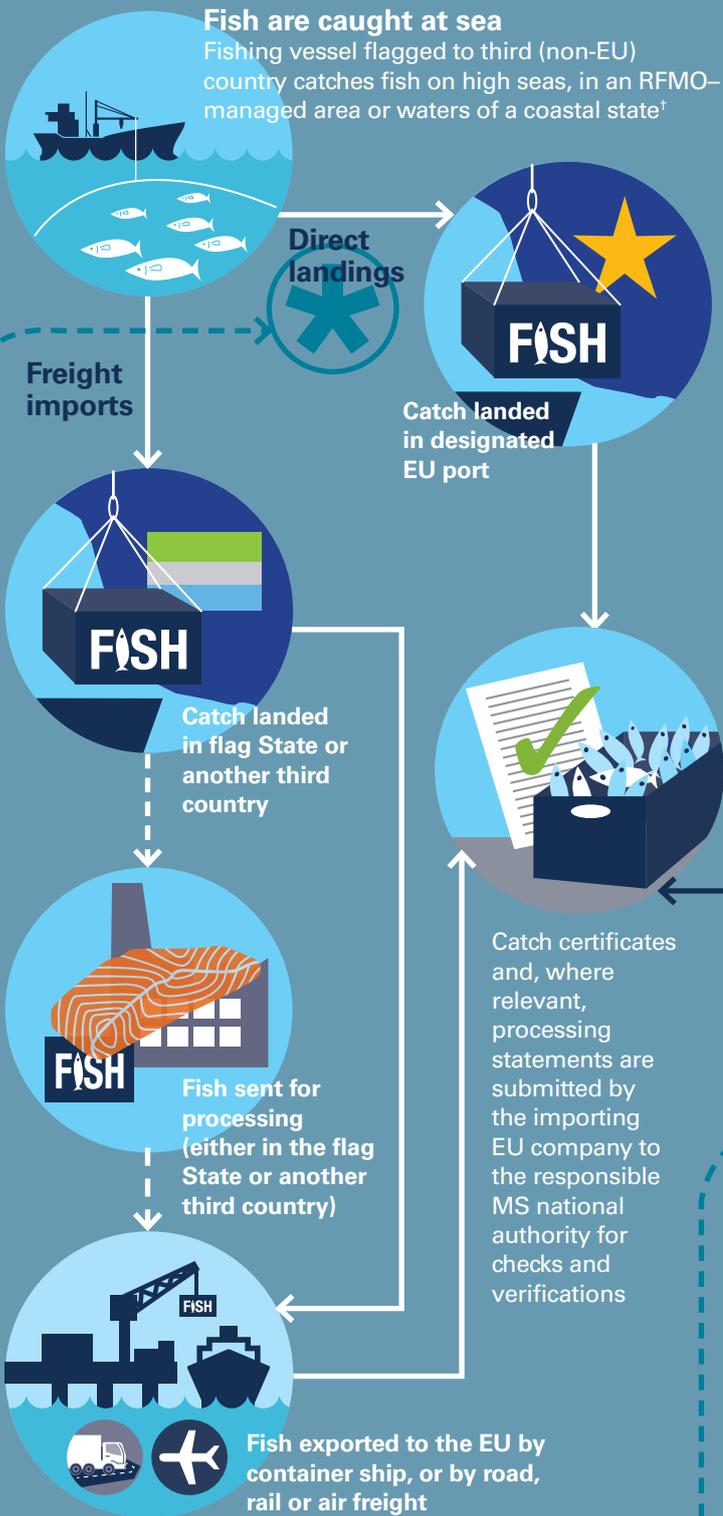
This is the first published analysis of data reported by member states for the period 2014/15.

2014/15

Key requirements of the IUU Regulation



Key import control requirements under the EU IUU Regulation



50%*

* BENCHMARK: MS must inspect at least 5% of direct landings and transshipments carried out by third country vessels in EU ports, based on risk assessment.

† Note: Catches by EU vessels will also require a catch certificate under the IUU Regulation where they are landed in a third country and subsequently exported to the EU.

REQUIREMENTS

1

DOCUMENTARY CHECKS AND RISK ANALYSIS

REQUIREMENTS 1 & 2 MS authorities are required to check 100% of import CCs in accordance with the Regulation, and apply risk criteria to identify a proportion of import CCs for further scrutiny.

2

VERIFICATIONS AND INSPECTIONS

REQUIREMENTS 3 & 4 MS authorities are required to subject a proportion of CCs/ consignments to more detailed scrutiny (verification) in order to determine compliance. This may include contacting third country authorities or carrying out physical inspections of vessels or products.

3

4

REJECTIONS

REQUIREMENT 5 Consignments are to be refused entry to the EU in the case of non-compliance with formal requirements of the Regulation or in detected cases of IUU fishing.

5

REPORTING

REQUIREMENT 6 Every two years, MS are required to submit a report to the European Commission on implementation of the Regulation, including data on imports and details of import control procedures.

6

Differences exist between member states in terms of the proportion of catch certificates that are subject to checks, as well as the procedures involved.



REQUIREMENT 1 Routine documentary checks of all import CCs received

MS are required to carry out routine documentary checks of all CCs received for the import of fisheries products into the EU¹². At the most basic level, CCs must be checked against the information notified by flag States to the European Commission¹³, including the details and stamp of the authority competent for validating CCs. In addition, all CCs must be subjected to an adequate level of scrutiny in order to:

- Establish compliance of the consignment with formal requirements, including that: (i) the products were not caught by a vessel on the Community IUU Vessel List¹⁴ or flagged to a red-carded country; (ii) the products declared for import match the description in the CC, and (iii) the CC is duly completed¹⁵.
- Identify consignments for which verifications are mandatory under the Regulation, for example: (i) in cases of suspected fraud; (ii) where the MS has information to question the compliance by the vessel with applicable laws or conservation and management measures (CMMs); or (iii) where the vessel, fishing company or other operator has been reported in connection with presumed IUU fishing¹⁶.

According to information in the biennial reports, these requirements are not implemented uniformly across the

EU. Differences exist between MS in terms of the proportion of CCs that are subject to checks, as well as the procedures involved (e.g. the fields of the CC that are checked and how intelligence is fed into the process). In some cases, the standards of checks applied to CCs would appear insufficient to isolate those cases requiring mandatory verification under the Regulation.

In Germany, for example, while all applications are automatically checked for completeness (i.e. missing information), only 35% of CCs are subjected to any degree of manual control (e.g. for compliance with formal requirements), apparently in contravention of the Regulation's provisions¹⁷. Other MS, such as Portugal and Spain, carry out comprehensive checks of all CCs received, including checks against Regional Fisheries Management Organisation¹⁸ (RFMO) authorised vessel lists and fishing areas, as well as cross-checks with accompanying documents¹⁹, before identifying a proportion of CCs for detailed verification.

The authorities responsible for CC checks also differ between MS (e.g. Customs, veterinary/health, fisheries), and it is unclear whether the officials concerned are, in every case, equipped with the necessary tools and training to ensure CCs are effectively scrutinised. This may result in further differences in the level of rigour and scrutiny applied to checks by MS.



REQUIREMENT 2 Application of a risk-based approach to assessing CCs

The Regulation provides for an additional level of import controls by MS, termed “verifications”. According to the Regulation, MS may carry out “all verifications they deem necessary” to ensure the provisions of the Regulation are correctly applied (i.e. so that non-compliant products are prevented from entering the EU)²⁰. This includes requesting the assistance of the flag State or another third country²¹.

Verifications are time-consuming and resource intensive, thus the Regulation specifically requires they be based on the level of risk that products are derived from IUU fishing²². This is of benefit to both operators and authorities, avoiding undue delays in the case of low risk trade flows²³, assisting in the optimal direction of enforcement effort and increasing the likelihood of detecting cases of non-compliance²⁴.

As stated in the Commission’s 2015 Communication to the Parliament and Council, effective risk analysis is essential given the scale of fisheries imports: between 2010 and 2013 MS received more than 810,000 CCs and sent more than 6,400 requests for verification to third countries. In terms of volume, the top importing MS²⁵ received between 275,000 and 860,000 tonnes of seafood products annually between 2010 and 2015²⁶, the majority of which arrived at EU container ports. Imports via shipping container present particular challenges in terms of inspections, verifications and allocation of enforcement effort, due to: (i) the high traffic volumes at container ports; (ii) the prevalence of mixed cargo; and (iii) the arrival of many smaller quantities of fish dispersed across multiple containers. In addition, high numbers of CCs may accompany a single shipment, or a single product batch may contain fish from multiple CCs. Risk management is therefore critical to achieving effective controls of container imports (see page 11).

The EU provides some guidance to MS regarding the methodology for risk analysis, with 15 risk criteria set out in the accompanying Implementing Regulation – Regulation (EC) No. 1010/2009 (see Box 1 for an example, page 10)²⁷. The Regulation also allows MS to establish their own national risk criteria and report these to the Commission²⁸. MS should apply risk criteria to all CCs received, with a view to selecting a proportion of CCs to verify in further detail.

Based on information in the biennial reports, 18 MS apply risk criteria to direct their verifications²⁹. Details of MS approaches to the risk-based assessment of CCs are set out in Annex 3. It is clear from the reports that approaches

vary considerably between MS, for example:



- Four MS³⁰ specifically reported that they apply EU-level risk criteria to focus their import controls, or that the criteria applied are based on those defined at EU level. Other MS³¹ appear to define their risk criteria at the national level.
- At least one large importing MS applies very limited risk criteria to focus enforcement efforts, compared to extensive and detailed criteria applied by other MS. Based on information in the biennial reports and other sources³², it was found that Germany applies only one or two criteria to focus its verifications, missing key EU level criteria such as trade flow anomalies, imports concerning high value species and recent changes in a vessel’s name or flag.
- Key importing MS, such as Italy, have not reported information on the specific risk criteria applied to direct their verifications.
- For some MS, such as Germany and the UK, there are disparities between the approaches to risk analysis described in the 2014/15 reports and procedures applied in practice (see Annex 3).

According to the biennial reports, 10 MS³³ do not apply a risk-based approach to identify CCs for verification. In some cases, MS report that controls are applied to all CCs due to the low number of applications received. This is the likely reason in other MS, although not specifically stated in the reports. In the absence of a risk-based approach, there are differences in how these MS apply their checks and verifications to incoming CCs. For example, based on the reports of Bulgaria and Estonia, it is unclear whether verifications (as opposed to routine documentary checks) are carried out on all or a subset of CCs. In the Czech Republic, both checks and verifications are reportedly carried out for all CCs received, with additional verifications undertaken as appropriate, such as in the case of yellow-carded countries.

The analysis of the biennial reports reveals a lack of harmonisation and clarity with regard to MS approaches to risk analysis in the following key areas:

- a. How risk criteria are applied to incoming consignments, including whether criteria are applied in “real time” (before imports are authorised) and whether criteria are applied to all CCs received.

The analysis reveals a lack of harmonisation and clarity with regard to member state approaches to risk analysis.

- b. How CCs are selected for verification following application of risk criteria, whether at random or based on a qualitative or quantitative assessment (e.g. involving weighting of risks within a scoring system).
- c. The authorities responsible for designing and implementing risk assessments, the level of discretion afforded to regional authorities or individual border posts to establish their own risk criteria, and any guidance issued at the central level to ensure a coherent national approach.
- d. How risk assessments are kept updated in light of emerging risks/threats.

A key issue is the lack of detailed and consistent reporting by MS on risk methodologies applied (see Requirement 6). The questions in the biennial reporting template are not sufficiently specific to elicit the

information required, while there are diverging views among MS as to what constitutes a risk-based approach. Croatia, for example, reported that risk criteria are applied to direct CC verifications; however, a number of these criteria are similar to the routine documentary checks applied in other MS (Annex 3 and Requirement 1).

It is clear that further guidance and standardisation of procedures is needed to ensure that products stemming from IUU fishing are detected amongst the high volumes of seafood imports to the EU. Criteria applied in at least one major importing MS appear inadequate to effectively identify high-risk consignments for verification. Harmonisation of procedures to a sufficiently stringent standard is vital to ensure weak controls are not exploited as a route for non-compliant products to enter the EU market.

Box 1 | Trade flow anomalies in the context of risk analysis

Article 31 of Regulation (EC) No. 1010/2009 sets out a number of criteria to assist MS in identifying seafood consignments for which there is an increased risk of linkages to IUU fishing. These criteria include the detection of trade flow anomalies, such as the discovery of new trade patterns, or significant and sudden increases in trade volumes for a particular species. The relevance of focusing on trade flow anomalies and the routine monitoring of trade data is highlighted by two examples cited by MS in the 2014/15 biennial reports:

- Following the red card issued to Sri Lanka in January 2015, the Czech Republic observed an increase in CCs validated by the Maldives. This was indicative of vessels reflagging to the Maldivian flag following the ban on imports of catches from vessels flagged to Sri Lanka.
- Following an increase in verification requests to Taiwan and Indonesia concerning imports of swordfish caught by their vessels, Spain observed a decline in the number of CCs received from these flag States. This suggested a possible shift in trade flows to alternative points of entry to the EU.

In addition, an analysis of import CCs received by flag States of origin for the period 2010–2015 revealed a number of shifts in trade flows that would warrant further attention as part of any risk analysis. For examples, see Table top right, also Table 1, page 14.

