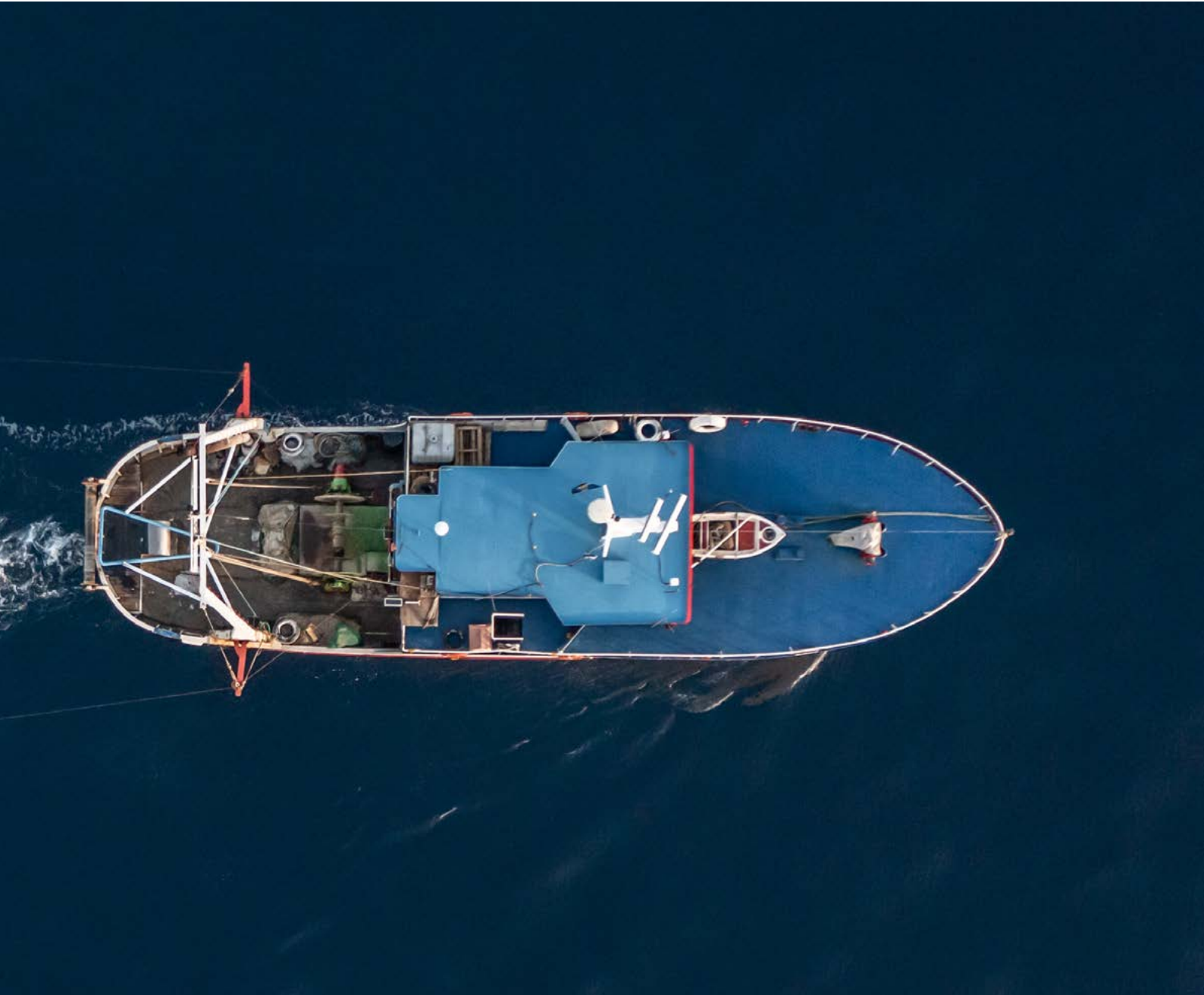


# Water-tight?

## Assessing the effectiveness of EU controls to prevent illegal seafood imports

November 2022



## EU IUU FISHING COALITION



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Design by Kat Price

The Environmental Justice Foundation (EJF), Oceana, The Nature Conservancy, The Pew Charitable Trusts and WWF are working together to promote EU leadership in improving global fisheries transparency and governance to end illegal, unreported and unregulated (IUU) fishing.

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For more news, updates and documents supporting the EU to end IUU fishing, visit: [www.iuuwatch.eu](http://www.iuuwatch.eu) or contact: [info@iuuwatch.eu](mailto:info@iuuwatch.eu)

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# Glossary

<b>Areas beyond national jurisdiction (ABNJ)</b>	Marine ABNJ, commonly referred to as the ‘high seas’ are areas of the ocean that no one nation is responsible for managing. There is currently no global framework for the conservation and sustainable use of marine ABNJ.
<b>Catch Certificate (CC)</b>	Catch certificates must accompany all seafood consignments exported by non-EU countries to the EU. They typically contain information on catch species, weight of consignment and details on the vessel’s permissions to catch said species, including details on when and where the fish was caught. Every catch certificate must be validated by the flag State of the fishing vessel or fishing vessels which made the catches from which the fishery products have been obtained.
<b>Catch Certification Scheme</b>	In 2010, the EU introduced a unilateral Catch Documentation Scheme (known as the Catch Certification Scheme) through the adoption of the EU IUU Regulation. It covers all marine wild-caught fish (with some exemptions) that are traded by non-EU countries into the EU market.
<b>CATCH IT System</b>	CATCH is an IT system that was launched by the European Commission (Version 1.0) on 7 May 2019. The system aims to digitalise the EU’s current paper-based catch certification scheme. The CATCH IT system is only to be used on a voluntary basis by Member States and their national operators until the revision of the Control Regulation and its adoption, after which it will become mandatory. Non-EU countries can also use this system on a voluntary basis.
<b>Common Fisheries Policy (CFP)</b>	The CFP is a set of rules for sustainably managing European fishing fleets and conserving fish stocks. The CFP is a comprehensive legal framework which acknowledges the environmental, economic and social dimensions of fisheries and which aims to safeguard fair access, sustainability and profitability for all.
<b>Documentary Checks</b>	Under the EU IUU Regulation, competent authorities within each MS shall perform routine documentary checks of all catch certificates received for the import of fisheries products into the EU. All catch certificates must at least be checked against the information notified by flag States to the European Commission, including the details and stamp of the authority competent for validating catch certificates.
<b>Direct Landing</b>	A direct landing is a direct importation of seafood products from a fishing vessel into an EU Member State. Direct landings and transshipment operations are only permitted at designated EU ports and, as stipulated in the EU IUU Regulation, EU Member States are required to inspect at least 5% of direct landing and transshipment operations by non-EU country vessels each year.
<b>EU ‘Carding Scheme’</b>	The EU Carding Scheme is the EU’s scheme providing for cooperation and ongoing dialogues with non-EU countries. Under the scheme, a formal warning (or ‘yellow card’) may be issued to non-EU countries pre-identified by the EU as non-cooperating countries in the fight against IUU fishing. This warning commences a formal engagement between the EU and the yellow-carded country, in which the EU seeks to provide assistance in tackling the identified shortcomings. If sufficient action is not taken to improve performance, the non-EU country risks being identified as a non-cooperating country pursuant to the EU IUU Regulation (‘red card’) – excluding fish caught by the carded country’s registered vessels from being exported to the EU, among other restrictions.

