

Urgent need for effective implementation of EU import control rules across Member States

Background

The new Commissioner for Fisheries and Oceans, Dr. Costas Kadis, has been entrusted by President von der Leyen to “take action to uphold a level playing field and protect the European fisheries chain from unfair global competition, notably on seafood products”, as well as “ensuring that Europe retains its international leadership with its zero tolerance approach to illegal, unreported and unregulated fishing”.¹

Considering that the European Union is a top importer of seafood globally, with an import value of USD 33.2 billion in 2022 (approx. EUR 32 billion),² ensuring that foreign products tainted by IUU fishing and associated abuses, such as the use of forced labour aboard fishing vessels, cannot enter the EU market is essential to safeguard marine ecosystems, the food security of coastal communities around the world, and to uphold decent working conditions. With the EU importing over 60% of its seafood,³ strong import controls are also critical to protect the EU's competitiveness by ensuring fair competition for legal EU fisheries operators. However, products of fleets associated with IUU fishing have allegedly been entering the EU market, including products from China⁴ and Russia⁵—two of the flag states that are considered to be of highest risk for IUU fishing.⁶ Achieving tightened seafood import controls will be critical for the EU to deliver on its agenda.

In 2022, a European Court of Auditor (ECA) special report⁷ highlighted that the significant differences in scope and quality of checks by Member States are weakening the whole EU import control system. In 2023, joint advice by the Long Distance Advisory Council (LDAC) and the Market Advisory Council (MAC)⁸ echoed the ECA findings. It provided further details on weaknesses in implementation and

¹ Mission letter to Costas Kadis, available at:

https://commission.europa.eu/document/028ce7d5-e328-4416-8f0d-35c8884acaa8_en

² FAO (2024), State of the World Fisheries and Aquaculture, available at:

<https://openknowledge.fao.org/items/06690fd0-d133-424c-9673-1849e414543d>

³ FAO (2024), State of the World Fisheries and Aquaculture, available at:

<https://openknowledge.fao.org/items/06690fd0-d133-424c-9673-1849e414543d>

⁴ Environmental Justice Foundation (2024), Tide of injustice - exploitation and illegal fishing on Chinese vessels in the Southwest Indian Ocean, available at:

<https://ejfoundation.org/reports/tide-of-injustice-exploitation-and-illegal-fishing-on-chinese-vessels-in-the-southwest-indian-ocean>

⁵ De Groene Amsterdammer, 27 November 2024, Smuggling for Putin, available at:

<https://www.groene.nl/artikel/smokkelen-voor-poetin>

⁶ China and Russia are the two countries considered to be of highest risk of IUU fishing according to the IUU Fishing Risk Index. This index was developed by Poseidon Aquatic Resource Management Ltd., a fisheries and aquaculture consultancy company, and the Global Initiative Against Transnational Organized Crime, a Geneva-based NGO network of experts working on human rights, democracy, governance, and development issues where organized crime has become increasingly pertinent. The index is available at:

<https://iuufishingindex.net/>

⁷ European Court of Auditors. (2022). Special report 20/2022: EU action to combat illegal fishing – Control systems in place but weakened by uneven checks and sanctions by Member States. Available at:

<https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=61941>

⁸ MAC/LDAC (2023), The need for harmonised import controls between Member States in order to prevent the products of illegal, unreported and unregulated (IUU) fishing from entering the European Union market, available at: https://ldac.eu/images/MAC_LDAC_Advice_-_IUU_Import_Controls_21.04.2023.pdf

the lack of harmonisation of import controls across the EU. This joint advice was built on an analysis of the 2018-2019 biennial reports on the implementation of the IUU Regulation by several members of the LDAC and the MAC, under the umbrella of the EU IUU Fishing Coalition.⁹

In its report, the ECA made a recommendation to the European Commission to “*monitor that the scope and quality of checks by Member States are sufficient to address the risks, and take necessary actions to remedy any shortcomings*” by 2026. This recommendation was accepted by the European Commission,¹⁰ who sought to address it in part by revising the EU's fisheries control rules and mandating the adoption of a digital catch certification scheme. However, based on the latest data on the implementation of import controls by Member States, the [LDAC and the MAC] believe that the adoption of such a digital scheme will not fully resolve the issues highlighted by the ECA and by the LDAC and MAC in their 2023 joint advice¹¹. As such, the [LDAC and the MAC] consider that the ECA recommendation to “*take necessary actions to remedy any shortcomings*” in the scope and quality of checks by Member States remains relevant.