Shifts in trade flows such as these may indicate increased risk of linkages to IUU fishing and warrant

Member state	Flag State	Date of carding decisions	Number of CCs received
Bulgaria	Sri Lanka	Yellow: Nov 2012 Red: Jan 2015	2013: 34* <i>*First CCs from Sri Lanka since 2010</i>
Cyprus	South Korea	Yellow: Nov 2013	2014: 36* 2015: 73 <i>*First CCs from South Korea since 2010</i>
Czech Republic	Sri Lanka	Yellow: Nov 2012 Red: Jan 2015	2012: 150 2013: 328 2014: 607
France	Sri Lanka	Yellow: Nov 2012 Red: Jan 2015	2012: 776 (approx.) 2013: 1469 (approx.) 2014: 2708 (approx.)
	South Korea	Yellow: Nov 2013	2012: 79 (approx.) 2013: 119 (approx.) 2014: 405 (approx.) 2015: 751 (approx.)
Netherlands	Sri Lanka	Yellow: Nov 2012 Red: Jan 2015	2012: 938 2013: 825 2014: 2321

further scrutiny of the CCs concerned. However, at present, very few MS are monitoring trade data as part of their risk assessments, despite shifts in trade flows being evident from CC and flag State data reported by MS – particularly with regard to imports from “carded” third countries (see Table 1). Only a handful of MS – Czech Republic, Denmark, Poland and Spain – reported details of shifts in trade flows linked to the IUU Regulation in 2014/15.

The above data highlight the importance of integrating the strategic monitoring of CC and trade data as an essential feature of any risk analysis system, with information shared across MS to ensure a coordinated approach.

The challenges of container imports

The EU receives the vast majority of its seafood imports via container vessel. Such imports present particular challenges in terms of inspections, verifications and allocation of enforcement effort.

85-92%

of imported fish enters the European Union via container*

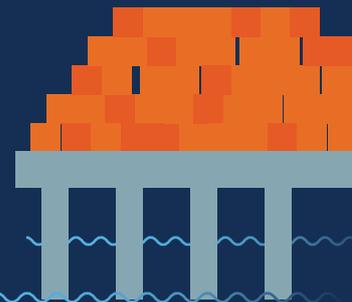


1. Container ports handle very high volumes of cargo traffic

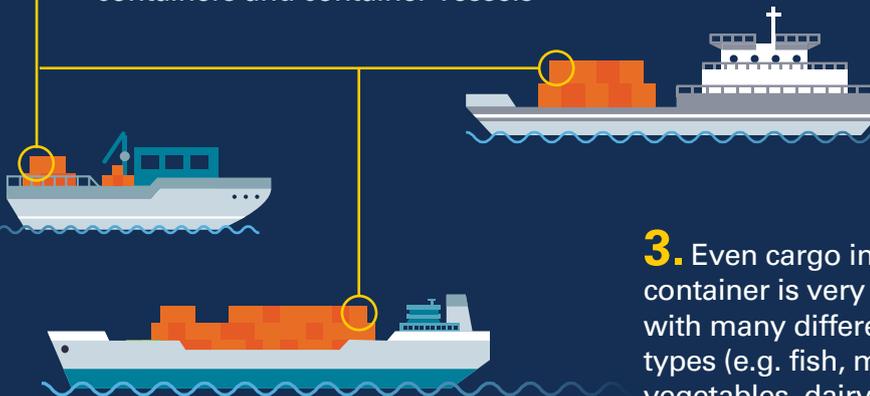


3.1 million

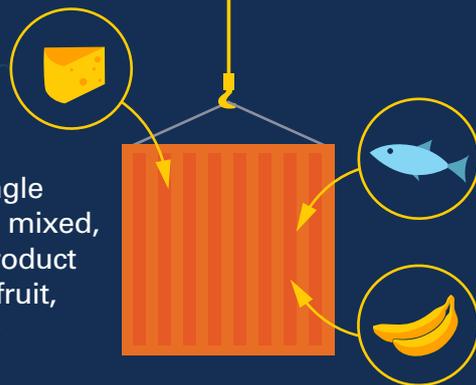
loaded containers arrived in Rotterdam Port in 2015, representing 62.4 million tonnes of goods**



2. Fisheries products arrive in smaller quantities, dispersed across multiple containers and container vessels



3. Even cargo in a single container is very often mixed, with many different product types (e.g. fish, meat, fruit, vegetables, dairy, etc.)



4. High numbers of catch certificates may accompany a single shipment



5. A single product batch may contain fish from multiple catch certificates



With limited guidance on the inspection of container vessels issued to date, and a lack of formal requirements under the IUU Regulation, there is considerable variation between MS in terms of whether and how container vessels are inspected for IUU purposes.

Risk management is critical to achieving effective controls of container imports.

See further information and recommendations, pp.16 and 22.

*Source: Footnote 46, p.35. **Rotterdam Port Statistics (2015): www.portofrotterdam.com/en/downloads/fact-sheets-brochures/port-statistics-2015



REQUIREMENT 3 Verification of CCs to ascertain compliance of imports

Verifications are more detailed assessments to determine compliance of imported seafood with applicable laws and CMMs. As noted above, procedures for verifying import CCs can take a number of forms³⁴, for example, consulting external sources of information, contacting operators for clarification or physically inspecting products (see Requirement 4). MS may also contact third countries, such as the flag or processing State, for further information or assistance in establishing legal origin (e.g. to request VMS and logbook data, fishing licences, etc.)³⁵.

In addition to verifications based on risk management (see Requirement 2), the Regulation sets out scenarios where verifications must be carried out in every case. These include where there are suspicions of fraud, reports of presumed IUU fishing involving the vessel or operator, or doubts as to compliance of the product with applicable rules³⁶. MS may also carry out verifications at random³⁷.

In their biennial reports under the Regulation, MS are required to provide information on the number of CCs that were “verified”³⁸. However, this question is subject

to differing interpretations among MS, with some reporting on their routine documentary checks, others on physical inspections, and others still on numbers of formal requests to third countries.

A question on the number of requests for verification sent to third countries³⁹ provides a more specific, measurable indicator of verification activities by MS (see Figure 1). Although a single request may relate to multiple CCs, and the quality of requests may vary, the ratio of verification requests to total CCs received can facilitate a comparison of implementation across MS. This ratio can then be assessed in light of the risk that imports to a given MS stem from IUU fishing, as indicated by the proportion of CCs validated by “carded” flag States (see Figure 2).

It may be assumed that flag States with identified deficiencies in monitoring, control and surveillance (MCS) systems – as indicated by the granting of a yellow (or, subsequently, red) card by the Commission – will be less able to reliably certify the legal origin of seafood caught by their vessels. MS with a higher percentage of import CCs from carded flag States might therefore be expected to subject a higher percentage of CCs to verification with third countries. This is not, however, reflected in data reported by the MS (see Figure 2).

Figure 1 | Number of verification requests sent to third countries (2014/15)*

Source: biennial reports submitted by MS for the period 2014/15.
*Bars in grey indicate data for 2012/13 – 2014/15 data were not available at the time of writing.

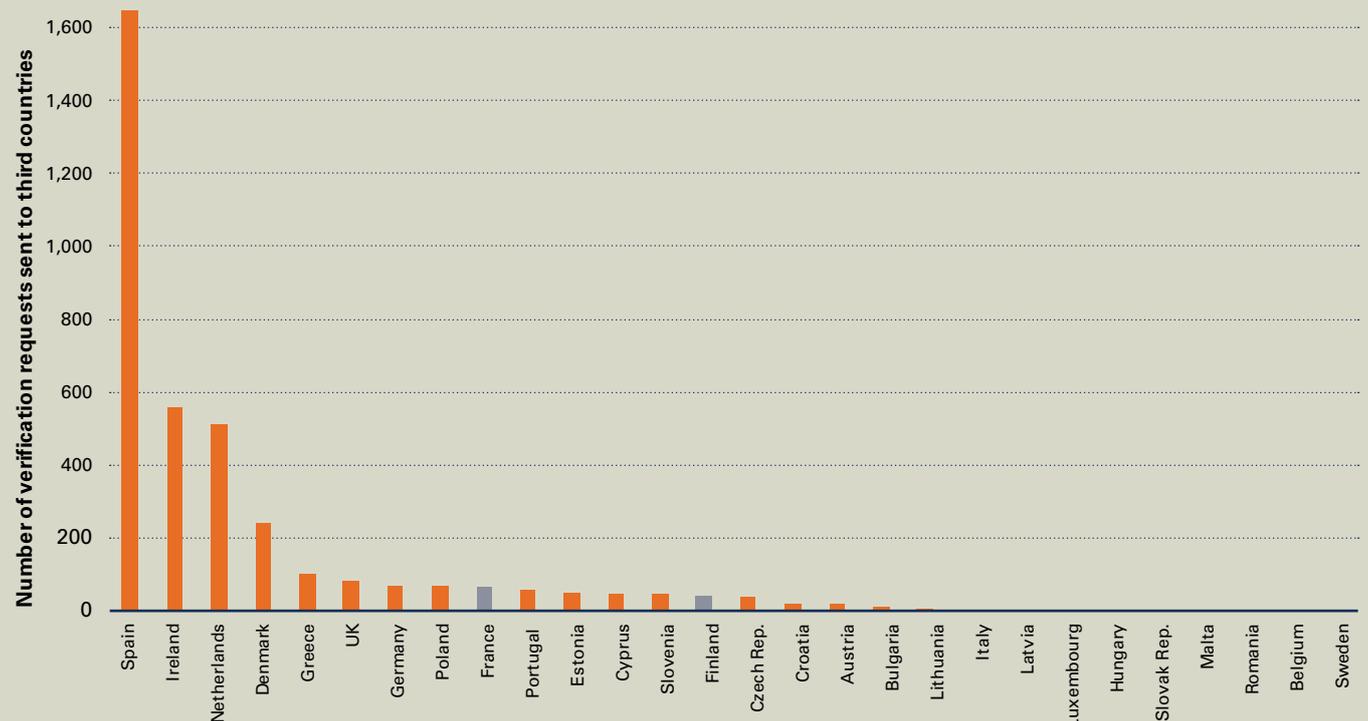
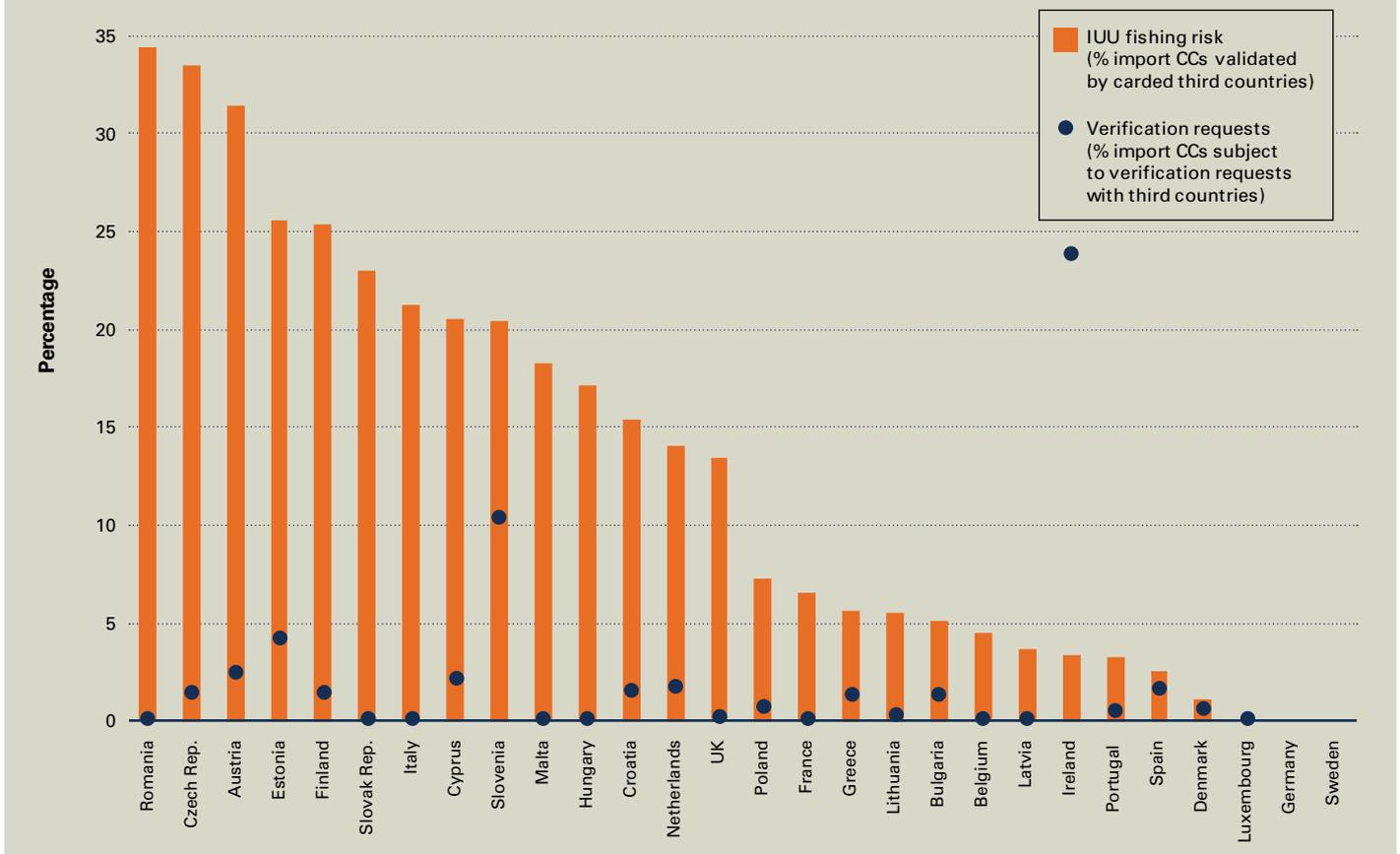


Figure 2 | Comparison of % of import CCs: (i) validated by carded third countries under the IUU Regulation (IUU fishing risk); and (ii) subject to verification requests to third countries (2014/15)*

Source: biennial reports submitted by MS for the period 2014/15, or for 2012/13 where 2014/15 data were not available at the time of writing.