<b>EU Control Regulation</b>	In January 2010, Council Regulation (EN) N° 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy (also known as the Control Regulation) entered into force. Following an evaluation of the current control system, the European Commission decided in 2018 to initiate a revision of the fisheries control system. Following this revision, the use of CATCH IT by EU Member States will be mandatory.
<b>EU IUU Regulation</b>	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 EU IUU Regulation) entered into force on 1 January 2010. The EU IUU Regulation applies to all landings and transshipments of EU and non-EU fishing vessels in EU ports, and all trade of marine fishery products to and from the EU. It aims to make sure that no illegally caught fisheries products end up on the EU market.
<b>European Green Deal</b>	Introduced in 2019, the European Green Deal aims to turn the tide on environmental degradation and on the climate crisis, by re-shaping the European economy across 8 different policy areas, including climate action, biodiversity preservation and restoration, and sustainable food systems.
<b>Exclusive Economic Zone (EEZ)</b>	The exclusive economic zone (EEZ) is an area beyond and adjacent to the territorial sea, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of the United Nations Convention on the Law of the Sea (UNCLOS). In the exclusive economic zone, the coastal State has “sovereign rights [and obligations] for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil” (UNCLOS Article 56). <sup>1</sup>
<b>FAO Agreement on Port State Measures (PSMA)</b>	The FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) is the first binding international agreement specifically targeting IUU fishing. This international treaty was approved by the Food and Agriculture Organization of the United Nations (FAO) Conference on 22 November 2009 and entered into force in June 2016. The main objective of this agreement is to prevent any vessels engaged in IUU fishing from using signatories’ ports and landing their catch. Under this agreement, Parties agree to designate and publicise ports to which vessels may request entry and agree to require advance requests for port entry from vessels not entitled to fly their flag. The PSMA also establishes standards on how port States identify, inspect and handle vessels suspected of involvement in IUU fishing.
<b>Import Control Scheme</b>	Import control schemes have been adopted by a number of market States and Regional Fisheries Management Organisations (RFMOs) to monitor seafood imports and curb illegal, unreported and unregulated (IUU) fishing. These import controls can take the form of Catch Documentation Schemes (CDS), whereby information on a consignment is recorded throughout the supply chain.

<sup>1</sup> United Nations Convention on the Law of the Sea. Article 56.  
Available at: [https://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf)

<b>Illegal, Unreported and Unregulated (IUU) Fishing</b>	Illegal, unreported and unregulated (IUU) fishing refers to activities that contravene national laws and regulations, the conservation and management measures of Regional Fishery Management Organisations (RFMOs) and, where relevant, international law. Behaviours include activities such as fishing without a valid licence, misreporting catch data, falsifying or concealing a fishing vessel's identity or itinerary, and obstructing the work of inspectors or enforcers. Being frequently covert in nature, IUU fishing activities plunder the ocean, weaken economies, deplete fish stocks, and undermine conservation and management efforts. These practices directly affect law-abiding operators that compete for the same stock while bearing more of the regulatory and financial burden. IUU fishing jeopardises the livelihoods of the world's most vulnerable communities and enables systemic abuses of human rights.
<b>Member States (MS)</b>	The European Union consists of 27 Member States which are part of the founding treaties of the union and are subjected to binding laws within the common legislative and judicial institutions of the EU. Although no longer a MS following its withdrawal from the EU, the United Kingdom has been included in this review as the UK submitted a biennial report for the 2018/19 reporting period.
<b>Monitoring, Control and Surveillance (MCS)</b>	In the case of oceans management and fisheries, MCS involves the implementation of operations necessary to affect an agreed policy and plan for oceans and fisheries management. These operations include measurement of fishing effort, regulating the conditions under which exploitation may be conducted and observations made to ensure compliance with regulatory controls.
<b>Nationals</b>	According to the EU IUU Regulation, nationals subject to the jurisdiction of EU Member States shall neither support nor engage in IUU fishing, including by engagement on board or as operators or beneficial owners of fishing vessels included in the Community IUU vessel list. EU Member States are responsible for taking all appropriate measures to identify nationals supporting or engaging in IUU fishing.
<b>Non-EU Country Verifications</b>	To ensure that the provisions of the EU IUU Regulation are applied correctly, the competent authorities of Member States shall carry out all necessary verifications. Member States can request the assistance of the competent authorities of a flag State or non-EU country if, for example, there are doubts over the authenticity of the catch certificate itself or if a fishing vessel has been reported in connection with presumed IUU fishing.
<b>Regional Fisheries Management Organisation (RFMO)</b>	RFMOs are international organisations which regulate regional fishing activities in the high seas. While some RFMOs have a purely advisory role, most have management powers to set catch and fishing effort limits, technical measures and control obligations.
<b>Risk Management</b>	Inspection and verification activities are to be carried out on the basis of criteria developed at national or Community level under risk management. Risk criteria should be applied by MS to all catch certificates received, with the view to further analyse a portion of these for further detailed verification.

<b>SMEFF Regulation</b>	<p>In January 2018, Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets (SMEFF Regulation) was brought into force, thereby repealing the Fishing Authorisation Regulation (FAR). It governs both the authorisations provided to the EU’s fishing fleet operating outside EU waters and the authorisations of non-EU country vessels to fish in EU waters. The SMEFF forms one of the three enforcement pillars of the EU Common Fisheries Policy, alongside the EU IUU Regulation and the EU Control Regulation.</p>
<b>Trade Control and Expert System (TRACES)</b>	<p>TRACES is the European Commission’s platform for sanitary and phytosanitary certification required for the importation of animals, animal products, food and feed of non-animal origin and plants into the European Union, and the intra-EU trade and EU exports of animals and certain animal products. The CATCH IT system will be integrated into the existing TRACES online platform.</p>
<b>Transshipment</b>	<p>Transshipment is the unloading of goods from one ship and its loading into another to complete a journey to a further destination. Seafood transshipment operations are only permitted in designated EU ports and under the EU IUU Regulation, EU Member States are required to inspect at least 5% of these operations by non-EU country vessels annually.</p>







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## Executive summary

Enshrined in EU law in January 2010, the EU Regulation establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing (henceforth ‘**the EU IUU Regulation**’)<sup>2</sup> establishes a catch certification scheme to help EU Member States (henceforth ‘**MS**’) detect and block products sourced from IUU fishing at their borders. Under the EU IUU Regulation, MS must submit a report to the European Commission providing detailed information on the application of the EU IUU Regulation and on seafood import controls every two years.<sup>3</sup> As these reports are confidential, the EU IUU Fishing Coalition, used an ‘access to information’ request to the European Commission to obtain the biennial reports submitted by MS as required under the EU IUU Regulation.<sup>4</sup> However, not all reports received via this ‘access to information’ request were made fully available as MS can request that certain information be redacted. The biennial reports analysed in this review can be found on the IUUWatch [website](#).

This analysis focuses on the latest reports submitted by the then 28 MS, covering the 2018/19 reporting period, to assess whether all MS are properly implementing the EU IUU Regulation and effectively controlling seafood imports. It follows up on a 2017 EU IUU Fishing Coalition [report](#) which similarly analysed EU seafood import controls.<sup>5</sup> The report analyses the implementation of six key requirements under the EU IUU Regulation:

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

The review demonstrates a marked and continued lack of consistency in the implementation of seafood import controls across MS. Clear disparities remain between MS in the frequency and rigour of checks of import catch certificates validated by non-EU countries, the application of a risk-based approach for the assessment of catch certificates and the physical inspection of seafood import consignments. Furthermore, despite the large scale of seafood imports into the EU, with MS importing a total of 6.34 million tonnes of fisheries and aquaculture products in 2019,<sup>6</sup> and the high IUU fishing risk of some MS trade flows, the number of rejected consignments and the number of verification requests sent by MS to non-EU countries remains lower than would be expected. This calls into question the efficacy of the import controls currently employed by some MS.

Inconsistency between MS implementation of the EU IUU Regulation jeopardises the effectiveness of the entire EU import control scheme and provides opportunities for the products of IUU fishing to enter the EU market. This analysis highlights the need for the European Commission and MS to improve upon current efforts in order to achieve improved and harmonised implementation of import controls.

The EU IUU Fishing Coalition acknowledges that a number of improvements are likely to follow the mandatory use by MS of the CATCH IT System, an electronic tool developed by the European Commission which aims to digitalise the EU’s current paper-based catch certification scheme.<sup>7</sup> Until the revision of the EU Control

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2 Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.

3 Art. 55 Regulation (EC) N° 1005/2008.

4 Despite leaving the EU on 31 January 2020, the United Kingdom has been included in this review as over the 2018/19 reporting period, the UK was still an EU Member State and therefore subject to the EU IUU Regulation.