The present advice provides recommendations to the European Commission and Member States based on an updated state of play of the implementation of import control rules since 2019. The analysis is based on the data extracted from the 2020-2021 and 2022-2023 Member States biennial reports on the implementation of the IUU Regulation¹², and solely focuses on aspects of controls that cannot be tightened through the digitalisation of the catch certification system (CATCH) alone (i.e., verification of catch certificates, the physical inspections conducted and the rejection of suspicious imports). The present analysis builds on a preliminary analysis which was presented to the LDAC by members of the EU IUU Fishing Coalition in October 2024.¹³

Results of the analysis

⁹ EJF, Oceana, The Nature Conservancy, The Pew Charitable Trusts and WWF. (2022). Water-tight? Assessing the effectiveness of EU controls to prevent illegal seafood imports. Available at:

<https://www.iuuwatch.eu/2022/11/blog-eu-member-state-import-controls-insufficient-to-block-illegallysource-d-seafood-from-entering-the-market/>

¹⁰ European Commission (2022), Replies of the European Commission to the European Court of Auditors' special report: EU action to combat illegal fishing - Control systems in place but weakened by uneven checks and sanctions by Member States, available at:

https://www.eca.europa.eu/Lists/ECARepplies/COM-Replies-SR-22-20/COM-Replies_SR-22-20_EN.pdf

¹¹ EJF, Oceana, The Nature Conservancy, The Pew Charitable Trusts and WWF. (2022). Water-tight? Assessing the effectiveness of EU controls to prevent illegal seafood imports. Available at:

<https://www.iuuwatch.eu/2022/11/blog-eu-member-state-import-controls-insufficient-to-block-illegallysource-d-seafood-from-entering-the-market/>

¹² The 2020-2021 and 2022-2023 biennial reports were obtained by the EU IUU Fishing Coalition via access for information request to the European Commission. The data was not accessible for Luxembourg given this Member State did not send biennial reports to the European Commission in 2020-2023, and the 2022-2023 data for France and Finland was not accessible given both countries refused to share their latest biennial reports with the EU IUU Fishing Coalition. The biennial reports obtained are available here:

<https://www.iuuwatch.eu/the-iuu-regulation/member-state-implementation/>

¹³ This presentation of a preliminary analysis by the Environmental Justice Foundation, a member of the EU IUU Fishing Coalition, is available at:

https://www.ldac.eu/images/EU_IUU_Fishing_Coalition_presentation_16_10_24-preliminary_analysis_import_control_implem_Amelie_Giardini.pdf

The present analysis excluded Luxembourg for 2020-2023 as they did not report to the European Commission despite the existing legal requirement. For the 2022-2023 period, data from France and Finland was also excluded as these countries refused to provide access to their biennial reports to the EU IUU Fishing Coalition, which carried out the analysis. The [LDAC and the MAC] reiterate their 2023 recommendation for the European Commission and Member States to make the biennial reports under the IUU Regulation publicly available.¹⁴

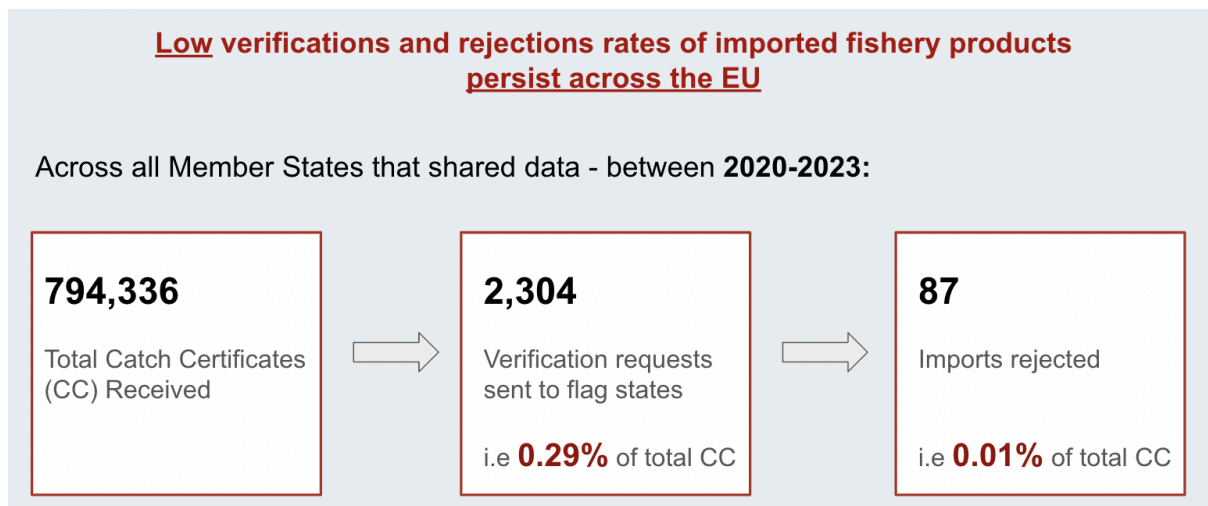
Main results of the analysis:

1. **Low verification and rejection rates of imported fishery products persist across the EU, including for imports from countries at high risk of IUU fishing**
2. **Some top importing Member States are reporting particularly low verification and rejection rates of imported fishery products**
3. **Non-compliance with the 5% legal threshold for physical inspection of direct landings persists**

1. *Low verifications and rejections of imported fishery products persist across the EU, including in relation to imports from countries with a high risk of IUU fishing*

Across the EU, only a small number of catch certificates received from third countries were subject to verification requests being sent to the flag state or resulted in imports being rejected. **Between 2020 and 2023, of the 794,336 catch certificates received from third countries, only 0.29% were verified with the flag states, and 0.01% were rejected** (Figure 1).

Figure 1: Low verification and rejection rates of imported fishery products persist across the EU in 2020-2023



For imports from Chinese-flagged vessels specifically, verification requests and imports rejected were close to nil across the EU between 2020 and 2023 (Figure 2). In 2020-2021, across 26 reporting

¹⁴ MAC/LDAC (2023), The need for harmonised import controls between Member States in order to prevent the products of illegal, unreported and unregulated (IUU) fishing from entering the European Union market, available at: https://ldac.eu/images/MAC_LDAC_Advice_-_IUU_Import_Controls_21.04.2023.pdf

Member States, only 0.3% of the 14,653 catch certificates received from China were subject to flag state verification requests, and zero imports originating from that flag state were rejected under the IUU Regulation. In 2022-2023, across the 24 Member States that disclosed data, only 0.4% of the 13,697 catch certificates received from China led to verification requests, and only 2 imports were rejected. These numbers are concerning when considering the increasing evidence of systemic IUU fishing associated with the Chinese fleet.^{15,16,17} It is recalled that in December 2022, the LDAC and the MAC adopted a joint advice on the implications for fisheries governance of China’s global distant water fleet activities.¹⁸

Figure 2: Fisheries products from China are still not adequately verified and rejected in 2020-2023



In addition, most Member States report not conducting verifications with states other than the flag states (i.e., processing states, storage states, etc.) or do not provide such information. For instance, between 2020 and 2023, Spain sent 215 requests to states other than flag states, whereas other large importing countries like Italy and Portugal did not report sending any. If that trend is confirmed, it further testifies to a lack of thorough verification of catch certificates and is particularly concerning given that about 30% of all processing statements received across the EU come from China, a country where seafood processing plants have been linked to illegal activities.¹⁹ It is also noted that some Member States (e.g., Italy) do not provide the required information on the number and origin of the processing statements received.

¹⁵ Environmental Justice Foundation (2022), The ever-widening net: Mapping the scale, nature and corporate structures of illegal, unreported and unregulated fishing by the Chinese distant-water fleet, available at: <https://ejfoundation.org/resources/downloads/The-Ever-Widening-Net-2022-final.pdf>

¹⁶ Environmental Justice Foundation (2024), Tide of injustice - exploitation and illegal fishing on Chinese vessels in the Southwest Indian Ocean, available at: <https://ejfoundation.org/reports/tide-of-injustice-exploitation-and-illegal-fishing-on-chinese-vessels-in-the-southwest-indian-ocean>