*Calculations of IUU fishing risk were not possible for Germany and Sweden due to a lack of data on flag States of origin in their respective biennial reports.



Spain, Denmark, Ireland and the Netherlands accounted for over 75% of the total 3,000 (approximate) verification requests sent to third countries during the period 2014/15 (see Figure 1). However, Spain, Ireland and Denmark received some of the lowest-risk trade flows during this period (see Figure 2). The percentage of verification requests submitted by the Netherlands – which were based on the application of risk criteria (see Annex 3) – seems broadly in line with the IUU fishing risk associated with imports to the country, when compared to results for other MS (see Figure 2).

In contrast, several MS with relatively high-risk trade flows – for example, Italy, Malta, Romania and the Slovak Republic – have submitted very few or no requests for verification to third countries since the Regulation came into force (see Figure 2 and Table 1). Some MS also appear to have failed to conduct verifications in circumstances warranting further scrutiny: for example, Bulgaria did not report carrying out a verification request with Sri Lanka for 34 CCs received in 2013, despite this being a new trade flow from a recently yellow-carded country.

These examples suggest that, in a number of MS, consignments: (i) are not being effectively identified for verification, whether through routine checks of CCs

(see Requirement 1) or application of risk criteria (see Requirement 2); and/or (ii) are not being verified when required under the Regulation. The result is an insufficient number of verification requests to third countries, relative to the IUU fishing risk associated with imports.

A consequence of these disparities is the possible diversion of high-risk trade flows to MS with weaker standards for verifications. In 2014/15, Spain noted a decline in imports of swordfish caught by Taiwanese and Indonesian vessels following an increase in verification requests to those flag States. It is possible that the operators concerned sought to avoid delays associated with verifications, and/or risk of rejection of their consignments, by importing products through other MS with less stringent import controls (“control-shopping”).

Until procedures are harmonised across the EU, control-shopping by operators remains a real possibility. This threatens to undermine robust border controls implemented in some MS and one of the main objectives of the IUU Regulation, namely to strengthen the role of the EU as a market State by keeping it free from IUU products.

Table 1 | Key statistics on import CCs, verifications and trade flows for the 28 MS in 2014/15

Member state	No. of import CCs	No. of third country verifications	No. of refusals	% import CCs subject to third country verification	% CCs validated by carded third countries	Top ten flag States of origin (2010–2015)	Key observations (trends, etc.)*
Austria	748	18	5	2.41%	31.38%	Philippines, Indonesia, Turkey, Korea, Taiwan, Vietnam, Morocco, US, Seychelles, Thailand	Slight increase in CCs from the Philippines and Indonesia in 2014/15.
Belgium	4063	0	0	0	4.52%	India, China, Vietnam, Indonesia, US, Canada, Senegal, Ecuador, Thailand, Iceland	Slight increase in CCs from the Philippines and Ecuador since 2010.
Bulgaria	738	9	0	1.22%	5.12%	Indonesia, US, Peru, Canada, China, Norway, Morocco, Argentina, Iceland, Thailand	Decrease in CCs from Indonesia in 2015, following increase up to 2014. Sporadic trade flows (e.g. 34 CCs from Sri Lanka in 2013 only).
Croatia	1331	19	0	1.43%	15.40%	Indonesia, Korea, Argentina, US, New Zealand, China, Philippines, Taiwan, Iceland, Russia	First report since Croatia joined the EU in 2013, no specific trends detected.
Cyprus	2293	47	0	2.05%	20.53%	Senegal, Thailand, Egypt, New Zealand, China, India, Oman, Indonesia, Canada, Vietnam	109 CCs from Korea in 2014/15, but none in previous years. Increase in CCs from Taiwan in 2014/15.
Czech Republic	2626	36	2	1.37%	33.43%	Sri Lanka, US, Russia, Maldives, Morocco, Philippines, Thailand, Taiwan, Canada, Vietnam	Increase in CCs from Sri Lanka up to 2014 (52 in 2011 to 607 in 2014). Sudden spike in CCs from the Maldives in 2015 (1 in 2014, 397 in 2015).
Denmark	42017	240	1	0.57%	1.14%	Norway, Greenland, Faroe Islands, Iceland, Canada, US, Vietnam, Thailand, Russia, China	Increase in CCs from Canada, the US and Iceland.
Estonia	1209	50 (approx.)	1	4.16%	25.54%	Peru, Thailand, China, US, Chile, Norway, Morocco, Canada, Iceland, Vietnam	Increase in CCs from Thailand from 2013 (9 in 2012, 165 in 2015) and China (5 in 2012, 187 in 2015). 25 CCs from Taiwan in 2015 (average 4/yr: 2010-2014).
Finland	3142	43	6	1.37%	25.40%	Norway, Canada, Faroe Islands, Iceland, Taiwan, Korea, US, Thailand, Seychelles, Philippines	Increase in CCs from Taiwan (18 in 2010, 129 in 2013) and Korea (6 in 2010, 160 in 2013). Also Seychelles. Sporadic trade, e.g. Ghana in 2012.
France	88345 (approx.)	66	12	0.07%	6.58% (approx.)	Senegal, US, Maldives, Morocco, China, India, Madagascar, Vietnam, Sri Lanka, Mauritania	Increase in CCs from Sri Lanka to 2708 in 2014 (from 776 in 2012). Increase in CCs from Korea to 751 in 2015 (from 79 in 2012).
Germany	90000	70	2	0.08%	No flag State information reported in reports from 2010 to 2015.		
Greece	8247	102	1	1.24%	5.67%	Senegal, Turkey, Morocco, China, India, Oman, US, Tunisia, Canada, New Zealand	Increase in CCs from Korea after 2012 (47 in 2012, average of 88 between 2013 and 2015).
Hungary	124	0	0	0	17.14%	Russia, Argentina, Thailand, Morocco, Ecuador, Korea, US, Taiwan, Indonesia, Canada	No significant trends detected.
Ireland	2348	558	2	23.8%	3.39%	Iceland, Maldives, Philippines, Norway, Thailand, US, Canada, South Africa, Vietnam, China	Decrease in CCs from Thailand from 103 in 2011 to 5 in 2015.
Italy	57172	2	0	0.003%	21.25% (approx.)	Thailand, Tunisia, Senegal, US, Morocco, Maldives, Sri Lanka, South Africa, India, Vietnam	Insufficient data to identify trends.
Latvia	1241	1	0	0.08%	3.73%	Norway, Iceland, Morocco, China, US, Canada, Russia, Vietnam, Seychelles, Taiwan	No significant trends detected.
Lithuania	2956	6	0	0.20%	5.53%	Norway, Iceland, Vietnam, US, China, Russia, India, Argentina, Peru, Thailand	0 CCs received from Thailand in 2014/15 (pre-2014, average of 58 CCs/yr). Increase in CCs from Philippines and Taiwan in 2014/15 to 94 (previous years < 6 CCs/yr). Decline in CCs from Vietnam (to 38 CCs in 2015 from 331 CCs in 2010).

Table 1 continued | Key statistics on import CCs, verifications and trade flows for the 28 MS in 2014/15

Member state	No. of import CCs	No. of third country verifications	No. of refusals	% import CCs subject to third country verification	% CCs validated by carded third countries	Top ten flag States of origin (2010–2015)	Key observations (trends, etc.)*
Luxembourg	6	0	0	0	0%	Iceland	No trends detected.
Malta	896	0	0	0	18.30%	Oman, Senegal, Thailand, Morocco, US, China, Philippines, India, Seychelles, Vietnam	Insufficient data to identify trends.
Netherlands	30335	511	1	1.68%	14.02%	Iceland, Sri Lanka, US, China, Suriname, Vietnam, Thailand, Indonesia, Faroe Islands, Philippines	Significant increase in CCs from Sri Lanka in 2014 to 2321 (pre-2014, average of 785 CCs/yr). In 2015, decline in CCs from Sri Lanka to 55 (red card); increase in CCs from the Maldives to 1312 in 2015 (pre-2015, average of 143 CCs/yr). Other increases in CCs from China, Philippines , Suriname and South Africa.
Poland	9862	68	10	0.69%	7.28%	Russia, US, Chile, Norway, China, Argentina, Peru, Iceland, Canada, New Zealand	No data available for 2012/13. However, increases in CCs from Sri Lanka (<50 in 2010/11, 284 in 2014); Taiwan (54 in 2010/11, 224 in 2014/15); Korea (<50 in 2010/11, 236 in 2014/15).
Portugal	12208	57	11	0.47%	3.22%	China, Vietnam, India, Senegal, Morocco, South Africa, US, Namibia, Russia, Norway	Increase in CCs from Korea in 2014/15 (> 100 CCs/yr compared to pre-2014 average of 49 CCs/yr).
Romania	1023	0	0	0	34.36%	Thailand, China, Taiwan, US, Vietnam, Russia, Ecuador, Indonesia, Philippines, Peru	Decline in CCs from Thailand between 2011 (172 CCs) and 2015 (80 CCs). Increase in CCs from Philippines in 2015 (42 CCs, compared to 9 CCs/yr on average pre-2015).
Slovak Republic	275	0	0	0	23.00%	Thailand, Morocco, Korea, US, China, Ecuador, Philippines, Taiwan, Argentina, Indonesia	Decrease in CCs from Thailand in 2014/15 (average of 9 CCs/yr compared to 43 CCs/yr pre-2014).
Slovenia	439	45	0	10.3%	20.44%	Argentina, Philippines, Russia, India, US, China, Thailand, Peru, Indonesia, Korea	Increase in CCs from the Philippines in 2014/15 (average of 44 CCs/yr, compared to 0 in 2012/13 and 3 CCs on average in 2010/11).
Spain	105365	1643	58	1.56%	2.56%	Morocco, China, Chile, South Africa, Mauritania, Peru, Namibia, India, Argentina, US	Significant increases in CCs from <i>inter alia</i> Indonesia, Cape Verde and Mauritania between 2010 and 2015. Decline in CCs from Vietnam since 2010.
Sweden	60000 (approx.)	0	0	0	Insufficient data in reports	Norway (approx. 95%), Thailand, US, Russia, New Zealand, Canada, Iceland (data from 2010–2011 report)	Insufficient data to identify trends.
UK	49313	81	15	0.16%	13.39%	Iceland, Maldives, Canada, Indonesia, US, Sri Lanka, India, Philippines, China, Thailand	Increase in CCs from <i>inter alia</i> the Maldives, Indonesia, Sri Lanka , India, Philippines , Thailand , Russia, the Seychelles, Ghana , Mauritius, Taiwan , Korea , Panama and Papua New Guinea in 2014/15 compared to 2012/13.

Source: Biennial reports submitted by MS for 2014/15.

indicates data for 2012/13 as information not available for 2014/15 at the time of writing.

* Countries highlighted in bold indicate receipt of a yellow (and, potentially, red card) under the IUU Regulation.



Yellow card:
Pre-identification
WARNING



Red card:
Identification
SANCTION

REQUIREMENT 4 Physical inspections of consignments

Member states may carry out physical inspections of consignments as part of their verifications for IUU import control purposes. Direct landings are subject to more comprehensive inspection requirements under the Regulation than freight consignments arriving by container vessel, aircraft, road or rail.

a. Direct landings

MS are required to designate ports for the receipt of landings and transhipments by third country vessels⁴⁰ and to inspect at least 5% of these operations every year⁴¹. Transhipment is banned in EU waters and can only take place in designated ports. Inspections must be carried out in accordance with the procedures set out in the Regulation⁴². These requirements apply to landings by support vessels, fish processing vessels, vessels engaged in transhipment and carrier vessels equipped for the transportation of fishery products, but not to container vessels⁴³. Port inspections are to be based on risk management⁴⁴, with a series of risk criteria or “benchmarks” set out in the Implementing Regulation⁴⁵.

Based on the 23 biennial reports received for 2014/15, ten MS reported a total of 4,122 third country vessel landings and transhipments during this period. Over 25% of these operations took place in the French overseas departments of French Guiana, Martinique and Réunion. All ten MS reported fulfilling the 5% inspection requirement, with a number of MS (e.g. Ireland, Spain and the UK) reporting that they exceeded this benchmark. These MS either apply risk criteria to direct their port inspections, or inspect 100% of third country landing and transhipment operations.

The implementation of inspection requirements for direct landings (and transhipments) under the Regulation appears to have had an impact on trade flows in at least one MS. See Box 2 for further information.

b. Freight consignments

The EU receives the vast majority of its seafood imports via container vessel. According to a 2013 report by the European Parliament, during the period 2007–2012 containers comprised between 85% and 92% of imported fisheries and aquaculture products into the EU in terms of volume⁴⁶.