5 EJF, Oceana, The Pew Charitable Trusts and WWF (2017). The EU IUU Regulation. Analysis: Implementation of EU Seafood Import Controls. Available at: <http://www.iuuwatch.eu/the-iuu-regulation/member-state-implementation/>

6 EUMOFA (2020). The EU Fish Market – 2020 edition. Available at: [https://www.eumofa.eu/documents/20178/415635/EN\\_The+EU+fish+market\\_2020.pdf/fe6285bb-5446-ac1a-e213-6fd6f64d0d85?t=1604671147068](https://www.eumofa.eu/documents/20178/415635/EN_The+EU+fish+market_2020.pdf/fe6285bb-5446-ac1a-e213-6fd6f64d0d85?t=1604671147068)

7 European Commission (2019). ‘CATCH – Information note’ [online]. Available at: [https://ec.europa.eu/oceans-and-fisheries/system/files/2019-06/catch-it-system\\_en.pdf](https://ec.europa.eu/oceans-and-fisheries/system/files/2019-06/catch-it-system_en.pdf)

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Regulation<sup>8</sup> renders the use of CATCH compulsory for EU importers and competent authorities in MS, its use remains voluntary. By digitalising the EU's current paper-based scheme and establishing a common baseline of criteria, the CATCH IT system is expected to become a vital tool in improving upon the current EU catch certification scheme. As of October 2021 – as far as the EU IUU Fishing Coalition is aware – no MS has yet begun utilising this tool in any substantive way.<sup>9</sup> This is despite the first version of the system being operational since 2019 and the system's potential to simplify and streamline implementation of both the EU IUU Regulation and the catch certification scheme.

Within this review, the EU IUU Fishing Coalition provides several recommendations to both the European Commission and MS to help ensure effective and consistent implementation of the EU IUU Regulation. This review also discusses recommendations provided by MS competent authorities in their 2018/19 biennial reports, with the aim of making implementation of the EU IUU Regulation smoother. These MS recommendations including the swift uptake of the CATCH IT System by MS and the encouragement of non-EU countries to engage with the system are supported by the EU IUU Fishing Coalition.

There are a number of possible reasons for disparities between MS implementation of the EU IUU Regulation. Information contained within the biennial reports for the 2018/19 reporting period show that, on the one hand, some MS have limited resources available. Spain on the other hand, assessed to be the MS most effectively implementing the EU IUU Regulation, has increased staffing and human resources available: the number of officials involved in the implementation of the catch certification scheme increased from 94 in 2012/13 to 165 in the 2018/19 reporting period. This highlights the need for MS to increase capacity to be able to comply with, for example, the required import checks and for the European Commission to actively identify MS requiring additional support. Those MS should be encouraged to significantly improve their performance and if no action is taken, there is the consideration of infringement procedures in the case of non-compliance, as stipulated in the EU treaties.

Effective and harmonised implementation is required by all MS to ensure successful application of the EU IUU Regulation. Failure to do so will prevent this world-leading legislation from reaching its full potential and eliminating imports of IUU seafood products into the EU market.

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8 Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy

9 As far as the EU IUU Fishing Coalition is aware, no EU Member States have begun using the CATCH IT System outside of a pilot phase.

## Summary Table – Risk associated with seafood imports and disparities in import controls applied by EU Member States

For calculating IUU Fishing Risk: **Red = Higher risk** (>10% Catch certificates validated by carded non-EU countries), **Yellow = Medium risk** (5-10%), **Green = Low risk** (<5%)

Although no longer an EU Member State following its withdrawal from the EU, the United Kingdom has been included in this review as the UK submitted a biennial report for the 2018/19 reporting period.

**SOURCE: (Seafood imports (Tonnes) from non-EU countries):** Eurostat (2022). Extra-EU imports (rounded to the nearest thousand tonnes) under the 0301, 0302, 0303, 0304, 0305, 0306, 0307, 0308, 1604 and 1605 product codes. Please note that this total volume includes fishery products that are excluded from the EU IUU Regulation (e.g. aquaculture products, freshwater fish). For a list of products excluded under the EU IUU Regulation see Annex XIII at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:280:0005:0041:EN:PDF>

EU Member State	N° of Catch certificates received in the 2018/19 reporting period	Seafood imports (Tonnes) from non-EU countries over the 2018/19 reporting period	IUU Fishing Risk (% of import Catch certificates validated by carded non-EU countries)	Physical Inspection of consignments?	Risk-based approach to assessing Catch certificates?	At least 5% of non-EU country direct landings inspected (2018/19 reporting period)?
Slovakia	552	13,000	60.14	Yes	No	No non-EU country direct landings reported
Estonia	1,109	14,000	28.85	No	No	No non-EU country direct landings reported
Hungary	196	5,000	23.47	No	No	No non-EU country direct landings reported
Austria	512	14,000	21.68	Yes	Yes	No non-EU country direct landings reported
Czech Republic	2,001	31,000	20.54	No	No	No non-EU country direct landings reported
Romania	1,165	34,000	19.40	No	No	No non-EU country direct landings reported
Belgium	5,962	204,000	11.17	No	Yes	No non-EU country direct landings reported
Italy	96,736	859,000	10.03	Yes	Yes	No non-EU country direct landings reported
Cyprus	2,267	15,000	9.93	Yes	No	No non-EU country direct landings reported
Netherlands	22,878	1,090,000	9.72	Yes	Yes	Yes
United Kingdom	54,278	894,000	8.43	Yes	Yes	Yes
Lithuania	2,948	116,000	7.36	Yes	Yes	Yes
Portugal	24,446	353,000	7.17	Yes	Yes	No non-EU country direct landings reported

EU Member State	N° of Catch certificates received in the 2018/19 reporting period	Seafood imports (Tonnes) from non-EU countries over the 2018/19 reporting period	IUU Fishing Risk (% of import Catch certificates validated by carded non-EU countries)	Physical Inspection of consignments?	Risk-based approach to assessing Catch certificates?	At least 5% of non-EU country direct landings inspected (2018/19 reporting period)?
Croatia	851	15,000	6.70	Yes	Yes	No non-EU country direct landings reported
Germany	41,965	788,000	5.24	Yes	Yes	No non-EU country direct landings reported
Slovenia	580	8,000	4.31	Yes	No	No non-EU country direct landings reported
Latvia	1,241	32,000	4.27	No	No	Yes
Malta	1,250	58,000	3.76	Yes	No	No non-EU country direct landings reported
Spain	122,222	2,258,000	3.74	Yes	Yes	Yes
Finland	3,753	98,000	3.28	No	Yes	No non-EU country direct landings reported
Ireland	1,497	9,000	2.94	Yes	No	Yes
Greece	8,687	135,000	2.73	No	Yes	No non-EU country direct landings reported
Bulgaria	957	27,000	2.61	Yes	No	No non-EU country direct landings reported
Poland	12,024	488,000	2.52	Yes	No	No
Denmark	38,878	1,229,000	1.04	Yes	Yes	No
Sweden	32,505	1,439,000	0.76	No	Yes	Yes
France	99,849	747,000	No information provided	No information provided	No information provided	Yes
Luxembourg	No biennial report provided to the EU IUU Fishing Coalition	15	No biennial report provided to the EU IUU Fishing Coalition	No biennial report provided to the EU IUU Fishing Coalition	No biennial report provided to the EU IUU Fishing Coalition	No biennial report provided to the EU IUU Fishing Coalition



# Introduction

In 2018, total world catches<sup>10</sup> and aquaculture production reached the highest level seen for ten years.<sup>11</sup> In the EU alone, apparent consumption of fishery and aquaculture products amounted to 12.48 million tonnes (live weight) – three-quarters of which is wild-caught.<sup>12</sup> According to the Food and Agriculture Organization of the United Nations (FAO), only a third of all stocks are fished at biologically unsustainable levels globally.<sup>13</sup> These figures do however differ across regions.

Overfishing is one of the biggest threats to our ocean and its biodiversity. Global fish production is estimated to have reached approximately 179 million tonnes in 2018.<sup>14</sup> Fuelled by harmful fisheries subsidies, global industrial-scale fisheries are stripping the ocean of natural resources and threatening food security.<sup>15,16</sup> Although there are few estimates on global levels of illegal, unreported and unregulated (IUU) fishing, it is estimated to account for about 1 in 5 wild-caught ocean fish each year,<sup>17</sup> places additional pressure on fish stocks as it skews scientific stock assessments and undermines sustainable management efforts.<sup>18</sup> IUU fishing often takes advantage of corrupt administrations and exploits weak management regimes, in particular those of developing countries lacking the capacity and resources for adequate monitoring, control, and surveillance (MCS).<sup>19</sup>

IUU fishing occurs both in areas beyond national jurisdiction (ABNJ) and within exclusive economic zones (EEZs), with unscrupulous operators also frequently targeting protected areas<sup>20</sup> and endangered species.<sup>21</sup> IUU fishing is a major threat to marine ecosystems as it undermines efforts to both sustainably manage fisheries and conserve marine biodiversity.<sup>22</sup> It also distorts competition between operators, puts honest, rule-abiding fishers at a disadvantage and is sometimes linked with both organised crime and human rights abuses.<sup>23,24</sup> For all these reasons, it is crucial that the EU uses all of the tools at its disposal to tackle IUU fishing and ensure that no seafood products caught in this manner end up on the EU market.