¹⁷ The Outlaw Ocean Project (2023 & 2024), China: the superpower of seafood, available at: <https://www.theoutlawocean.com/investigations/china-the-superpower-of-seafood/>

¹⁸ LDAC/MAC (2022), Addressing China’s global distant water fleet activities implications for fisheries governance, available at: https://ldac.eu/images/LDAC-MAC_Joint_Advice_China_Distant_Water_Fleets_13Dic2022.pdf

¹⁹ The New Yorker, 9 October 2023, The Uyghurs Forced to Process the World’s Fish, available at: <https://cdn.theoutlawocean.com/investigations/china/pdf/publications/the-new-yorker--the-uyghurs-forced-to-process-the-worlds-fish.pdf>

2. Some top importing Member States are reporting particularly low numbers of verifications and rejections of imported fishery products

A large number of consignments, including from high-IUU risk flag states such as China and “yellow carded” countries (i.e., countries pre-identified by the European Commission as not cooperative in the fight against IUU fishing) are entering the EU through top importing Member States that perform limited to nil verifications of catch certificates or refuse imports. Figure 3 shows the difference between Member States such as Portugal, Italy and Sweden, which virtually do not verify or reject imports (see relevant lines in red in the table), and other major importers like Spain, who perform hundreds of verifications and reject dozens of imports yearly. This data is particularly concerning for Italy and Portugal, given that a relatively high proportion of the catch certificates received by these countries come from high IUU-risk flag states. Even in Member States that perform relatively well in import controls, verifications and rejections remained low from 2020 to 2023 compared to the total number of catch certificates they received. This data raises concerns given that the EU import control system is only as strong as its weakest link. Robust and harmonised import controls must be implemented across the EU.

Figure 3: Verifications and rejections rates of imported fishery products by some top importing Member States

Particularly low verifications and rejections rates of imported fishery products by some top importing Member States

Comparison of some top importing Member States:

Year	# Catch Certificates (CC) submitted			# Verification requests sent to flag state			# rejected imports			% CC from China or a yellow carded flag state		
	2018-19	2020-21	2022-23	2018-19	2020-21	2022-23	2018-19	2020-21	2022-23	2018-19	2020-21	2022-23
Spain	122,222	109,271	121,337	551	207	314	13	10	15	9%	9%	9%
Italy	96,736	83,005	60,903	1	0	2	0	0	2	13%	8%	9%
Germany	41,965	35,452	60,477	223	431	322	1	9	7	6%	6%	4.8%
Denmark	38,878	41,120	37,911	88	91	90	2	3	2	2%	1%	1%
Sweden	32,505	31,584	31,132	0	0	0	0	0	0	1%	0.1%	0.3%
Netherlands	22,878	29,311	26,635	89	101	140	16	10	3	15%	11%	10%
Portugal	24,446	15,795	20,223	0	7	13	0	0	2	19%	19%	16.5%

This figure shows data from top importing Member States, including 2018–2019, to highlight changes over time.

3. Non-compliance with the 5% legal threshold for physical inspection of direct landings persists

Member States are legally required to inspect at least 5% (on average across all flag states of origin) of landing and transshipment operations (“direct landings”) by third country fishing vessels in their ports.²⁰ Non-compliance with this legal threshold (see rows in red in Figure 4) had already been

²⁰ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02008R1005-20240109>

observed in 2018-2019²¹ and persisted in 2020-2023 in the Netherlands, Denmark and Poland. There is a striking difference between these Member States and others, like Spain, which received similar amounts of direct landings but inspected over 80% of these landings on average over this period.

Figure 4: Non-compliance with the 5% minimum physical inspection of direct landings persists in several Member States

Non-compliance with the 5% legal threshold for physical inspection of direct landings persists

Comparison of Member States that declared receiving direct landings from third countries (excluding Latvia):

Year	# total Direct Landings (DL)						% DL Inspections (>5% required)					
	2018	2019	2020	2021	2022	2023	2018	2019	2020	2021	2022	2023
Spain	159	151	146	220	244	217	96.9%	92.7%	86.3%	74.5%	75.0%	81.1%
Netherlands	264	258	204	1217	1081	1137	5.3%	7.4%	3.4%	4.1%	4.4%	3.2%
Denmark	662	395	282	514	509	523	5.1%	4.1%	7.8%	5.3%	5.1%	4.6%
Poland	136	119	120	117	93	92	4.4%	2.5%	5.8%	4.3%	2.2%	2.2%
Lithuania	41	15	123	122	93	107	4.9%	13.3%	3.3%	4.9%	8.6%	9.3%
France	686	693	469	1148	-	-	14.6%	17.0%	17.1%	13.1%	-	-
Ireland	36	25	31	644	700	609	27.8%	20.0%	100.0%	44.7%	39.3%	34.3%
Sweden	230	156	211	338	349	334	5.7%	5.8%	5.2%	5.3%	5.7%	6.0%