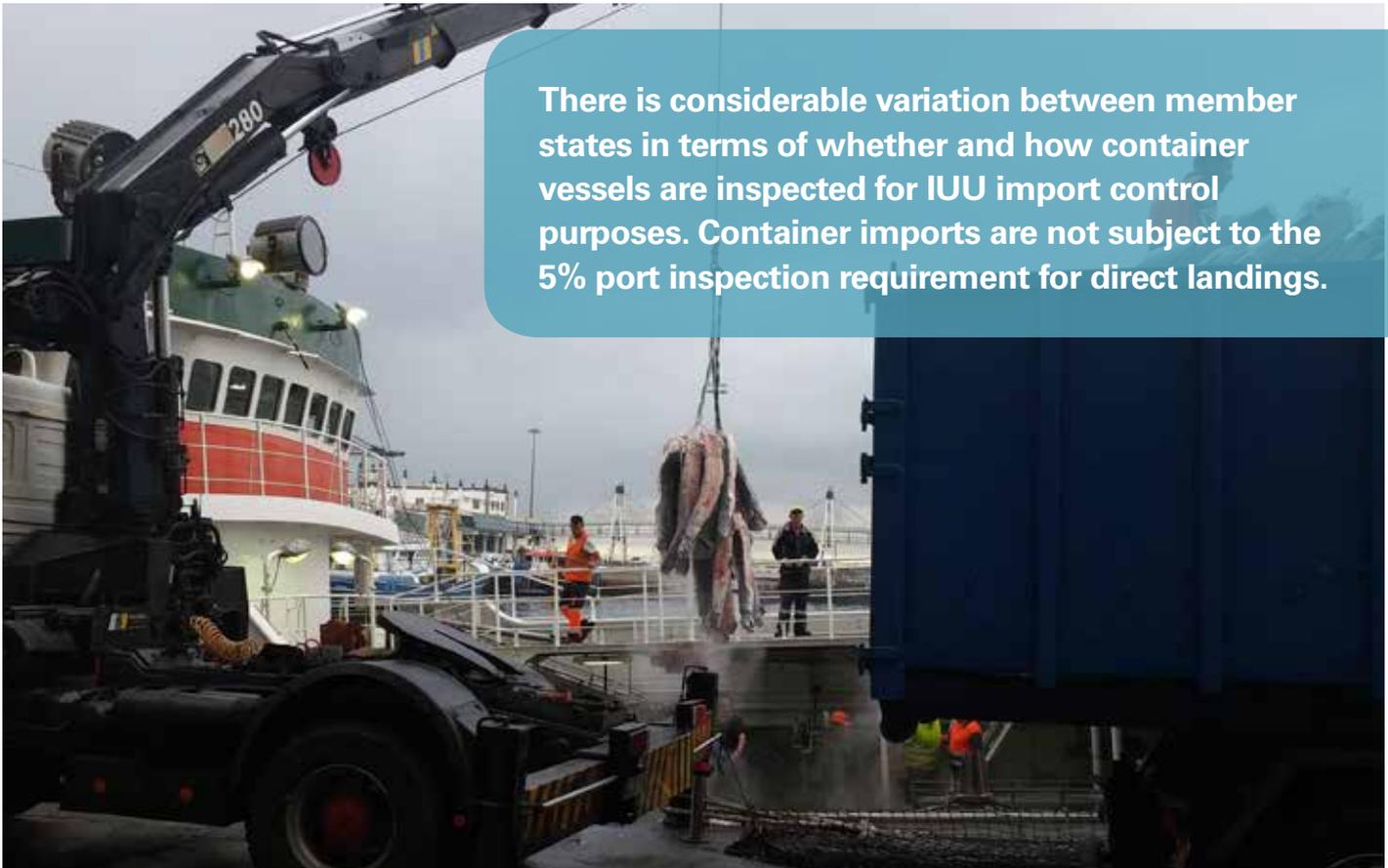


Box 2 | Example of the impact of port controls implemented under the Regulation



Spain has reported a decline in third country landings since 2010, from 426 landings in 2010/11, to 385 in 2012/13 and 320 in 2014/15. In the port of Las Palmas, landings by third country vessels have declined following implementation of rigorous port controls (100% of third country landings are inspected), but over the same period there has been an increase in requests for access to port services. According to Spain's biennial reports, third country vessels seem to be landing their catches in nearby (non-EU) ports – possibly due to less rigorous controls – while continuing to use Las Palmas for services that are not available at the port of landing.

According to Spain's biennial reports, the majority of catches landed by third country vessels in its ports between 2010 and 2015 were destined for the national market. The decline in landings over this period suggests that operators are seeking alternative markets for their products, or utilising alternative routes to export their catches to Spain, e.g. transhipment to container vessel in third country ports for onward transport to the EU.



There is considerable variation between member states in terms of whether and how container vessels are inspected for IUU import control purposes. Container imports are not subject to the 5% port inspection requirement for direct landings.

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As noted above, container imports are not subject to the 5% port inspection requirement for direct landings, and may enter the EU at any border inspection post (BIP) authorised to receive seafood products under EU health regulations. As such, there is considerable variation between MS in terms of whether and how container vessels are inspected for IUU import control purposes.

In the 2014/15 reports, six MS (Belgium, Czech Republic, Greece, Ireland, Portugal and Romania) reported that they do not carry out physical inspections of container vessels (or other freight imports) for IUU purposes (see Annex 4). Of the 16 MS reporting inspections of containers/freight consignments, disparity exists in terms of:

- Whether inspections are carried out routinely for all consignments, or only in cases of doubt/suspicion of IUU fishing.
- Whether inspections are based on random controls or risk management.
- The competent authority for inspections – whether, for example, Customs, veterinary or fisheries authorities.
- The procedures for inspections – whether involving a visual identity check or more detailed inspection, including the sampling of products.

While the lack of uniformity in inspection procedures for freight consignments is clear, the low level of detail and

consistency of information reported by MS prevents a robust assessment of implementation across the EU. For example, only in a few cases (Austria, Cyprus, France, Lithuania and Spain) are details reported on the number or proportion of CCs/consignments subject to physical control.

It is essential that the reporting template be improved to gather accurate, standardised and detailed information on inspections of container vessels conducted by MS (see Requirement 6). Further guidance is also required to ensure inspections of freight consignments are undertaken consistently across MS, to the same standards (in terms of procedure and rigour) and by trained officials.

85-92%
of imported seafood enters the
European Union via container.



REQUIREMENT 5 Rejection of consignments in cases of non-compliance

The Regulation requires MS to reject consignments, where appropriate, in cases of non-compliance with formal requirements of the Regulation or in detected cases of IUU fishing.

In certain situations, MS are entitled to automatically reject consignments without having to request additional evidence or assistance from the flag State⁴⁷ – for example, in the case of catches from a vessel listed as having conducted IUU fishing, or where information provided by the operator is incomplete. Where a MS has requested assistance from a third country for the purpose of verifying compliance, the consignment is to be rejected if it is found that the products do not comply with CMMs, or if no reply or insufficient information is received from the third country within the stipulated period⁴⁸.

Prior to the Regulation entering into force in 2010, it was estimated that around 500,000 tonnes of IUU catches were imported into the EU annually⁴⁹. Since 2010, around 350 consignments have been rejected under the

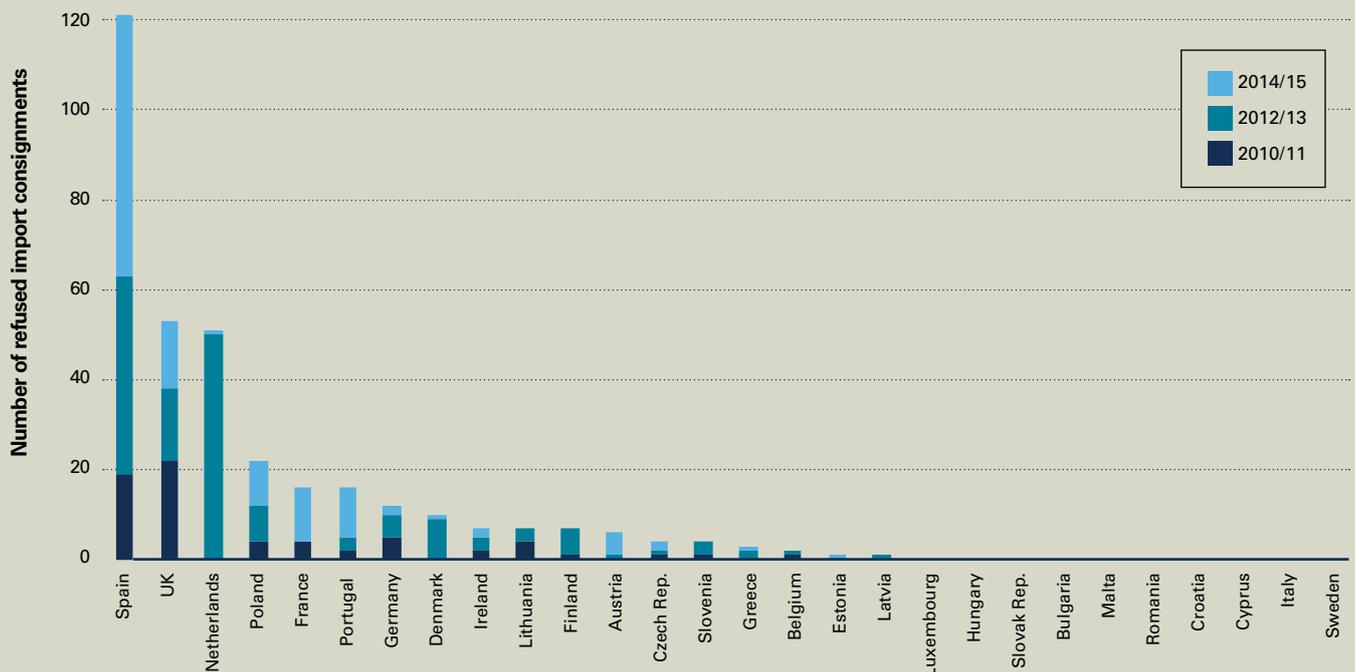
Regulation, including rejections for both procedural/documentary non-conformities and linkages to IUU fishing (Figure 3). This figure seems low compared to both the pre-Regulation estimate of IUU imports and the IUU fishing risk associated with imports to the EU based on an analysis of flag State information in the MS reports (see Figure 4 and Table 1). It is particularly surprising that a major importing MS such as Italy – with high trade volumes and relatively high-risk trade flows – reported no rejections between 2010 and 2013 (data not yet available for 2014/15 – see Table 1 and Figure 3). Likewise Germany, with imports of around 365,000 tonnes of seafood under the Regulation annually⁵⁰ has rejected just 12 consignments since 2010.

A key barrier to rejecting consignments appears to lie in establishing grounds for rejection, along with the reluctance of some MS to delay trade for the purposes of CC verifications. MS employ differing procedures and benchmarks for the rejection of consignments, including the circumstances in which automatic rejection is considered appropriate, and the evidence that may be treated as adequate proof of compliance.

Figure 3 | Number of import consignments refused by MS in accordance with the IUU Regulation (2010–2015)*

Source: biennial reports submitted by MS for the period 2010/15, where available (see Annex 1).

*France did not report information on the number of refused consignments in its biennial report for 2012/13.



As such, a single consignment may be treated differently depending on the MS of entry to the EU, creating an uneven playing field for operators⁵¹. This is a particular issue where consignments are split within one transit MS for onward transport to more than one MS of destination. As the MS of destination is responsible for checks and verifications under the Regulation⁵², a harmonised approach is vital to prevent discrimination between operators with respect to products of the same origin.

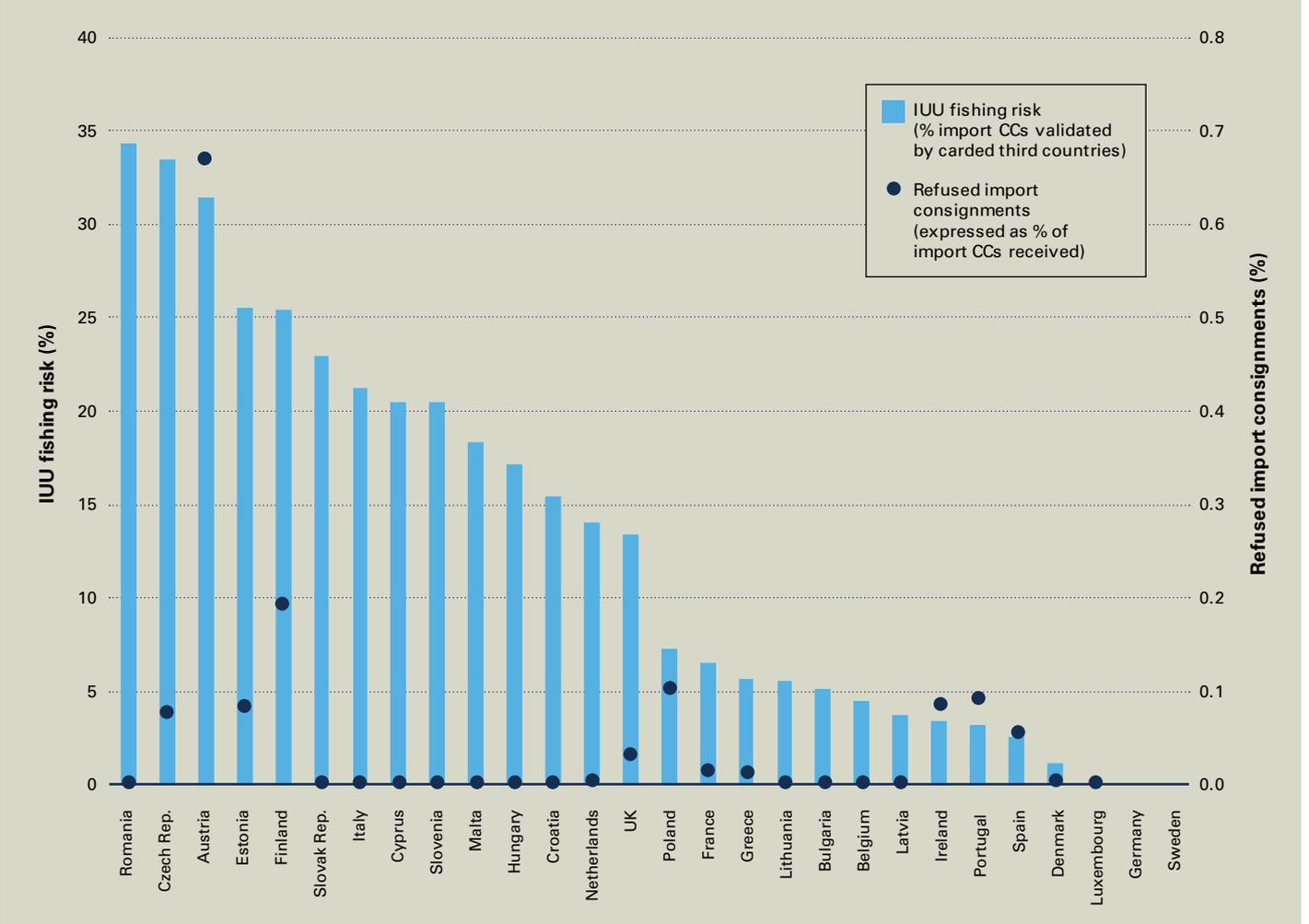


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Member states employ differing procedures and benchmarks for the rejection of consignments, including the circumstances in which automatic rejection is considered appropriate.