In terms of value, the EU is one of the world's largest markets for fisheries products, with extra-EU imports reaching a ten-year high in 2019 (worth €27.21 billion).<sup>25</sup> It is therefore unsurprising that the Communication on the European Green Deal for the European Union identified a zero-tolerance approach to IUU fishing as a priority.<sup>26</sup> This opinion was also reiterated by the EU Commissioner for Environment, Oceans and Fisheries, Virginijus Sinkevičius, at an event to celebrate the 10-year anniversary of the EU IUU Regulation and during his confirmation hearing at the European Parliament in October 2019.<sup>27,28</sup> The EU IUU Regulation demonstrates the EU's commitment to tackling IUU fishing and ensuring that no illegally sourced seafood enters its market (**Box 1**).

10 Catches include all products fished by a country's fleet in any fishing area (both marine and inland waters), independently from the area of landing/selling.

11 EUMOPA (2020). The EU Fish Market – 2020 edition. Available at: [https://www.eumopa.eu/documents/20178/415635/EN\\_The+EU+fish+market\\_2020.pdf/fe6285bb-5446-ac1a-e213-6fd6f64d0d85?t=1604671147068](https://www.eumopa.eu/documents/20178/415635/EN_The+EU+fish+market_2020.pdf/fe6285bb-5446-ac1a-e213-6fd6f64d0d85?t=1604671147068)

12 Ibid.

13 FAO (2020). The State of World Fisheries and Aquaculture 2020. Sustainability in action. Available at: <https://www.fao.org/documents/card/en/c/ca9229en/>

14 Ibid.

15 Sumaila, U., Dyck, A., & Cheung, W. (2013). Fisheries subsidies and potential catch loss in SIDS Exclusive Economic Zones: Food security implications. *Environment and Development Economics*, 18(4), 427-439

16 Srinivasan, U.T., Cheung, W.W.L., Watson, R. and Sumaila, U.R. (2010). Food security implications of global marine catch losses due to overfishing. *Journal of Bioeconomics*

17 Agnew, D., Pearce, J., Pramod, G., Peatman, T., Watson, R., Beddington, J. and Pitcher, T. (2009). Estimating the Worldwide Extent of Illegal Fishing. *PLoS ONE*, 4(2), p.e4570

18 MRAG (2015). German Market Analysis and IUU Assessment. Available at: <https://mrag.co.uk/resources/german-market-analysis-and-iuu-assessment>

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## Box 1: How is the EU fighting IUU fishing?

The EU is a world-leader in the fight against IUU fishing, as demonstrated by its innovative and ambitious IUU Regulation (Council Regulation (EC) N° 1005/2008),<sup>29</sup> which came into force on 1 January 2010. This regulation is an integral part of the EU's fight against IUU fishing and works to ensure that no illegal fisheries products enter the EU market. The regulation has three core components:

1. A **catch certification scheme** to assist the authorities of MS in detecting and blocking the products of IUU fishing at their borders. Catch certificates must accompany all seafood consignments exported by non-EU countries to the EU. The types of information they contain include: catch species, consignment weight, details on the vessel's fishing permissions, and details on when and where the fish was caught.
2. A **non-EU country 'carding scheme'**, allowing the European Commission to enter into dialogue with non-EU countries with inadequate measures in place to prevent and deter IUU fishing (yellow card). If insufficient reforms are established by the non-EU country and the European Commission and Council of the European Union determine the State to be non-cooperative in efforts to combat IUU fishing, the EU can impose sanctions including trade bans on the country's fisheries products (red card and listing).
3. A system that allows MS to **impose penalties on EU nationals** found to have engaged in, or supported, IUU fishing activities anywhere in the world, under any flag.

The EU IUU Regulation is a key element of the EU's **Common Fisheries Policy (CFP)**, alongside the Regulation on the sustainable management of external fishing fleets (SMEFF Regulation) and the Regulation on establishing a Union control system for ensuring compliance with the rules of the CFP (Control Regulation). Together, these Regulations aim to sustainably manage European fishing fleets while conserving fish stocks.

In addition to the EU-specific regulations, the EU is also a party to the **FAO Agreement on Port State Measures (PSMA)**, the first binding international agreement specifically targeting IUU fishing.<sup>30</sup> This international treaty was approved by the FAO Conference on 22 November 2009 and entered into force in June 2016 (see **Glossary** above for further details).

Seafood import controls are a crucial tool to ensure that no products resulting from IUU fishing enter the European market. Due to the sometimes geographically remote nature of IUU fishing and consequential difficulties in monitoring and regulating the activities of fishing vessels, import controls are effective measures to block illegally-caught seafood from entering the EU.

As a critical specification of the EU IUU Regulation,<sup>31</sup> MS are required to submit a report to the European Commission every two years with detailed information on the application of the EU IUU Regulation and seafood import controls. These reports consist of a questionnaire sent by the European Commission which covers different aspects of the EU IUU Regulation; to be completed digitally and submitted by MS to the Commission no later than 30 April in the calendar year following the reporting period. The information transmitted within these reports forms the basis of a Commission report submitted to the European Parliament and the European Council every three years.<sup>32</sup> These biennial reports are used as the basis for this review and key information provided in these documents will be summarised hereafter.

The biennial reports are crucial for evaluating MS' compliance with requirements under the EU IUU Regulation for preventing the import of IUU seafood products. For example, these reports provide information which can be used to assess whether MS are inspecting seafood imports thoroughly, hitting targets for inspections and applying EU criteria for risk assessment. The reports contain information on:

<sup>29</sup> Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.

<sup>30</sup> The FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (Revised Edition) can be accessed at: <https://www.fao.org/port-state-measures/resources/detail/en/c/1111616/>

<sup>31</sup> Art. 55 Regulation (EC) N° 1005/2008.

<sup>32</sup> The latest report (2020) from the Commission to the European Parliament and the Council on the application of the EU IUU Regulation (Council regulation (EC) No 1005/2008) is available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0772&rid=7>

- Direct landings and transshipments of fishery products by non-EU country fishing vessels (including details of port inspections and detected infringements);
- The catch certification scheme for importation for the purpose of the EU IUU Regulation (including the number of catch certificates from non-EU countries that were presented to the authorities over the reporting period);
- Verifications of catch certificates for importation;<sup>33</sup>
- Verification requests sent to flag States;
- Refusals of importations;<sup>34</sup>
- Trade flows;
- The main difficulties encountered by MS in implementing the EU IUU Regulation and suggested improvements to the Regulation that would make implementation smoother.

In March 2017 the EU IUU Fishing Coalition published its first review of the implementation of EU seafood import controls (**Box 2**).<sup>35</sup> This review used the biennial reports submitted by MS for the 2010–2015 period.<sup>36</sup> The reports were analysed to provide an overview of progress towards the full and effective implementation by MS of the EU IUU Regulation catch certification scheme. Disparities between MS in terms of the implementation of import controls were found.

## Box 2: EU IUU Fishing Coalition 2017 Analysis – Implementation of EU seafood import controls<sup>37</sup>

In March 2017, the EU IUU Fishing Coalition published its **analysis of EU seafood import controls**. The reports submitted by MS for the period **2010–2015** were obtained via ‘access to information’ requests to the European Commission.

The analysis highlighted **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 the frequency and rigour of checks and verifications of catch certificates, and in the quality of the risk assessment procedures for identifying consignments for verification. The study found evidence that disparities in import controls may be resulting in the **diversion of high-risk trade flows to MS which were implementing less stringent procedures for the assessment of import catch certificates**. This undermined the significant progress made by certain MS to properly implement the EU’s catch certification scheme and provided insufficient assurance to EU citizens that products stemming from IUU fishing are not entering the EU market.