This figure includes all Member States that reported direct landings from third countries, except Latvia due to low numbers. It also includes 2018–2019 data to show changes over time. France's 2022–2023 data is missing because they declined to share their report.

Port State measures are widely recognized as a powerful and cost-effective tool for combating IUU fishing. Therefore, the persistent failure to meet the minimum requirement of inspecting at least 5% of direct landings is concerning. Particular concerns arise when analysing the average inspection rates of Member States receiving Russian direct landings, given that the Russian fleet is considered to be at high-risk of IUU fishing—with Russia, for instance, ranking as the second-highest IUU-risk flag state globally according to the IUU Fishing Risk Index, and having been at the centre of compliance concerns in regional fisheries management organisations.²² Between 2020 and 2023, 86% of all Russian direct landings into Europe were in the Netherlands. This Member State reports not having complied with the 5% required inspection rate during this period (Figure 5). Despite the Netherlands' recent ban on Russia-flagged refrigerated ships, Russian catch still finds its way to the EU by being transferred to Norwegian-flagged vessels, allowing it to enter Dutch ports with minimal inspection.²³ By comparison, Spain, which received 12.8% of all Russian direct landings, inspected, on average,

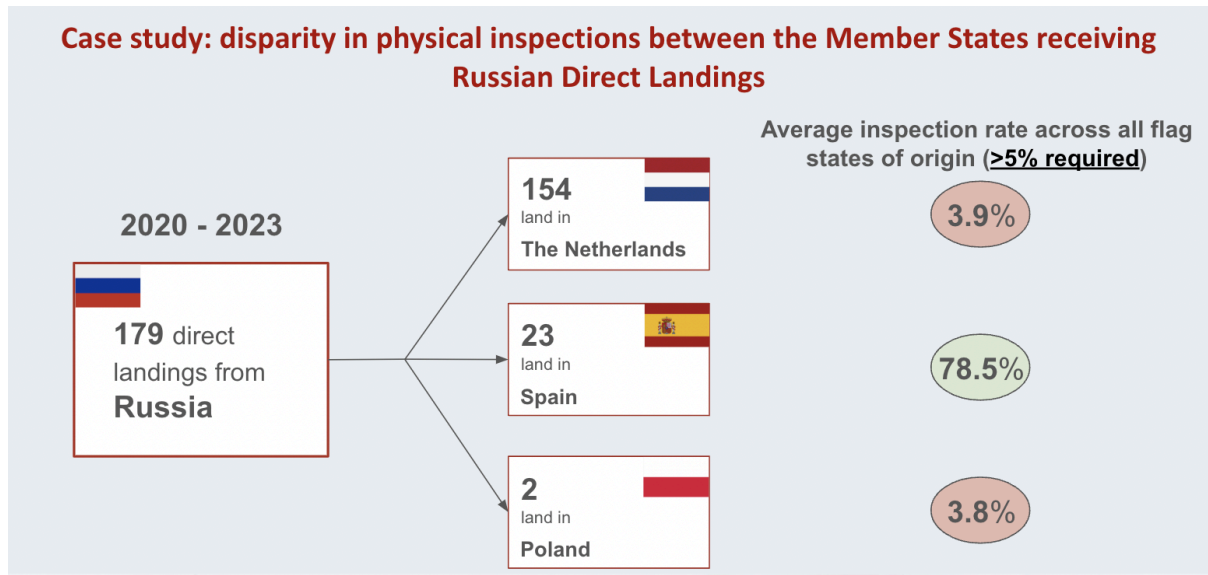
²¹ EJF, Oceana, The Nature Conservancy, The Pew Charitable Trusts and WWF. (2022). Water-tight? Assessing the effectiveness of EU controls to prevent illegal seafood imports. Available at: <https://www.iuuwatch.eu/2022/11/blog-eu-member-state-import-controls-insufficient-to-block-illegallysource-d-seafood-from-entering-the-market/>