Figure 4 | Comparison of: (i) % of import CCs validated by carded third countries under the IUU Regulation (IUU fishing risk); and (ii) refused import consignments expressed as % of import CCs received (2014/15)*

Source: biennial reports submitted by MS for the period 2014/15, or for 2012/13 where 2014/15 data were not available at the time of writing.
 *Calculations of IUU fishing risk were not possible for Germany and Sweden due to a lack of data on flag States of origin in their respective biennial reports.





REQUIREMENT 6 Biennial reporting to the Commission on activities under the Regulation

The biennial reporting template under the IUU Regulation covers aspects such as legal frameworks, human resources, and procedures for implementing port controls and the CC scheme. MS are asked to report on difficulties encountered in implementing the CC scheme and recommendations to improve the current situation (see Annex 2).

This review observed significant differences in the level and quality of information reported by MS for the period 2010–2015. Questions in the reporting template were found to be ambiguous and insufficiently specific, leading to contrasting interpretations by MS. This was compounded by a lack of clarity on the content of MS obligations under the Regulation, particularly with regard to procedures for the checking and risk-based verification of CCs. For some MS, insufficient information on procedures for implementing the CC scheme precluded a robust assessment of the status of implementation, and hindered meaningful comparisons across MS.

A key gap in the reporting template is the failure to require MS to provide a breakdown of CC data by flag State of origin. As highlighted in Box 1 and Table 1, the reporting of flag State data can allow for detection of shifts in trade flows between MS and possible exploitation of weaker border controls. These data also provide an insight into the IUU fishing risk associated with imports, which provides context to an assessment of import controls, for example, whether an adequate number of verification requests were sent to third countries by a given MS (see Requirement 3). While most MS do provide these data (see Table 1), a notable exception is Germany, which has not reported this information for any year since the Regulation entered into force.

To ensure an appropriate level of detail in MS reports, and that implementation of the CC scheme can be properly assessed, a number of improvements to the reporting template are required. Examples of issues with the template for reporting on import controls, and recommendations for improvement, are set out in Table 2.



Table 2 | Recommendations for improved reporting on implementation of the IUU Regulation catch certification scheme

Question/section of reporting template	Issue	Suggestions for improvement
7.1. Has your country established a procedure for verification of catch certificates for importation?	Non-specific question results in a lack of consistent responses from MS and differences in the level of detail provided. Lack of definition of "verification" means that MS may report on any, all or none of the following: routine documentary checks of CCs; physical inspections of consignments; verification requests to third countries; or other controls.	Request information from MS on the following: a. The procedure in place for <u>routine documentary checks</u> of CCs, including: <ul style="list-style-type: none"> • The fields of the CC checked • Details of any cross-checks carried out of information in the CC against information in supplementary documents • The authority responsible and level of expertise of competent officials • The proportion/number of CCs subject to such checks. b. The procedure in place for <u>verifications</u> of CCs, including: <ul style="list-style-type: none"> • The different types of verification undertaken and in what circumstances • The authority responsible and level of training of competent officials • How CCs are selected for verification • The proportion/number of CCs subject to different "categories" of verification • The third country authorities contacted • The information requested from third country authorities • How consignments are treated pending the outcome of the verification process.
7.2. How many catch certificates have been verified from 1 January 2014 until 31 December 2015?	Lack of definition of "verification" means that MS may report on any, all or none of the following: routine documentary checks of CCs; physical inspections of consignments; verification requests to third countries; or other controls.	
7.3. Does your country use a risk assessment approach for verification of catch certificates? If yes, please detail.	Non-specific question results in a lack of consistent responses from MS and differences in the level of detail provided.	Request information from MS on the following: a. <u>Specific criteria applied</u> to identify high-risk CCs as part of the risk assessment process. b. <u>Authority responsible</u> for conducting risk assessment, <u>level of training</u> of competent officials. c. <u>How the criteria are applied</u> to CCs to identify consignments for verification, including: <ul style="list-style-type: none"> • Whether criteria are applied to 100% of CCs received • Whether criteria are applied to CCs in "real-time" to direct enforcement efforts • How CCs are selected for verification following application of risk criteria. d. Procedures to ensure the risk assessment is <u>kept up to date</u> in light of emerging risks.
7.4. Does your country also physically verify the consignments? If yes, please detail (reason, method of selection, number etc.)	Non-specific question results in a lack of consistent responses from MS and differences in the level of detail provided.	Request the following information from MS with regard to freight consignments: a. The <u>different types of physical inspection available</u> and what these involve. b. The <u>authority responsible</u> for physical inspections and <u>level of training</u> of competent officials. c. <u>How consignments are selected</u> for physical inspection. d. The <u>proportion/number of CCs</u> subject to physical inspections.



A key gap in the reporting template is the failure to require member states to provide a breakdown of catch certificate data by flag State of origin.



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Overview of the current implementation status of import controls under the IUU Regulation

This review of MS reports submitted under the IUU Regulation has highlighted clear disparities in the implementation of import controls across the EU. Differences have been observed, in particular, in the frequency and rigour of checks and verifications of CCs, and in the quality of risk assessment procedures for identifying consignments for verification. This creates an uneven playing field for operators in the EU and leaves the system open to abuse.

Disparities in import controls may be resulting in the diversion of high-risk trade flows to MS that implement less stringent procedures for the assessment of import CCs. This undermines the significant progress made by some MS to fully implement the CC scheme, as well as the overarching objectives of the Regulation itself. As concluded in a 2013 study by the European Parliament⁵³, until there is a common front, importers will exploit the differences they experience in the controls implemented by different MS.

... until there is a common front, importers will exploit the differences they experience in the controls implemented by different member states.

The challenge of containerised consignments

The lack of harmonisation is particularly evident for the control of freight consignments, which are not subject to the same measures and benchmarks under the Regulation as apply to direct landings in EU ports. The vast majority of fisheries imports enter the EU in shipping containers, presenting particular challenges in terms of inspections, verifications and allocation of enforcement effort. Container ports are characterised by high traffic volumes, the prevalence of mixed cargo (fish and non-fish products, different types of frozen foods), and the arrival of many smaller quantities of fish dispersed across multiple containers. High volumes of CCs may accompany a single shipment, while single product batches may contain fish from multiple CCs.

For these reasons, container trade may be an avenue for the import of IUU products into the EU, and should be viewed as higher “risk” than direct landings. Yet, at present, there is little to no harmonisation of controls for container imports, and limited efforts at the EU level to ensure a minimum standard of implementation across MS.

The organisation and allocation of resources to effectively deal with container imports can be onerous, necessitating robust risk assessment procedures to identify consignments for verification and assist in targeting limited resources. However, standards of risk

assessment vary considerably between MS, and in some cases appear inadequate to deal with the complexities and volumes of seafood trade flows to the EU. In practice, the flexibility afforded to MS to determine methodologies for the risk-based verification of CCs has undermined the Commission's stated aim of harmonising MS approaches to verifications⁵⁴.

Where MS are failing to apply robust risk criteria to identify high-risk CCs for verification – particularly in the case of larger MS importers of seafood products – it is likely that limited resources are not being directed efficiently towards the detection of products originating from IUU fishing.

With regard to checks and verification of CCs, overall there appears to be insufficient guidance at the EU level to ensure harmonisation of procedures among MS, for example, in terms of the specific fields of the CC that should be checked, the external sources of information that should be consulted, and the information that should be requested from third countries in order to ascertain compliance (e.g. VMS and logbook data, and copies of relevant licences)⁵⁵.

Overall there appears to be insufficient guidance at the EU level to ensure harmonisation of procedures among member states.

It is also clear that MS apply different benchmarks and standards to determine the circumstances under which consignments will be refused entry to the EU, leading to discrimination between operators importing products of the same origin.

Overall, based on the results of this analysis, it is clear that steps should be taken to improve the functioning of the CC scheme to ensure it fulfils its aim of preventing the import of products derived from IUU fishing from entering the EU market.





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The need for improved and harmonised implementation of import controls

As disparities in implementation of the IUU Regulation become increasingly clear, there have been calls on a number of fronts for improved harmonisation of procedures across the EU.

In their biennial reports for 2014/15, two MS – Denmark and Spain – call for more uniform implementation of the Regulation in the EU. Denmark notes the risks of “control-shopping” due to differences in the level of control in MS, emphasising the importance of a level playing field. Spain sets out detailed recommendations to ensure harmonised implementation of the CC scheme, including: (a) establishing a common methodology and criteria for risk analysis to ensure verification procedures are standardised; and (b) establishing a minimum percentage of verifications to be carried out in MS, whether for general verifications⁵⁶ including physical inspections, and/or requests for

verification to third countries⁵⁷. Both MS recommend increased use of audits and evaluation missions to MS by the Commission, for example, where the number of requests for verification or refusal is limited compared to other countries.

These calls have been echoed by the European Parliament. In October 2016, the Parliament passed a resolution⁵⁸ on improving uniformity of fisheries controls in the EU, which sets out a number of concrete proposals relevant to implementation of the IUU Regulation. The resolution expresses support for the use of risk assessment to more effectively direct enforcement actions, which it considers should be based on transparent, specific and measurable minimum criteria defined at EU level. To strengthen controls on fisheries imports, the resolution advocates establishing specialist national intelligence teams to improve detection of risks, and defining a minimum percentage of consignments that must be verified by MS.

In November 2016, the European Parliament adopted a resolution⁵⁹ on the EU action plan against wildlife trafficking, following a Commission Communication on the subject in February 2016⁶⁰. The resolution insists that implementation of the IUU Regulation needs to be more

This analysis has demonstrated a clear need for improved and harmonised implementation of IUU Regulation import controls across member states.

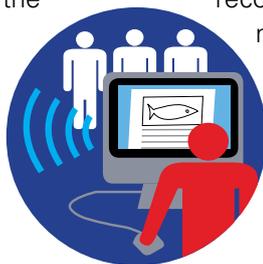
robust in order to ensure that no illegal fish enter the European market. It also recommends that MS be more consistent and effective in checks of CCs and consignments, particularly from countries judged as high-risk, to ensure that fish have been caught legally.

Finally, at the end of 2016, a call was made by the Long Distance Advisory Council (LDAC)⁶¹ for improved and harmonised implementation of the IUU Regulation in MS. In its advice to the European Commission, dated 24 November 2016, the LDAC called on the Commission to:

- Foster and guarantee uniform implementation of the IUU Regulation in all MS.
- Establish a centralised electronic database at EU level for the CC scheme as a matter of priority by latest mid-2017.
- Establish risk analysis criteria to verify those CCs with high risk.
- Establish a minimum import verification percentage, using variables such as risk analysis depending on the country of origin or track record of the operator, amongst others.
- Ensure improved and harmonised reporting of activities by MS in their biennial compliance reports under the Regulation.
- Undertake audit missions to MS to assess compliance of their procedures with the Regulation's requirements regarding the CC scheme.

The case for an EU-wide CC database

The recommendation for a centralised electronic database of CCs has its roots in a Communication of the Commission to the European Parliament and Council in October 2015. In this document, the Commission committed to modernising the EU CC scheme through the establishment of an EU-wide database of CC information, incorporating a risk analysis tool, by the end of 2016. The planned modernisation of the IUU Regulation CC scheme has wide support among MS: in the 2014/15 reports, 14 MS⁶² included within their



recommendations a specific reference to the need for an EU-wide database of CCs, while other MS cited challenges associated with implementation that could be addressed through such a tool⁶³.

The proposed database provides a crucial opportunity to standardise procedures for the checking and risk-based verification of CCs among MS⁶⁴. Key checks can be automated within the system and robust risk criteria and data sources integrated to facilitate identification of high-risk consignments. This should improve effectiveness and efficiency of the CC system in detecting and blocking IUU products. In view of the results of the analysis set out above, it is vital that a comprehensive system be implemented as soon as possible.