**This analysis highlighted the need for the European Commission and MS to step up efforts to ensure consistent application and implementation of import controls across MS.**

This new review aims to review the progress of MS in effectively implementing IUU import controls. Since the publication of the Coalition’s 2017 review, MS have submitted two further biennial reports – one summarising information for 2016/17, the other for 2018/19.<sup>38</sup> This review aims to determine whether MS have improved on the cohesive application of the EU IUU Regulation and implementation of seafood import controls since the 2014/15 reporting period.

33 Art. 17 Regulation (EC) N° 1005/2008

34 Art. 18 Regulation (EC) N° 1005/2008

35 EJF, Oceana, The Pew Charitable Trusts and WWF (2017). The EU IUU Regulation. Analysis: Implementation of EU Seafood Import Controls. Available at: <http://www.iuuwatch.eu/the-iuu-regulation/member-state-implementation/>

36 Obtained by the EU IUU Fishing Coalition via access to information requests to the European Commission.

37 *ibid.*

38 As with the 2010-2015 documents, access to these reports was obtained via access to information requests sent to the European Commission.







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# Methodology

This review is based on information contained within the 2018/19 biennial reports provided by MS to the European Commission in April 2020, as at the time of writing, these reports contain the most recent information on the implementation of import controls by MS.<sup>39</sup> Relevant information was then extracted from these reports and analysed. The biennial report for Luxembourg for the 2016/17 and 2018/19 reporting periods was not provided to the EU IUU Fishing Coalition and some information provided by France was redacted, as MS reserve the right to withhold certain information from the public. As such, there are a number of data gaps within this study that are highlighted throughout this review. The EU IUU Fishing Coalition believes that despite the aforementioned issues with data gaps, this review effectively provides an overview of MS implementation of the EU IUU Regulation.

For consistency of analysis, progress towards the full and effective implementation of the EU's catch certification scheme has been measured against the six key requirements of the EU IUU regulation, as used in the 2017 EU IUU Fishing Coalition report:

- 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 the cases of non-compliance;**
- 6. Biennial reporting to the Commission on activities under the EU IUU Regulation.**

This review primarily focuses on the **most recent** biennial report submitted by MS, covering the **2018/19 reporting period**. Quantifiable data from these reports was compared with the information contained in the biennial reports for 2014/15 (information summarised in the EU IUU Fishing Coalition's 2017 review), to identify whether improvements have been made to MS implementation of the EU IUU Regulation, with respect to seafood imports.

In addition to these six requirements, the final section of the biennial reports allows the competent authorities to comment on difficulties that MS have faced when applying the EU IUU Regulation and to provide the European Commission with suggestions for potential improvements. The review evaluates the barriers that may prevent effective implementation of seafood import controls within the EU and provides recommendations on how the European Commission could provide further support.

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<sup>39</sup> It is worth noting that the biennial reports submitted to the European Commission are efficient tools to monitor Member States' implementation of the EU IUU Regulation, but there are limits in using these reports as this is self-reported information.

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# Findings

## Requirement 1 – Routine documentary checks of all import catch certificates received

Under the EU IUU Regulation,<sup>40</sup> the competent authorities within each MS shall perform routine documentary checks of all catch certificates (henceforth **CCs**) received for the import of fisheries products into the EU. All CCs must at least be checked against the information notified by flag States to the European Commission,<sup>41</sup> including the details and stamp of the authority competent for validating CCs. An adequate level of scrutiny is required for all CCs to ensure that all seafood consignments are compliant with formal requirements under the EU IUU Regulation. MS shall thereby verify that:

- a. The products intended for importation match those mentioned in the CC;
- b. The CC has not been validated by a flag State identified as non-cooperating (red carded) in the fight against IUU fishing;<sup>42</sup>
- c. The CC is complete and includes all of the required information;
- d. The fishing vessel featuring on the CC as the vessel of origin for the catches has not been included in the EU IUU vessel list<sup>43</sup> or in any IUU vessel list referred to in Article 30 of the EU IUU Regulation.<sup>44</sup>

Documentary checks of import CCs are also required to identify consignments for which verifications are mandatory under the EU IUU Regulation (see **Requirement 2**).

### The previous EU IUU Fishing Coalition study

The EU IUU Fishing Coalition's 2017 review of the biennial reports, covering the 2010-2015 period,<sup>45</sup> highlighted the differences between MS in terms of the proportion of CCs checked and 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 identify cases requiring mandatory verification under the EU IUU Regulation.

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

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

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40 Art. 16(1) Regulation (EC) N° 1005/2008.

41 Under Art. 20 regulation (EC) N° 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 catch certificates.

42 Under the EU IUU Regulation, if the EU deems a non-EU country to be non-cooperating in the fight against IUU fishing, and that informal dialogue has not been effective in addressing this, then it may be issued a 'yellow card' (i.e. pre-identified as a non-cooperating country as per Article 32 of the EU IUU Regulation). This serves as a formal warning and formalises bilateral dialogues between the two parties. Should the yellow-carded country fail to take sufficient action to address its shortcomings, the EU may issue a 'red card' (i.e. identified and listed as a non-cooperating country as per Articles 31 and 33 of the EU IUU Regulation) which, inter alia, bans seafood imports from the carded country and prevents EU vessels from operating in its waters.

43 Commission Implementing Regulation (EU) No 2016/1852 of 19 October 2016 amending Regulation (EU) N° 468/2010 establishing the EU list of vessels engaged in illegal, unreported and unregulated fishing.

44 IUU vessel lists adopted by Regional Fisheries Management Organisations (RFMOs). Access the Trygg Mat Tracking (TMT) Combined IUU Vessel List here: <https://iuu-vessels.org>

45 EJF, Oceana, The Pew Charitable Trusts and WWF (2017). The EU IUU Regulation. Analysis: Implementation of EU Seafood Import Controls. Available at: <http://www.iuuwatch.eu/the-iuu-regulation/member-state-implementation/>

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In this present review, similar disparities between the documentary checks undertaken by MS were observed. This section illustrates these disparities using the **examples** below.

In its 2018/19 biennial report, **Spain** states that the country's Secretary-General for Fisheries carries out documentary control (Art. 12)<sup>46</sup> and verification (Art. 17)<sup>47</sup> of 100% of the CCs and processing declarations presented by importers for the purpose of import authorisation. These documentary checks on CCs include checks on whether the product/species is subject to any additional control measures (e.g. for tuna caught in certain Regional Fisheries Management Areas) and verification that the vessel of origin appears on the list of vessels registered and authorised to fish in areas managed by RFMOs.

Following **Portugal's** primary analysis, a more detailed analysis is performed on vessels flagged through a risk analysis, though no records are kept of these in-depth verifications. A number of MS appear to report that no documentary checks are undertaken, but in-depth verifications are performed for all CCs received.<sup>48</sup>

**Belgium** on the other hand only performs documentary checks on documents which are "sent in by agents for verification" and states that "basically the number of verifications corresponds to the figures in section 4".<sup>49</sup> Belgium failed to provide details on the number of basic documentary checks or the number of in-depth verifications.

**Italy** also stated in the 2018/2019 biennial report that all CCs are checked by the country's IT system, but no detailed figures are provided.

**Lithuania** failed to perform routine documentary checks for all CCs received over the 2018/19 period. In 2018, Lithuania performed basic documentary checks on only 81% of CCs and in 2019 only 72% of CCs were subject to documentary check.

There is also no information provided on the number of verifications (either documentary checks or in-depth verifications) performed by **Finland, France** or **Romania** for 2018/19. Accurate recording of these checks by all MS should be promoted by the European Commission. Documentary checks of all import CCs are a crucial part in the EU's import control scheme and failure to perform these checks opens the system to abuse as the products of IUU fishing may pass under the radar.

As also noted in the previous EU IUU Fishing Coalition review, the authorities responsible for CC checks continue to differ between MS (e.g. customs, veterinary/health department, fisheries authorities). 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. There is also often very little information presented by MS within the biennial reports on the procedures involved in these documentary checks (e.g. the fields of the CC that are checked).