²² Dialogue Earth, 12 January 2021, “Controversy over Russian vessel in Antarctica reveals CCAMLR shortcomings”. Available at: <https://dialogue.earth/en/ocean/15935-controversy-over-russian-vessel-in-antarctica-reveals-ccamlr-shortcomings/>

²³ The Barent Observer, 28 November 2024, “Fishing for Putin”. Available at: <https://www.thebarentsobserver.com/news/fishing-for-putin/>

78.5% of all direct landings over this period (Figure 5). If we examine the inspection rate of Spain and the Netherlands for Russian landings specifically (as opposed to the average across all flag states of origin, which is where the 5% mandatory threshold applies), the difference is again stark. For example, the Netherlands inspected only 6% of all Russian direct landings in the 2022-2023 period, whereas Spain inspected 100% of these landings.

Figure 5: Disparity in physical inspections of direct landings



Conclusion and recommendations

The [LDAC and the MAC] acknowledge that “the EU has strict controls to ensure imported food meets high standards for consumer protection and safety” and agrees on the importance of “improving the level playing field with third countries on aspects of social and environmental sustainability”.²⁴ Regarding import control, although the legal framework for strict control is in place, the [LDAC and the MAC] note that its implementation is still not robust or harmonised. This leaves the EU vulnerable to “control shopping”, whereby products tainted with IUU fishing and human rights abuses could be preferentially imported through Member States with weaker controls, thereby undermining the efforts of compliant and better-performing Member States and putting law-abiding EU operators at risk and exposing EU consumers to seafood potentially tainted with illegality.

The [LDAC and the MAC] note the European Commission’s focus “on the gradual but timely and full implementation of the revised fisheries control system, and on the roll-out of the digital IUU catch certification scheme as a tool to protect our market, our consumers and fishers against imports of IUU fish from third countries”, but reiterates that more than digitalisation alone will be needed to resolve the persistent lack of thorough verifications, inspections, and rejections of suspicious imports.

²⁴ European Union (2024), Questionnaire to the Commissioner-designate Costas Kadis Fisheries and Oceans, available at: https://hearings.elections.europa.eu/documents/kadis/kadis_writtenquestionsandanswers_en.pdf

In view of the European Commission's renewed zero-tolerance ambition towards IUU fishing and its commitment to uphold a level playing field and protect the European fisheries chain from unfair global competition, the [LDAC and the MAC] would like to reiterate some of the recommendations already laid out in the 2023 joint LDAC-MAC advice, which we believe should be prioritised in view of the results of the analysis of the 2020-2023 biennial reports.

The European Commission should:

- Prioritise launching infringement procedures against Member States that have failed to implement the import control rules embedded in the EU IUU Regulation in parallel to working on the deployment of CATCH.
- Provide, together with the European Fisheries Control Agency, adequate intelligence and support to Member States to ensure the effectiveness of control systems for preventing the import of illegal fishery products and upholding a level playing field. This should include continuing proactively using the potential of the Mutual Assistance System and the sharing of detailed information on shortcomings identified in the context of the implementation of the EU IUU Regulation with relation to non-EU countries.
- Encourage Member States to improve data submission in biennial reports and collaborate on a solution for public access, redacting information only when strictly necessary. The current process for accessing this information is time-consuming for all parties. Making these reports more accessible is essential for the private sector (e.g., retailers and EU fishing companies) and civil society to assess the IUU fishing risks in EU supply chains. It also strengthens advisory councils like the [LDAC and the MAC] in providing informed recommendations to the Commission and Member States.

Member States should:

- Allocate sufficient capacity and resources to ensure effective implementation of import controls.
- Apply thorough verification and inspection procedures for higher-risk catch certificates, consignments and direct landings, and ensure consignments containing illegally caught products are refused entry to the EU market.
- Ensure complete and accurate responses to all questions in biennial reports and make them publicly available, redacting information only when strictly necessary. Certain data should always be disclosed, including: the number of catch certificates, direct landings, and processing statements received, along with their flags of origin; the number of verification requests sent to each flag, processing, or other state; the number of rejections per flag state; and the number of inspections of direct landings by flag state.