The proposed database provides a crucial opportunity to standardise procedures for the checking and risk-based verification of catch certificates among member states. In view of the results of this analysis, it is vital that a comprehensive system be implemented as soon as possible.

Archived paper catch certificates, for one year, in one MS.

The way forward

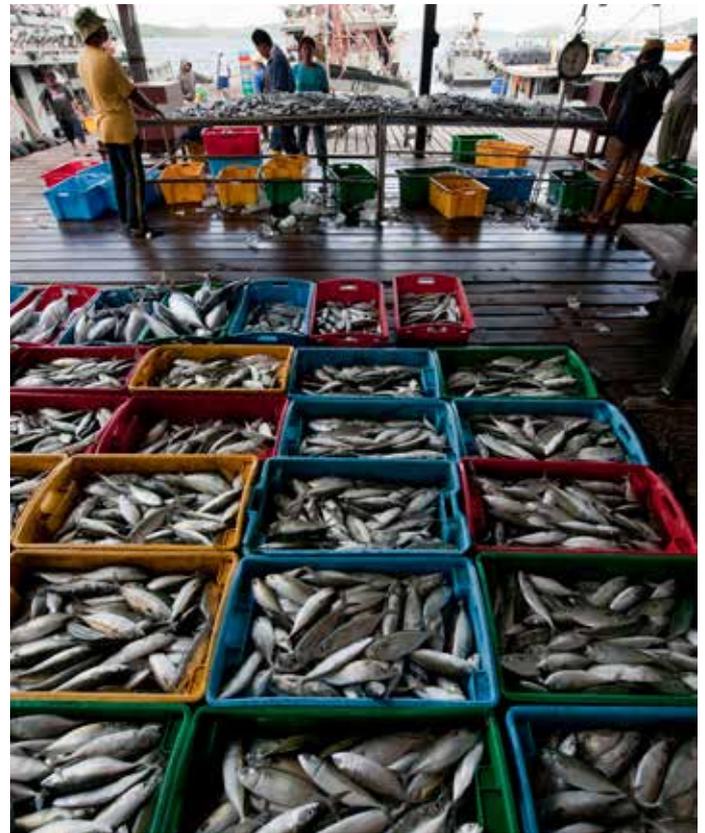
This analysis has demonstrated a clear need for improved and harmonised implementation of IUU Regulation import controls across MS. It appears that a number of MS – including major seafood importers – are falling short in implementing the CC scheme, undermining significant progress made elsewhere in the EU. Yet the Commission has undertaken insufficient audits of MS procedures to date, and failed to push for compliance with IUU Regulation requirements where shortcomings are evident⁶⁵.

Further guidance from the Commission is urgently required to ensure uniform interpretation of key obligations under the IUU Regulation. An electronic, EU-wide database of CC information would be a significant step forward in ensuring the robust and standardised implementation of the CC scheme. However, progress to date has been slow, and must be prioritised if products stemming from IUU fishing are to be effectively detected and blocked from the EU market.

To address the issues identified in this paper, ensuring an effective and united EU barrier to the import of IUU seafood and a level playing field for operators, we recommend that:

1. The **European Commission** uses all means at its disposal to harmonise implementation of procedures for CC checks, risk analysis and verifications to a minimum standard across MS, including:

- Stepping up efforts to establish an electronic EU-wide database for processing, cross-checking and storing CC information, and incorporating a robust risk analysis tool, with a view to a pilot project being in place by latest mid-2017 and a fully operational system being in place by end-2017.
- Facilitating agreement on, and ensuring application of, standardised risk analysis criteria and procedures for the verification of high-risk CCs and inspection



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of consignments, taking into account best practices currently implemented in the EU.

- Issuing guidance which, as a minimum:
 - o Specifies the elements of the CC that should be checked, in every case, by MS.
 - o Sets out agreed methods and criteria for risk analysis at EU-level.
 - o Establishes a minimum percentage of CCs to be subjected to verification.
 - o Specifies the type of evidence of legal origin that should be requested from third countries as part of the verification process.
 - o Establishes clear benchmarks according to which consignments should be verified and refused entry to the EU market.
- Undertaking audit and evaluation missions to MS to determine compliance with obligations to control imports and taking action against those MS failing to implement effective risk-based verification of CCs and rejection of consignments in accordance with the Regulation's provisions.
- Improving the biennial reporting format to ensure detailed and standardised responses by MS, which are of sufficient quality to allow for the comprehensive assessment of IUU Regulation implementation, particularly procedures for CC checks, verifications and risk analysis.

A number of member states – including major seafood importers – are falling short in implementing the catch certificate scheme, undermining significant progress made elsewhere in the EU.

2. **Member states** provide the necessary means and demonstrate the political will to deliver full implementation of the Regulation by:

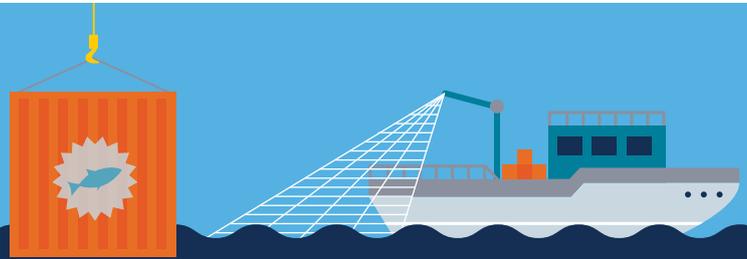
- Allocating sufficient capacity and resources to ensure effective implementation of import controls under the Regulation.
- Supporting the establishment of an electronic EU-wide database of CCs, and committing to the full and systematic use of the database once established.
- Supporting the establishment of a standardised EU-wide approach to risk analysis, and ensuring this is effectively applied in the detection of high-risk CCs/ consignments.
- Applying standardised, thorough verification and inspection procedures of high-risk CCs and

consignments, as agreed with, and defined by, the Commission.

- Ensuring consignments containing suspicious or illegally caught products are refused entry to the EU market.
- Exploring the creation of specialist intelligence and investigation teams at the national level for the strategic analysis of trade flows and analysis of possible cases of IUU fishing, in support of implementation of the CC scheme.

For further recommendations relating to modernisation of the CC scheme and the risk-based verification of CCs, see: www.iuuwatch.eu/catch-certificate-scheme/

Checklist for achieving harmonised, robust import controls across all EU member states



Comprehensive checks of information in the CC; 100% of CCs are checked.



A few fields of the CC are checked; only for a % of CCs.

DOCUMENTARY CHECKS

Risk criteria are comprehensive, well-founded and regularly updated; applied systematically to incoming CCs.



Inadequate risk criteria; not applied systematically to incoming CCs.

RISK ANALYSIS

Third countries are contacted systematically to assess compliance of imports, based on the results of initial documentary (CC) checks and/or risk analysis.



Third countries are rarely contacted for further information or assistance in establishing legal origin as part of the verification process.

VERIFICATIONS

A proportion of freight consignments are physically inspected by trained officials, in cases of doubt or suspicion, or based on risk analysis.*



Freight consignments are not physically inspected for the purposes of import controls under the IUU Regulation.

INSPECTIONS

Consignments are systematically rejected in accordance with the requirements of the Regulation.



Consignments are not rejected in the circumstances required by the Regulation.

REJECTIONS

*In the case of direct landings (and transshipments) by third country vessels in EU ports, the IUU Regulation requires MS to physically inspect at least 5% of such operations based on risk assessment

Annexes

Annex 1:

MS biennial reports received in response to access to information requests to the European Commission

Member state	2010/11	2012/13	2014/15
Austria		✓	✓
Belgium	✓	✓	✓
Bulgaria	✓	✓	✓
Croatia			✓
Cyprus	✓	✓	✓
Czech Republic	✓	✓	✓
Denmark	✓	✓	✓
Estonia	✓	✓	✓
Finland	✓	✓	
France	✓	✓	✓
Germany	✓	✓	✓
Greece	✓	✓	✓
Hungary	✓	✓	✓
Ireland	✓	✓	✓
Italy	✓	✓	
Latvia	✓	✓	✓
Lithuania	✓	✓	✓
Luxembourg		✓	
Malta	✓	✓	
Netherlands	✓	✓	✓
Poland	✓	✓	✓
Portugal	✓	✓	✓
Romania	✓	✓	✓
Slovak Republic	✓	✓	✓
Slovenia	✓	✓	✓
Spain	✓	✓	✓
Sweden	✓	✓	
UK	✓	✓	✓

KEY

 Indicates reports not received

Annex 2:

Questions from the biennial reporting template on the application of the IUU Regulation (2014/15)

Section 1: Legal framework

Since the last reporting exercise in 2014, has your country modified national law or any administrative guides for the application of Council Regulation (EC) No 1005/2008 on illegal, unreported and unregulated fishing (IUU Regulation)? If yes, please detail and provide copies.

Section 2: Administrative Organisation

2.1 How has your country organised its services to deal with the implementation of the IUU Regulation (verification of catch certificates, validation of catch certificates for own vessels, etc.)?

a) internal co-operation (between local/regional Fisheries authorities and head-quarter);

b) co-operation with other authorities and allocation of tasks for various authorities in the implementation of the IUU Regulation (Health, Customs, Coast Guard, Navy, etc.);

c) how many persons are involved in the implementation of the catch certificate?

If different, please distinguish between direct landings of third country fishing vessels and other imports (processed products).

2.2 Do the authorities of your country have the possibility to audit/verify a company for the purposes laid down in the IUU Regulation? If yes, which audits/verifications have they undertaken since the last reporting exercise in 2014? Please detail.

2.3 Does your country have freezones/freeports in which activities relevant to importation/ exportation/processing of fishery products are authorised?

Section 3: Direct landings of third country fishing vessels

(only applicable if designated ports)

Please list your country's designated ports:

3.1 How many landings and transshipments of third country vessels have been recorded by your country between 1 January 2014 and 31 December 2015?

Port name*	No. of landings	Comments	No. of transshipments	Comments
Total				

*If the port is designated also for an RFMO, please indicate which RFMO in brackets.

3.2 Approximately, what percentage of the third country fishing vessel landings arrives in transit in your country?

3.3 Has your country had any problems with third country fishing vessels when implementing Articles 6 (prior notice) and 7 (authorisation) of the IUU Regulation? If yes, please detail:

a) in which ports;

b) the nature of problem;

c) vessel details (name, flag, master, etc.).

3.4 Since January 2014, has your country refused access to its port services to a fishing vessel for activities of landing or transshipment of fishery products? Was this refusal based on the conditions of the IUU Regulation? If yes, please detail:

a) in which ports;

b) the nature of problem;

c) vessel details (name, flag, master, etc.).

3.5 Do third country fishing vessels accessing your country's ports use the templates for prior notifications and pre-landing/pre-transshipment provided by the Implementing Regulation 1010/2009 or those used in RFMOs? Please detail, when RFMO forms are used.

Section 4: Port inspections in accordance with Section 2 of the IUU Regulation

4.1 Between 1 January 2014 and 31 December 2015, how many fishing vessels of third countries had access to the designated ports for landing or transshipment of fishery products?

4.2 How many fishing vessels were inspected between 1 January 2014 and 31 December 2015?

Reason for inspection:	Flag State
Sighted at sea in activities that may be considered illegal, unreported and unregulated	
Based on the EU IUU vessel list	
Other (please detail)	

4.3 In accordance with Article 9.1, has your country carried out inspections in its designated ports of at least 5% of landing and transshipment operations by third country fishing vessels each year?

If yes, please detail.

If no, please explain.

4.4 Does your country use risk assessment criteria for the port inspections? If yes, please detail.

4.5 Has your country detected any infringements between 1 January 2014 and 31 December 2015?

If yes:

- how many and of what nature? Please specify.

- did your country apply the procedure in case of infringements as foreseen in Article 11?

Section 5: Catch certification scheme for importation⁶⁶ for the purpose of the IUU Regulation

Please state your country's notified authorities under Articles 17.8 and 21.3:

5.1 How many catch certificates were presented to the authorities of your country from 1 January 2014 until 31 December 2015? If possible, please provide details per flag State (FS).

5.2 From the number above, how many recognised RFMO catch certificates accompanied imports into your country? Please detail per type of RFMO certificate and year.

RFMO/Year	2014	2015
ICCAT BFT		
Dissostichus spp. (CCAMLR)		
CCSBT CDS		
Total		

5.3 How many processing statements under Article 14.2 accompanied imports into your country? If possible, please provide details per year and per processing country.

5.4 Please explain if the information in processing statements referring to the corresponding catch certificates is retained and recorded.

5.5 How many requests to authorise APEOs⁶⁷ has your country received and how many APEOs have been authorised?

5.6 Please explain briefly the administrative rules referring to the management and control of APEO.

5.7 How many re-export certificates were validated by your country for imported products from 1 January 2014 until 31 December 2015? Please detail per year and, if possible, per destination country.

5.8 Do you monitor if the catches for which your country has validated a re-export certificate actually leave the EU?

5.9 Has your country established any IT tools to monitor the catch certificates and processing statements accompanying imports? Does it include a module for re-exportation of imported catches? If yes, please detail.

5.10 Does your country implement the provisions regarding transit under Article 19.2 at the point of entry or the place of destination?

Section 6: Catch certification scheme for exportation

Please state your notified authorities under Article 15.2:

6.1 Has your country established a procedure for validation of catch certificates for exportation of catches from own vessels?

If yes, please explain briefly the established procedure and answer Questions 6.2 to 6.5.

6.2 If yes: How many catch certificates did your country validate from 1 January 2014 to 31 December 2015? If possible, please provide details per requesting country/country of destination in the following table.