Finally, the information provided by MS in the 2018/19 biennial reports sometimes fails to differentiate between basic documentary verifications and in-depth verifications, although separation of these figures is required in the template of the biennial report (See **Annex 1**). Germany for example, references an annex provided alongside the biennial report, where information on the total number of verifications is listed, though no details are provided on whether these verifications are basic documentary checks or in-depth verifications.

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46 Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.

47 *ibid.*

48 Austria, Bulgaria, Croatia, Czech Republic, Slovakia

49 We assume that "section 4" refers to the number of catch certificates provided to Belgium from non-EU countries (Question 4.1 – See **Annex 1**).



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## Requirement 2 – Application of a risk-based approach to assessing catch certificates

*Under Article 17 of the EU IUU Regulation, the “competent authorities of [EU] Member States may carry out all of the verifications they deem necessary to ensure that the provisions of this Regulation are correctly applied.” These verifications are to be focused towards risk identified in criteria developed at the national or European level under risk management, as verifications can be both time-consuming and resource intensive. Risk criteria should be applied by MS to all CCs received, with the view to further analyse a proportion of these for further detailed verification.*

In the Regulation laying down the **detailed rules** for the implementation of the EU IUU Regulation,<sup>50</sup> the European Commission provides information on EU criteria for verifications and risk-based identification. These criteria include, but are not limited to: imports of species of high commercial value, the introduction of new kinds of fisheries products, the discovery of novel trade patterns, the involvement of a newly established operator, a vessel or vessel owner suspected of being or having been involved in IUU fishing activities and prior notification not being transmitted at the proper time or incomplete information provided.

The Commission’s 15 risk criteria (**Box 3**) enable extensive risk assessment and ensure that products of IUU fishing do not enter the MS through non-EU country imports. The EU IUU Regulation also allows for national criteria to be used by MS, details of which are to be reported to the Commission.



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<sup>50</sup> Commission Regulation (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.

### Box 3: Community criteria for verifications related to catch certificates (Community Regulation (EC) No 1010/2009)<sup>51</sup>

1. Importation, exportation or trade in fishery products obtained from species of high commercial value;
2. Introduction of new kinds of fishery products or discovery of new trade patterns;
3. Inconsistencies between the trade patterns and the known fishing activities of a flag State in particular in respect of species, volumes or characteristics of its fishing fleet;
4. Inconsistencies between the trade patterns and the known fishing-related activities of a (non-EU) country in particular in respect of the characteristics of its processing industry or its trade in fishery products;
5. Trade pattern not justified in terms of economic criteria;
6. Involvement of a newly established operator;
7. Significant and sudden increase in trade volume for a certain species;
8. Submission of copies of catch certificates accompanying processing statements according to Annex IV of Regulation (EC) No 1005/2008, for instance when the catch has been split during production;
9. Prior notification, required under Article 6 of Regulation (EC) No 1005/2008, not transmitted at the proper time or information incomplete;
10. Inconsistencies between catch data declared by the operator and other information available to the competent authority;
11. Vessel or vessel owner suspected of being or having been involved in IUU fishing activities;
12. Vessel having recently changed name, flag or registration number;
13. Flag State not notified according to Article 20 of Regulation (EC) No 1005/2008 or information available on possible irregularities in the validation of catch certificates by a given flag State (e.g. stamps or validation seal from a competent authority lost, stolen or forged);
14. Presumed deficiencies in the control system of a flag State;
15. Operators concerned who have already been involved in illegal activities constituting a potential risk in respect of IUU fishing.

In this review of the 2018/19 biennial reports, there is evidence that several MS are yet to apply a risk-based approach to the verification of CCs. Within the MS which do use a risk-based approach, there are disparities between the methods used to identify high risk import consignments:

- 12 MS<sup>52</sup> are yet to apply a risk-based approach to the verification of CCs from non-EU countries. However **Czech Republic, Estonia, Latvia, Malta** and **Slovenia** declare that 100% of CCs are checked; often due to the low number of applications received.
- 5 MS<sup>53</sup> specify that EU-level risk criteria (based on Article 31 of the EU IUU Regulation) are applied within their import controls to identify high risk imports. **Germany** also states in their report that criteria in the EU IUU Regulation are used in risk assessment<sup>54</sup> and that particular attention is paid to consignments from non-EU countries for which the European Commission has reported an increased risk under the Mutual Assistance System.<sup>55</sup> In the future, Germany aims to take into account the specific risk criteria set out in the EU IUU Regulation within the country's new IT system which will contain an electronic system for risk management. **Lithuania** also states that EU risk assessment methodology is used in addition to national risk criteria, but no further information is provided.

51 *ibid.*

52 Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Ireland, Latvia, Malta, Poland, Romania, Slovakia, Slovenia

53 Denmark, Greece, Netherlands, Portugal, Spain

54 Art. 50(3) Regulation (EC) N° 1005/2008.

55 Chapter XI of the EU IUU Regulation

- Other MS<sup>56</sup> apply national criteria to risk assessment. The authorities of **Spain** apply both the EU-level risk criteria and national criteria to ensure the products of IUU fishing don't enter through its borders.
- The European Fisheries Control Agency (EFCA) risk assessment methodology (**Box 4**) is currently utilised only by **Austria**, although **Sweden** also intends to implement the EFCA Common methodology to facilitate the implementation of an IUU risk management approach in the future. Currently Sweden checks all CCs besides those from Norway. **Latvia** states that no risk assessment approach for the verification of CCs is applied, although the documents for all imports are checked according to the EFCA and Commission guidelines.
- Information was provided to the European Commission by **France** on the application of a risk-based approach in the assessment of CCs, although this information was not made available to the EU IUU Fishing Coalition.
- For further information on the MS approaches to the risk-based assessment of CCs under the EU IUU Regulation, see **Annex 2**.

### Box 4: EFCA Risk Assessment Methodology

The European Fisheries Control Agency (EFCA) is an EU agency with the mission to “promote the highest common standards for control, inspection and surveillance under the CFP”. The primary role of the EFCA is to “organise coordination and cooperation between national control and inspection activities to ensure that the rules of the CFP are respected and applied effectively”.<sup>57</sup>

As such, the EFCA has, in cooperation with DG MARE, produced the ‘Common Methodology to Facilitate the Implementation of an IUU Risk Management Approach by Member States’ Authorities’ – or the EFCA risk assessment methodology. Unfortunately, the EFCA risk assessment methodology is not currently available online. As such, no further details can be provided in this report.

**The EU IUU Fishing Coalition recommends that the European Commission and the EFCA continue their collaboration to encourage harmonised application of a risk management approach across MS.**

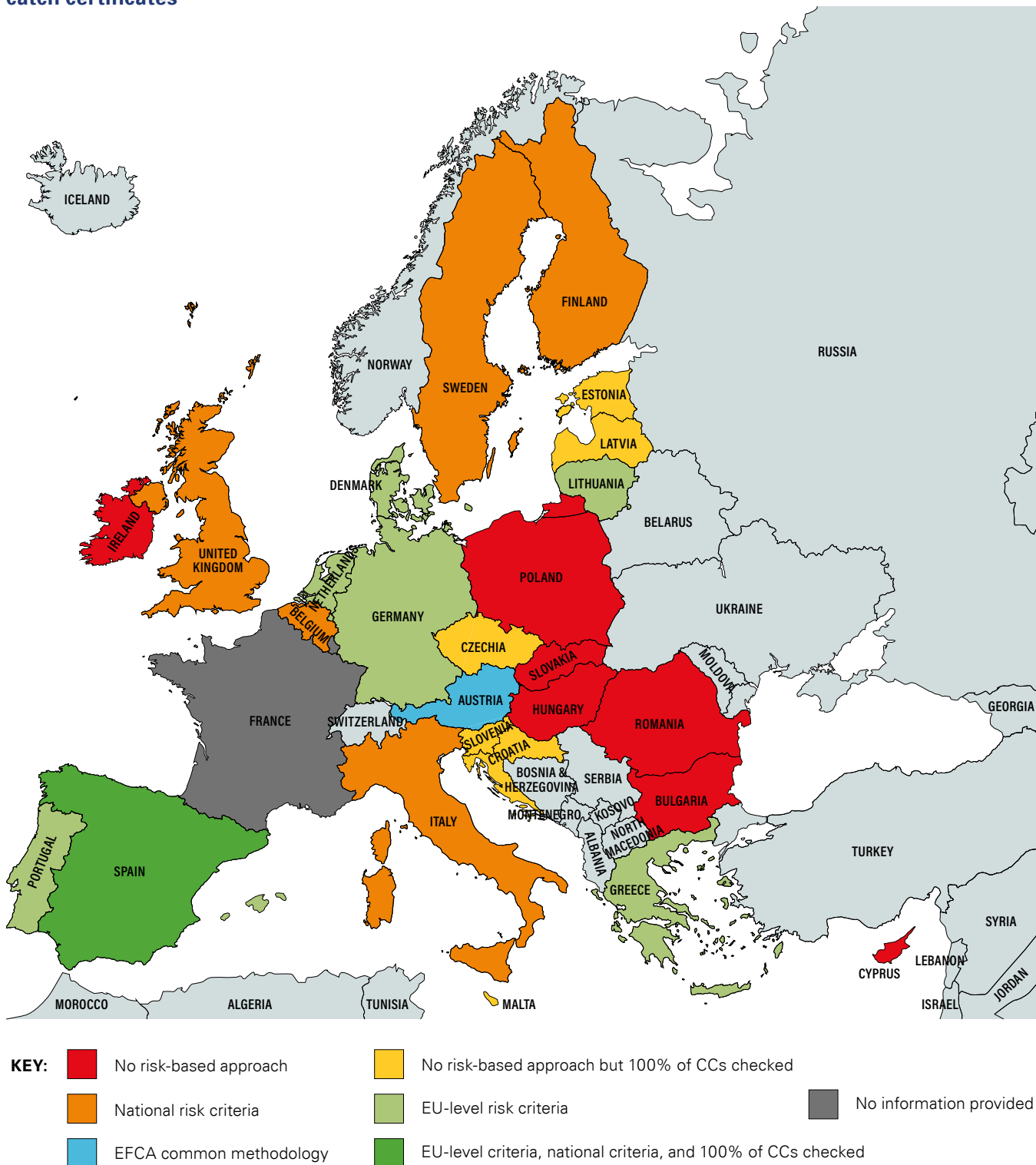
The above analysis demonstrates that there remains a lack of consistency in the application and implementation of a risk-based approach by MS (**Figure 1**). The fact that 12 MS use no risk-based approach in the verification of CCs is a concern for the EU IUU Fishing Coalition and should also be concerning for the European Commission. Although 5 of these 12 MS check 100% of the CCs presented (due to the low numbers of CCs received),<sup>58</sup> the implementation of a risk-based approach should be considered should the number of CCs received or the volume of non-EU imports increase, as this saves time and resources by flagging CCs associated with high risk consignments. Detailed information on the risk methodologies applied by some MS is also lacking.

56 Belgium, Croatia, Finland, Italy, Lithuania, Spain, UK

57 EFCA. (2022). *Mission and Strategy*. Available at: <https://www.efca.europa.eu/en/content/objectives-and-strategy>

58 MS to check 100% of CCs and the total number of CCs received for the 2018/19 reporting period in brackets: Czech Republic (2001), Estonia (1109), Latvia (1241), Malta (1250), Slovenia (580).

**Figure 1 – Map showing Member States applications of a risk-based approach for assessing catch certificates\***



\* Lithuania and Spain use both EU risk assessment methodology and national risk criteria. Spain also states that it carries out documentary control and verification of 100% of catch certificates.

### What's changed?

Since the 2017 EU IUU Fishing Coalition review of MS implementation of the EU IUU Regulation there have been some limited improvements in the risk-based approach to the assessment of CCs (**Table 1**). **Austria** for example is now implementing the EFCA risk assessment methodology for the assessment of CCs; at the time of the 2017 Coalition review, Austria failed to apply any form of risk assessment. The **Netherlands** has also shifted from a national approach in risk assessment to EU level risk criteria.



**Cyprus** and **Poland**, however, having previously stated that a national approach for the risk assessment of CCs was applied, now state in the 2018/19 biennial reports that a risk-based approach is no longer applied. Explanation as to why the competent authorities of Cyprus and Poland discontinued the application of a risk-based approach for the assessment of CCs is not included in the 2018/19 biennial reports.

**Table 1 – Progress in the application of a risk-based approach for the assessment of import catch certificates**

Member State	Risk-based approach applied for the assessment of import catch certificates	
	2014/15	2018/19
<b>Austria</b>	No	EFCA
<b>Belgium</b>	National	National
<b>Bulgaria</b>	No	No
<b>Croatia</b>	National	National
<b>Cyprus</b>	National	No
<b>Czech Republic</b>	No	No
<b>Germany</b>	National	National
<b>Denmark</b>	EU Level	EU Level
<b>Estonia</b>	No	No
<b>Spain</b>	EU Level	EU level and national
<b>Finland</b>	National	National
<b>France</b>	National	Information not available
<b>Greece</b>	EU Level	EU Level
<b>Hungary</b>	No	No
<b>Ireland</b>	No	No
<b>Italy</b>	National	National
<b>Lithuania</b>	National	EU level and national
<b>Latvia</b>	National	National
<b>Luxembourg</b>	National	No biennial report provided to the EU IUU Coalition for the 2018/19 reporting period
<b>Malta</b>	No	No
<b>Netherlands</b>	National	EU Level
<b>Poland</b>	National	No
<b>Portugal</b>	EU Level	EU Level
<b>Romania</b>	No	No
<b>Sweden</b>	National	National
<b>Slovakia</b>	No	No
<b>Slovenia</b>	No	No
<b>United Kingdom</b>	National	National

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## Requirement 3 – Verification of catch certificates to ascertain compliance of imports

*Verifications are used to further assess the validity of all CCs presented to MS and to ensure that all imports entering the country are compliant with laws and conservation and management measures (CMM) applicable to the import consignment. Verification procedures take a number of forms including: physical verification of the consignment (see **Requirement 4**), and contact with non-EU countries (e.g. flag or processing State) to request further information or assistance in verifying the compliance of the imported seafood.*

According to the EU IUU Regulation, in cases where MS request assistance from the competent authorities of the flag State or non-EU country, the request must explain why the competent authorities of the MS have well-founded doubts as to the validity of the CC, the statements contained therein and/or the compliance of the products with relevant CMMs. The request should also include a copy of the CC and any documents containing relevant information as to why the MS believes the CC to be inaccurate. Contacted countries are then given 15 days from the date of the verification request to respond; an extension of up to 15 days may be granted by the MS verifying authorities in the event that the contacted flag State or non-EU country cannot meet the deadline.<sup>59</sup>

Verifications are used in a number of scenarios to determine compliance of seafood imports. They are requested based on the results of the risk assessment (if applied). The EU IUU Regulation<sup>60</sup> also stipulates a number of scenarios in which verifications are mandatory. These scenarios include cases in which:

- The verifying authority of the MS has grounds to question the authenticity of the CC itself, the validation seal, or the signature of the relevant authority of the flag State;
- The verifying authority of the MS is in possession of information that questions the compliance by the fishing vessel with applicable laws, regulations or CMMs, or the fulfilment of other requirements of the EU IUU Regulation;
- Fishing vessels, fishing companies or any other operators have been reported in connection with presumed IUU fishing, including those fishing vessels which have been reported to an RFMO under the terms of an instrument adopted by that organisation to establish lists of vessels presumed to have carried out IUU fishing;
- The flag State or re-exporting country has been reported to an RFMO under the terms of an instrument adopted by that organisation to implement trade measures vis-à-vis flag States; or
- An alert notice has been published pursuant to Article 23(1).<sup>61, 62</sup>

In addition to risk-based verification and the scenarios noted above for which verification is mandatory under the EU IUU Regulation, MS may also decide to perform further verifications at random. Following the verification process, MS then determine whether refusal of seafood importation is appropriate.

Following a verification request, the competent authorities of the MS will refuse importation into the EU if the reply received states that the exporter is not entitled to request the validation of a CC, the products don't comply with CMMs, or the reply does not provide pertinent answers to questions raised in the verification request.<sup>63</sup> If no reply to a verification request is received within the deadline, the imported fishery products shall also be refused.<sup>64</sup> Verifications are therefore a useful tool for ensuring that seafood imports entering the EU market are not derived from IUU fishing.

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<sup>59</sup> Art. 17(6) Regulation (EC) N° 1005/2008.