Destination State	IUU Regulation	Year	
	(Art. 14.2 / Art. 15)	2014	2015
Total			

6.3 Has your country established any IT tool to monitor the catch certificates validated for exports stemming from own vessels? If yes, please detail.

6.4. Do you monitor that the catches for which you validated catch certificates actually leave the EU?

6.5 Has your country refused the validation of a catch certificate between 1 January 2014 and 31 December 2015? If yes, please detail.

Section 7: Verifications of catch certificates for importation

7.1 Has your country established a procedure for verification of catch certificates for importation? If yes, please detail.

7.2 How many catch certificates have been verified from 1 January 2014 until 31 December 2015?

7.3 Does your country use a risk assessment approach for verification of catch certificates? If yes, please detail.

7.4 Does your country also physically verify the consignments? If yes, please detail (reason, method of selection, number, etc.).

Section 8: Verification requests to flag States

8.1 How many requests for verifications have been sent to third country authorities?

What were the main reasons for these requests? Please specify by using the reasons provided in Articles 17.4 and 17.6 of the IUU Regulation.

8.2 How many requests for verification were not replied to by the third country authorities within the deadline provided in Article 17.6 of the IUU Regulation? Does your country in these situations send a reminder to the third country authorities?

8.3 Was the quality of the answers provided overall sufficient to satisfy the request?

Section 9: Refusal of Importations

9.1 Has your country refused any imports from 1 January 2014 until 31 December 2015? If yes, please provide details in the table below:

Reason for refusal of importation	2014		2015	
	Flag State	No.	Flag State	No.
Non-submission of a catch certificate for products to be imported.				
The products intended for importation are not the same as those mentioned in the catch certificate.				
The catch certificate is not validated by the notified public authority of the flag State.				
The catch certificate does not indicate all the required information.				
The importer is not in a position to prove that the fishery products comply with the conditions of Article 14(1) or (2).				
A fishing vessel figuring on the catch certificate as vessel of origin of the catches is included in the Community IUU vessel list or in the IUU vessel lists referred to in Article 30.				
Further to the request for verification (Article 18(2)).				

9.2 If the answer to 9.1 is yes, what did your country do with the fishery products?

9.3 In case of refusal of importation, did the operators contest the decision of the authorities of your country?

Section 10: Trade flows

Did your country note a change of imports of fishery products since the last reporting exercise in 2014? Please provide information, deriving from your country's statistical data, concerning change of trade patterns in imports of fishery products into your country.

Section 11: Mutual Assistance

11.1 How many mutual assistance messages of the Commission has your country replied to?

11.2 Has your country sent any mutual assistance message to the Commission/other Member States? If yes, please detail.

Section 12: Cooperation with third countries

Apart from verifications and refusals under Articles 17 and 18, has your country had information exchange with third countries on issues related to the implementation of the IUU Regulation, such as follow-up of cases concerning nationals, consignments, trade flows, operators, private fishing licencing, as well as the investigation of criminal activities and serious infringements (Article 42). If yes, please detail.

Section 13: Nationals

Please state your country's notified authorities under Article 39.4:

13.1 Since the last reporting exercise in 2014, has your country implemented or modified existing measures to ensure that your country can take appropriate action with regards to nationals involved in IUU fishing?

13.2 What measures has your country taken to encourage nationals to notify any information on interests in third country vessels (Article 40.1)?

13.3 Has your country endeavoured to obtain information on arrangements between nationals and third countries allowing reflagging of their vessels? If yes, please list vessels.

13.4 If yes to any of the above, how many cases has your country dealt with and which administrative or penal follow-up was given?

13.5 Has your country made use of Article 40.3 and removed public aid under national aid regimes or under Union funds to operators involved in the operation, management or ownership of fishing vessels included in the Union IUU vessel list? If yes, please detail.

Section 14: Infringements (Chapter IX of the IUU Regulation) and Sightings (Chapter X of the IUU Regulation)

14.1 How many infringements did your country record from 1 January 2014 until 31 December 2015?

14.2 Has your country applied or adapted its levels of administrative sanctions in accordance with Article 44?

14.3 How many sighting reports were issued by your country from 1 January 2014 until 31 December 2015?

14.4 Has your country received any sighting reports for its own vessels from other competent authorities? If yes, please detail.

Section 15: General

15.1 What have been the main difficulties that your country has encountered in implementing the catch certification scheme?

15.2 What changes would your country suggest to the Regulation that would make implementation smoother?

Section 16: Any other comments

Annex 3: MS approaches to the risk-based assessment of CCs under the IUU Regulation

Note: this information was sourced directly from the biennial reports submitted by MS under the IUU Regulation and depends on the interpretation by each individual MS of the questions in the reporting template and the relevant obligations under the Regulation. The information provided may therefore not be comparable across all MS.

ABBREVIATIONS

BIP – border inspection post; CN – Combined Nomenclature of the European Union; EC – European Commission;

FAO – Food and Agriculture Organization of the United Nations; HS – Harmonised System of the World Customs Organization;

IMO – International Maritime Organization; SLO – Single Liaison Office; TC – third country.

Member state	Risk criteria applied to identify consignments for verification?
Austria	No. 100% of CCs are checked in accordance with the Regulation.
Belgium	Yes. Type and origin of consignments are assessed. Verification procedure developed for frozen products from third countries.
Bulgaria	No.
Croatia	Yes. According to report, every CC passes through a risk assessment. Elements include: (i) flag State notification; (ii) form of CC and number; (iii) checks of competent authority, signature and seal; (iv) vessel details (EU IUU vessel list, vessel tracking databases, IMO number); (v) species and HS code; (vi) catch area; (vii) cross-check dates of catch with transshipment/validation dates; (viii) transshipment details; (ix) catch quantity; (x) refusal of imports from other EU MS and EC; (xi) documentary evidence from previous consignments; (xii) cross-checks of dates of catch with other accompanying documents.
Cyprus	Yes. Criteria applied to direct physical inspections of consignments: (i) first import from TC; (ii) consignment of fresh products; (iii) products subject to management measures; (iv) list of “suspected countries” (information from EC and other MS).
Czech Republic	No. Relatively low number of CCs received, therefore every CC is subject to checks and verifications. However, even greater scrutiny is applied to CCs validated by a pre-identified country, with an emphasis on issues identified in the EC decision on pre-identification. In addition, the risk information relevant to the CC verification (e.g. information on pre-identification, mutual assistance messages, certain RFMO rules) is entered into an application called “Risk Areas” to improve the effectiveness of the verification process. This information can be accessed by searching the vessel name, flag State, species, etc.
Denmark	Yes. Parameters listed in Art. 31 of Reg. (EC) No. 1010/2009 and mutual assistance messages are used as a basis for the risk assessment. IUU control staff is informed via guidelines and newsletters.
Estonia	No. 100% documentary check.
Finland	Yes. Five risk factors (third country, species, vessel name, exporter, importer) classified in IT system to highlight cases for more detailed verification.
France	Yes. The following risk criteria are applied: (i) imports of processed products (HS codes 1604 and 1605); (ii) products arriving under transit procedures; (iii) trade flows for which the EC has identified a risk (linked to the product or flag/processing State); (iv) trade flows originating from non-notified flag States or states with IUU vessels flying their flag; (v) imports involving operators with a history of problems. For these flows, checks are carried out <i>ex ante</i> at the time of filing the Customs declaration.
Germany	Yes. Discrepancy between information in 2014/15 and procedures in practice. According to Germany’s report for 2014/15, particular attention to CCs from TCs for which EC has indicated an increased risk. Also potential future non-cooperating TCs and information from other MS can result in more in-depth monitoring of CCs. However, according to information provided by the German government in December 2015, the only “criterion” applied is whether consignments arrive indirectly via another country – 70–80% of CCs received (see http://dip21.bundestag.de/dip21/btd/18/069/1806948.pdf).
Greece	Yes. Criteria in Art. 31 of Reg. 1010/2009.
Hungary	No. No procedure established for the verification of CCs for imports.
Ireland	No. Verifications conducted on all CCs, with the exception of CCs validated by Iceland for which intermittent verifications are conducted (these do not pass through BIPs due to trade agreement with EU). Verifications may be formal or informal, in both cases conducted via email.
Italy	Yes. Central Customs risk assessment determines type of control (documentary, scanner, physical verification).
Latvia	Yes. Factors include state of origin and fishing vessel (e.g. fishing activity area, IUU blacklists etc.), risk of falsification of CC, high value species (e.g. bluefin tuna), information received from EC and via IUU mutual assistance from other MS.
Lithuania	Yes. Customs officials automatically notified via National Risk Management System (RIKS) regarding obligation to perform documentary checks of CCs.
Luxembourg	Yes. On the basis, <i>inter alia</i> , of mutual assistance information or DG MARE notifications.
Malta	No. 100% administrative verification of CCs for importation.
Netherlands	Yes. New risk analysis tool developed. Factors considered include species (e.g. market value) and countries (e.g. carding status, information from EC, INTERPOL and mutual assistance requests) ^a .
Poland	Yes/no. Differences between regions. a. Swinoujscie/Szczecin – 100% documentary check may lead to verification in the case of irregularities. b. Gdansk/Gdynia – 100% documentary check plus list of “points of interest” for verifications (no quantitative values given for particular “threats”), e.g. first CC received from a country, history of imports involving flag/processing State, exporting company and importing company (especially if located in another MS).
Portugal	Yes. Based on Art. 31 of Reg. 1010/2009. Guidance documents issued on risk criteria and updated, e.g. established lists of countries and risk criteria. For CCs, these include the template of CC, country, competent authority, vessel, species, FAO code, CN code, catch area, weight (live, landed), transshipment at sea/land, exporter and importer. For each category points are applied between 1 and 5. Depending on the total score, the consignment may be refused, inspected, etc.

Member state	Risk criteria applied to identify consignments for verification?
Romania	No.
Slovak Republic	No. 100% frequency applies.
Slovenia	No. 100% documentary control (includes mutual assistance notes from DG MARE).
Spain	Yes. Detailed risk criteria based on Art. 31 of Reg. 1010/2009, some of which are automated via the national database. Considers risk associated with importers, exporters, vessels, countries, species, etc. Risks are weighted and combined to give an overall risk score.
Sweden	Yes. Information by mutual assistance system and risk analysis through national IT system.
UK	Yes. Discrepancy between information in 2014/15 and procedures in practice. According to the UK's report for 2014/15, a simple risk management tool has been developed that authorities at borders can use to assign a level of risk for a particular consignment/cargo so as to apportion resources according to the level of risk (60% to high, 30% to medium and 10% to low risk). The tool includes six broad risk categories: Business, Country, Documents, Species, Trade, and Vessel, each populated with objective sources of information (website databases, links to trade data analysis, etc.) to assist port health authorities in determining risk rating of a consignment. However, based on discussions with the SLO ^b and Felixstowe Port Health Authority, it appears that this risk tool is not currently applied in practice to direct verifications of consignments.

KEY

 Indicates information from the 2012/13 biennial reports.

Source: Responses to Question 73 in the biennial reports submitted by MS under the IUU Regulation for the period 2014/15: "Does your country use a risk assessment approach for verification of catch certificates? If yes, please detail."

^a Netherlands Single Liaison Office (SLO), pers. comm. to coalition, March 2016.

^b Coalition meetings with the UK SLO in December 2015 and Felixstowe Port Health Authority in May 2016.

Annex 4: MS approaches to the inspection of consignments under the IUU Regulation

Note: this information was sourced directly from the biennial reports submitted by MS under the IUU Regulation and depends on the interpretation by each individual MS of the questions in the reporting template and the relevant obligations under the Regulation. The information provided may therefore not be comparable across all MS.

ABBREVIATIONS

BIP – border inspection post; EC – European Commission; TC – third country.

Member state	Consignments inspected?	How selected?	Details
Austria	Yes	Risk analysis	Around 20% of consignments inspected per year. Reason/method of selection depends, for example, on alerts from the EC (yellow cards, etc.) and other MS.
Belgium	No	N/A	Responsibility of Customs.
Bulgaria	Yes	Random	Inspections carried out by Customs officers. Consignments verified at random.
Croatia	Yes	Risk analysis	Consignment physically inspected in accordance with results of risk analysis system. Consignments also inspected in case of reasonable suspicion (detected during documentary control of CC or processing statement).
Cyprus	Yes	Risk analysis	Criteria applied to direct physical inspections of consignments: (i) first import from TC; (ii) consignment of fresh products; (iii) products subject to management measures; (iv) list of "suspected countries" (information from EC and other MS). Inspection also carried out in the case of delayed submission of pre-notification.
Czech Republic	No	N/A	Physical inspection is not part of the official verification procedure by competent authorities for the IUU Regulation, but can be carried out by Customs.
Denmark	Yes	Routine, random	Veterinary border control and IUU control combined: physical checks carried out to ensure both veterinary and IUU requirements. Consignments from Norway, Iceland, Greenland and Faroe Islands are checked at random.
Estonia	Yes	Results of initial check	Consignment can be inspected if needed, but only if information about the consignment, documents is falsified, etc.
Finland	Yes	Unclear	Official from IUU Regulation competent authority may accompany veterinary official in BIP and physically inspect consignment.
France	Yes	Unclear	Inspection may take place at the time the Customs declaration is filed, if control authorities see fit. Authorities may take a sample of the imported goods for verification against their tariff classification (Customs code) by the laboratory. Control may be performed to ensure compliance with IUU Regulation or other Customs regulations. Health controls take place ahead of Customs controls. Physical (and documentary) controls are recorded in national Customs database. <ul style="list-style-type: none"> • 2014: 73 physical controls • 2015: 54 physical controls
Germany	Yes	Routine	In conjunction with BIPs there is 100% control (examination of documents and identity check).
Greece	No	N/A	
Hungary	No	N/A	Information for 2012/13. No information provided in 2014/15 report.
Ireland	No	N/A	This is the responsibility of the BIP whilst conducting veterinary inspection of the produce.
Italy	Yes	Risk analysis	Determined via the Customs risk analysis system, with the support of Health Services for species recognition.
Latvia	Yes	Results of initial check	Duty of officials to proceed with physical verification of products to be imported if any reason to doubt compliance of consignment with the regulations.
Lithuania	Yes	Risk analysis	Selection for physical checks performed by risk management and control system. <ul style="list-style-type: none"> • 2014: 40 physical checks • 2015: 11 physical checks
Luxembourg	Yes	Unclear	For TCs, a fixed % of controls is carried out under the BIP import health control scheme, with further controls based on suspicion.
Malta	Yes	Routine, random	Inspection of all fishery products arriving by air freight and of randomly selected consignments of processed fishery products.
Netherlands	Yes	Unclear	Inspections not carried out structurally; only if necessary.

Member state	Consignments inspected?	How selected?	Details
Poland	Yes	Random, routine	Randomly selected containers are inspected against their actual content, product weight and conformity with accompanying documents. Roughly one inspection per month. Physical controls also carried out under annual plan of joint inspections made by Regional Sea Fisheries Inspectorates together with Inspection of Market Quality of Agriculture and Food Products. Physical controls of containerised goods are made at veterinary BIP. Physical controls of goods transported by cargo reefer vessels are made on board and at quay in ports and in port warehouses.
Portugal	Yes	Risk analysis	Imports selected on the basis of risk criteria. Inspectors carry out checks of fish at the port of landing, at the industrial establishment of the importer or in cold stores. Combine implementation of IUU Regulation with national and EU roles on control. Good relationship between control and inspection services to ensure reliable and effective results.
Romania	No	N/A	
Slovak Republic	Yes	Random	Usually in connection with other tasks (e.g. public health controls).
Slovenia	Yes	Results of initial check	Examination of goods performed in case of doubt that consignment corresponds to submitted CC (as for other Customs goods).
Spain	Yes	Risk analysis	In the case of a major risk, an inspection of documentation and catches will be carried out by control and inspection services. <ul style="list-style-type: none"> • 2014: 65 inspections (can equate to more than one CC) • 2015: 70 inspections (can equate to more than one CC)
Sweden	Yes	Unclear	But only to a minor extent, in landing inspection and at BIPs.
UK	Yes	Routine	Port Health authorities verify 100% of consignments for phyto-sanitary and veterinary purposes and cross-check information on health certificate with that on CC.

KEY

 Indicates information from the 2012/13 biennial reports.

Source: Responses to Question 74 in the biennial reports submitted by MS under the IUU Regulation for the period 2014/15: "Does your country also physically verify the consignments? If yes, please detail (reason, method of selection, number, etc.)"

Endnotes

- 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.
- 2 Communication from the Commission to the European Parliament and the Council on the application of Council Regulation (EC) No. 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing. COM(2015) 480 final: <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:52015DC0480>
- 3 EUMOFA (2016). *The EU Fish Market – 2016 edition*. Available at <http://www.eumofa.eu/>
- 4 This includes all fish and fisheries products, with the exception of those listed in Annex I to the IUU Regulation, for example, freshwater fish, and aquaculture products from fry and larvae.
- 5 The legal framework that sets standards for EU vessels to obtain authorisations to fish in non-EU waters is now being revised. The European Commission's proposal for a regulation on the sustainable management of external fishing fleets (2015/636) was published in December 2015 and will replace the current Fishing Authorisation Regulation (Council Regulation (EC) No. 1006/2008).
- 6 Art. 55(1) Regulation (EC) No. 1005/2008.
- 7 Art. 55(2) Regulation (EC) No. 1005/2008.
- 8 <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:52015DC0480>
- 9 Germany, Netherlands, Spain and United Kingdom.

- 10 DG MARE (2014). *Study on the state of play regarding application and implementation of Council Regulation (EC) No. 1005/2008 of 29 September 2008, establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU Regulation)*. Final Report, April 2014. Available at: https://ec.europa.eu/fisheries/sites/fisheries/files/iuu_regulation_final-report_en.pdf
- 11 European Parliament (2013). *Compliance of imports of fishery and aquaculture products with EU legislation*. November 2013. Available at: [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/513968/IPOL-PECH_ET\(2013\)513968_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/513968/IPOL-PECH_ET(2013)513968_EN.pdf)
- 12 Art. 16(1) Regulation (EC) No. 1005/2008.
- 13 Under Art. 20 Regulation (EC) No. 1005/2008, flag States must notify the European Commission that they have the necessary legal instruments, the dedicated procedures and the appropriate administrative structures in place for the certification of catches by vessels flying their flag. The flag State notification must include the names, addresses and official seal prints of competent public authorities for IUU fishing and related issues, including the authority responsible for the validation and verification of CCs.
- 14 Currently Commission Implementing Regulation (EU) No. 2016/1852 of 19 October 2016 amending Regulation (EU) No. 468/2010 establishing the EU list of vessels engaged in illegal, unreported and unregulated fishing.
- 15 Art. 18(1) Regulation (EC) No. 1005/2008 sets out seven

- scenarios in which consignments are to be refused by MS authorities, without having to request any additional evidence or send a request for assistance to the flag State. This includes for products caught by vessels on the Community IUU vessel list or countries identified by the European Commission as non-cooperating in the fight against IUU fishing in accordance with Art. 31. Every CC must be checked to ensure these scenarios are identified and that, where appropriate, consignments are refused in accordance with Art. 18(1).
- 16 The circumstances in which verifications “shall be carried out” are set out in Art. 17(4) Regulation (EC) No. 1005/2008.
- 17 http://www.iuuwatch.eu/wp-content/uploads/2015/06/ENG_LegalOpinion_IUU_130217.pdf
- 18 RFMOs are international organisations formed by countries with fishing interests in an area of ocean. They manage fish stocks in a specific geographical area or focus on particular species requiring regional management, for example, highly migratory species such as tuna.
- 19 For example, health certificate, Customs import declaration, transport documents.
- 20 Art. 17(1) Regulation (EC) No. 1005/2008.
- 21 Art. 17(6) Regulation (EC) No. 1005/2008.
- 22 Art. 17(3) Regulation (EC) No. 1005/2008.
- 23 European Commission (2009). *Handbook on the practical application of Council Regulation (EC) No. 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (The IUU Regulation)*. Version 1, 10/2009, at p.34. Available at: https://ec.europa.eu/fisheries/sites/fisheries/files/docs/body/handbook_original_en.pdf
- 24 See, for example, European Parliament resolution of 25 October 2016 on how to make fisheries controls in Europe uniform 2015/2093(INI); EJF, Oceana, Pew & WWF (2016). *Risk Assessment and Verification of Catch Certificates under the EU IUU Regulation*. EU IUU Coalition Position Paper. July 2016. Available at: <http://www.iuuwatch.eu/catch-certificate-scheme/>; Single Liaison Office (SLO) for Spain and for the Netherlands, pers. comm. to Coalition.
- 25 Top six MS (Spain, UK, Germany, Italy, Netherlands, France) based on volume of imports within the scope of the IUU Regulation, excluding imports from EEA countries (Eurostat, 2010–2015).
- 26 Eurostat (annual average since 2010). Imports subject to IUU Regulation calculated based on methodology set out in DG MARE (2014): https://ec.europa.eu/fisheries/sites/fisheries/files/iuu_regulation_final-report_en.pdf
- 27 Art. 31 Regulation (EC) No. 1010/2009.
- 28 Art. 17(3) Regulation (EC) No. 1005/2008.
- 29 Response to Question 7.3 of the biennial reporting template: “Does your country use a risk assessment approach for verification of catch certificates? If yes, please detail”.
- 30 Denmark, Greece, Portugal and Spain.
- 31 Belgium, Croatia, Cyprus, Finland, France, Germany, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Sweden, UK.
- 32 See <http://dip21.bundestag.de/dip21/btd/18/069/1806948.pdf> and http://www.iuuwatch.eu/wp-content/uploads/2015/06/ENG_LegalOpinion_IUU_130217.pdf
- 33 Austria, Bulgaria, Czech Republic, Estonia, Hungary, Ireland, Malta, Romania, Slovak Republic, Slovenia.
- 34 See Art. 17(1) Regulation (EC) No. 1005/2008.
- 35 Art. 17(6) Regulation (EC) No. 1005/2036.
- 36 Art. 17(4) Regulation (EC) No. 1005/2008.
- 37 Art. 17(5) Regulation (EC) No. 1005/2008.
- 38 Question 7.2 of the biennial reporting template: “How many CCs were verified?”
- 39 Question 8.1 of the biennial reporting template: “How many requests for verifications have been sent to third country authorities?”
- 40 Art. 5 Regulation (EC) No. 1005/2008.
- 41 Art. 9(1) Regulation (EC) No. 1005/2008.
- 42 Arts. 10 and 11 Regulation (EC) No. 1005/2008.
- 43 Art. 2(5) Regulation (EC) No. 1005/2008.
- 44 Art. 9(1) Regulation (EC) No. 1005/2008.
- 45 Art. 4 Regulation (EC) No. 1010/2009.
- 46 Source: EU Trade Control and Expert System (TRACES), cited in European Parliament (2013). *Compliance of imports of fishery and aquaculture products with EU legislation*. November 2013. Available at: [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/513968/IPOL-PECH_ET\(2013\)513968_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/513968/IPOL-PECH_ET(2013)513968_EN.pdf)
- 47 Art. 18(1) Regulation (EC) No. 1005/2008.
- 48 Art. 18(2) Regulation (EC) No. 1005/2008.
- 49 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a new strategy for the Community to prevent, deter and eliminate Illegal, Unreported and Unregulated fishing. COM/2007/0601 final: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52007DC0601>
- 50 Eurostat. Calculated based on methodology set out in: https://ec.europa.eu/fisheries/sites/fisheries/files/iuu_regulation_final-report_en.pdf
- 51 See, for example: <http://www.iuuwatch.eu/wp-content/uploads/2017/01/MOD-CASE-STUDY-Revised-7.pdf>
- 52 Art. 19(1) Regulation (EC) No. 1005/2008.
- 53 European Parliament (2013). *Compliance of imports of fishery and aquaculture products with EU legislation*. November 2013. Available at: [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/513968/IPOL-PECH_ET\(2013\)513968_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/513968/IPOL-PECH_ET(2013)513968_EN.pdf)
- 54 “[V]erifications will be organised and will be led on the basis of national and Community criteria of risk management in order to ensure their proportionality and their harmonisation in all EU Member States” – *Handbook on practical implementation of the EU IUU Regulation* at p. 34: http://ec.europa.eu/fisheries/sites/fisheries/files/docs/body/handbook_original_en.pdf
- 55 EJF, Oceana, Pew & WWF (2016). *Risk Assessment and Verification of Catch Certificates under the EU IUU Regulation*. EU IUU Coalition Position Paper. July 2016. Available at: <http://www.iuuwatch.eu/catch-certificate-scheme/>
- 56 Under Art. 17 Regulation (EC) No. 1005/2008.
- 57 Under Art. 17(6) Regulation (EC) No. 1005/2008.
- 58 European Parliament Resolution of 25 October 2016 on how to make fisheries controls in Europe uniform (2015/2093(INI)). <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0407+0+DOC+XML+V0//EN>
- 59 European Parliament Resolution of 24 November 2016 on EU action plan against wildlife trafficking (2016/2076(INI)). <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P8-TA-2016-0454>
- 60 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. EU Action Plan against Wildlife Trafficking. COM(2016) 87 final: <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52016DC0087>
- 61 <http://ldac.chil.me/download-doc/125741>. The LDAC is a consultative body made up of the European long distance catching and processing industry, organisations of fisheries workers, and development and environment NGOs. The LDAC issues advice to the EC and MS.
- 62 Austria, Bulgaria, Cyprus, Denmark, France, Germany, Greece, Ireland, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain.
- 63 For example, Belgium and Latvia with regard to use of copies of the same CC for multiple imports, to a total weight that exceeds the weight certified on the original CC. This may arise due to the photocopying of paper CCs and the lack of an EU-wide system to detect reuse of CCs with the same number and to count down the weight of multiple imports against the weight in the original CC. See <http://www.iuuwatch.eu/catch-certificate-scheme/> for further explanation.
- 64 <http://www.iuuwatch.eu/wp-content/uploads/2016/07/Risk-Assessment-FINAL.pdf>
- 65 http://www.iuuwatch.eu/wp-content/uploads/2015/06/ENG_LegalOpinion_IUU_130217.pdf
- 66 Article 2.11 of the IUU Regulation – “importation means the introduction of fishery products into the territory of the Union, including for transshipment purposes at ports in its territory”.
- 67 Approved Economic Operators – IUU Regulation, Article 16 and Implementing Regulation (EC) 1010/2009, Chapter II.

Further information

The Environmental Justice Foundation (EJF), Oceana, The Pew Charitable Trusts and WWF are working together to secure the harmonised and effective implementation of the EU Regulation to end illegal, unreported and unregulated (IUU) fishing. For more information on improvements to the EU catch certificate scheme, go to www.iuuwatch.eu/catch-certificate-scheme

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