<sup>60</sup> Art. 17(6) Regulation (EC) N° 1005/2008.

<sup>61</sup> Where information obtained raises well-founded doubt as to the compliance, by fishing vessels or fishery products from certain non-EU countries, with applicable laws or regulations, including applicable laws or regulations communicated by third countries under the administrative cooperation referred to in Article 20(4), or with international conservation and management measures, the Commission shall publish an alert notice on its website and in the Official Journal of the European Union to warn operators and to ensure that EU Member States take appropriate measures in respect of the non-EU countries concerned pursuant to this Chapter.

<sup>62</sup> Art. 17(4) Regulation (EC) N° 1005/2008.

<sup>63</sup> Art. 18 Regulation (EC) N° 1005/2008.

<sup>64</sup> Ibid.

### The previous EU IUU Fishing Coalition study

In the EU IUU Fishing Coalition's 2017 review of the biennial reports,<sup>65</sup> it was noted that there are vast disparities between MS in the number of verifications performed when validating CCs. Spain, Denmark, Ireland and the Netherlands accounted for over 75% of the total 3,000 (approximate) verification requests sent to non-EU countries during the 2014/15 reporting period. However, Spain, Ireland and Denmark received some of the lowest-risk trade flows during the analysed period.<sup>66</sup> The percentage of verification requests submitted by the Netherlands – which were based on the application of risk criteria – seemed broadly in line with the IUU fishing risk associated with imports to the country, when compared to the results for other MS.

In contrast, other MS with relatively high-risk trade flows – for example, Italy, Malta, Romania and Slovakia – submitted very few or no requests for verification to non-EU countries. Some MS were also identified to have failed to conduct verifications in circumstances warranting further scrutiny (e.g. Bulgaria did not report any verification requests sent for a number of CCs received from Sri Lanka – a new trade flow from a recently yellow-carded country).

These examples suggested that in a number of MS consignments are (i) 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 EU IUU Regulation. The result is an insufficient number of verification requests sent to non-EU countries, relative to the IUU fishing risk associated with imports.

In the biennial reporting template, MS are required to provide information on the number of CCs that were "verified."<sup>67</sup> As this question is open to interpretation by MS, the number of requests for verification sent to non-EU countries<sup>68</sup> was used for this analysis: it provides a more specific, measurable indicator of verification activities by MS.

The number of verification requests sent to non-EU countries pales in comparison to the number of CCs received by MS (**Figure 2**) – a trend that was also observed in the previous EU IUU Fishing Coalition review. Although a single request to a non-EU country may relate to multiple CCs and the quality of requests might vary, the ratio of verification requests to the total number of CCs received allows for comparison of implementation by MS. It is also worth noting that a number of non-EU countries have built platforms allowing MS to carry out some level of verification of CCs received; it was not possible to determine from information provided in the biennial reports whether verifications done through these platforms were taken into account. An example of such a platform is the Maldives Fisheries Information System (FIS) 'Importer Portal'<sup>69</sup> – an online database which, inter alia, allows for verifying the validity and authenticity of fishing vessel licences and CCs in the Maldives tuna fishery.

In the current review, the EU IUU Fishing Coalition determined the 'IUU risk' of MS by calculating the percentage of CCs validated by carded non-EU countries at any time between January 2018 and December 2019 (**Figure 3**).<sup>70</sup> Countries that have received either a yellow (i.e., 'pre-identification' under Article 32 of the EU IUU Regulation) or red card (i.e., 'identification' under Article 31 of the EU IUU Regulation) from the European Union have been found to be failing to implement adequate measures to prevent and deter IUU fishing and may also have deficiencies in their capacity for MCS of their fishing fleet. In addition to the proportionally low number of verification requests sent to non-EU countries (**Figure 4**), the risk of IUU fishing entering a MS does not seem to relate to the number of verification requests sent to non-EU countries (**Figure 5**). MS having a higher proportion of CCs validated by carded non-EU countries are therefore more likely to import IUU seafood products and should therefore be expected to have a higher proportion of import CCs subject to verification. **This trend was not observed however and many MS with high-risk trade flows identified in this review verified few or no CCs with non-EU countries.**

65 EJF, Oceana, The Pew Charitable Trusts and WWF (2017). The EU IUU Regulation. Analysis: Implementation of EU Seafood Import Controls. Available at: <http://www.iuuwatch.eu/the-iuu-regulation/member-state-implementation/>. Accessed 11.3.22.

66 Percentage of catch certificates validated by carded non-EU countries at any time between January 2018 and December 2019. See Table 3 for details.

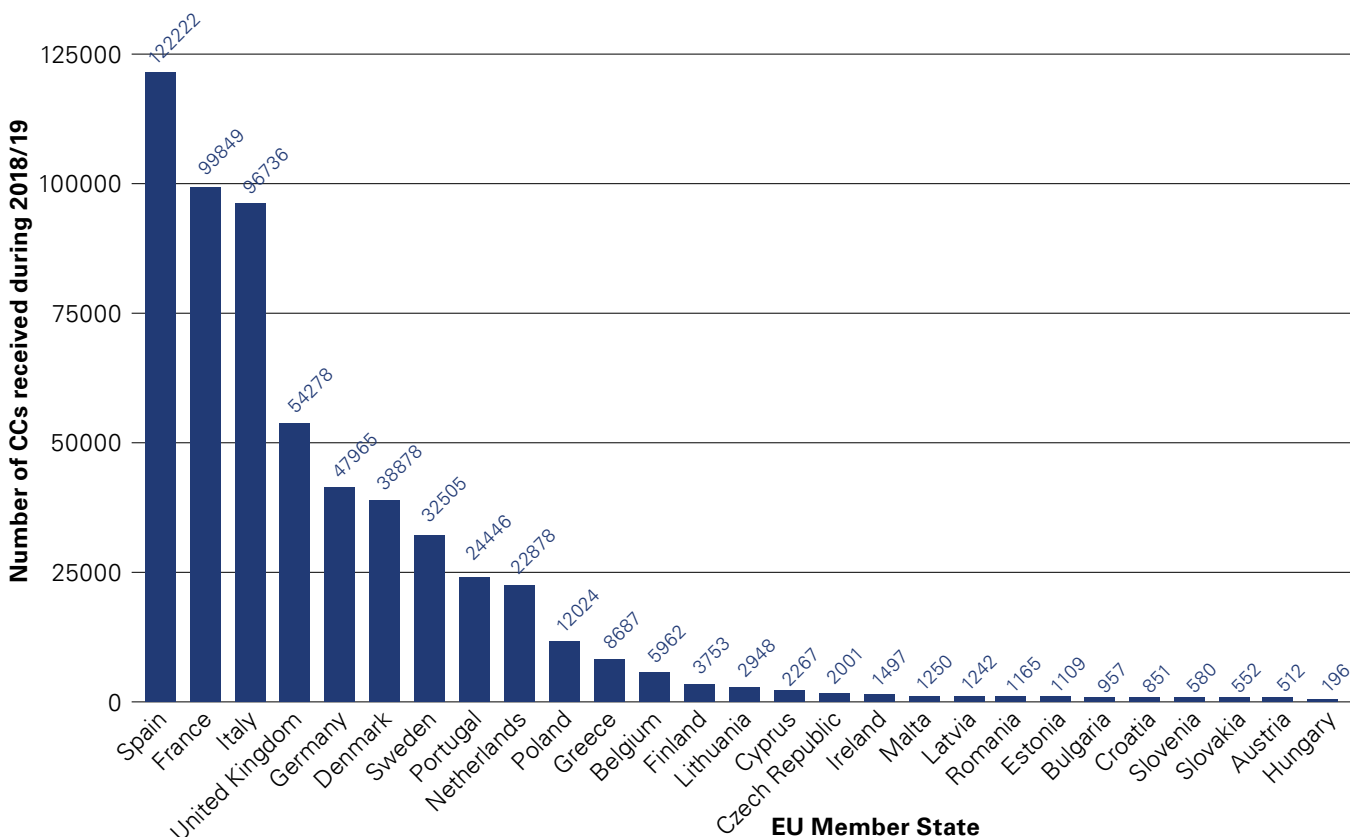
67 Question 6.2 – see **Annex 1**

68 Question 7.1 – see **Annex 1**

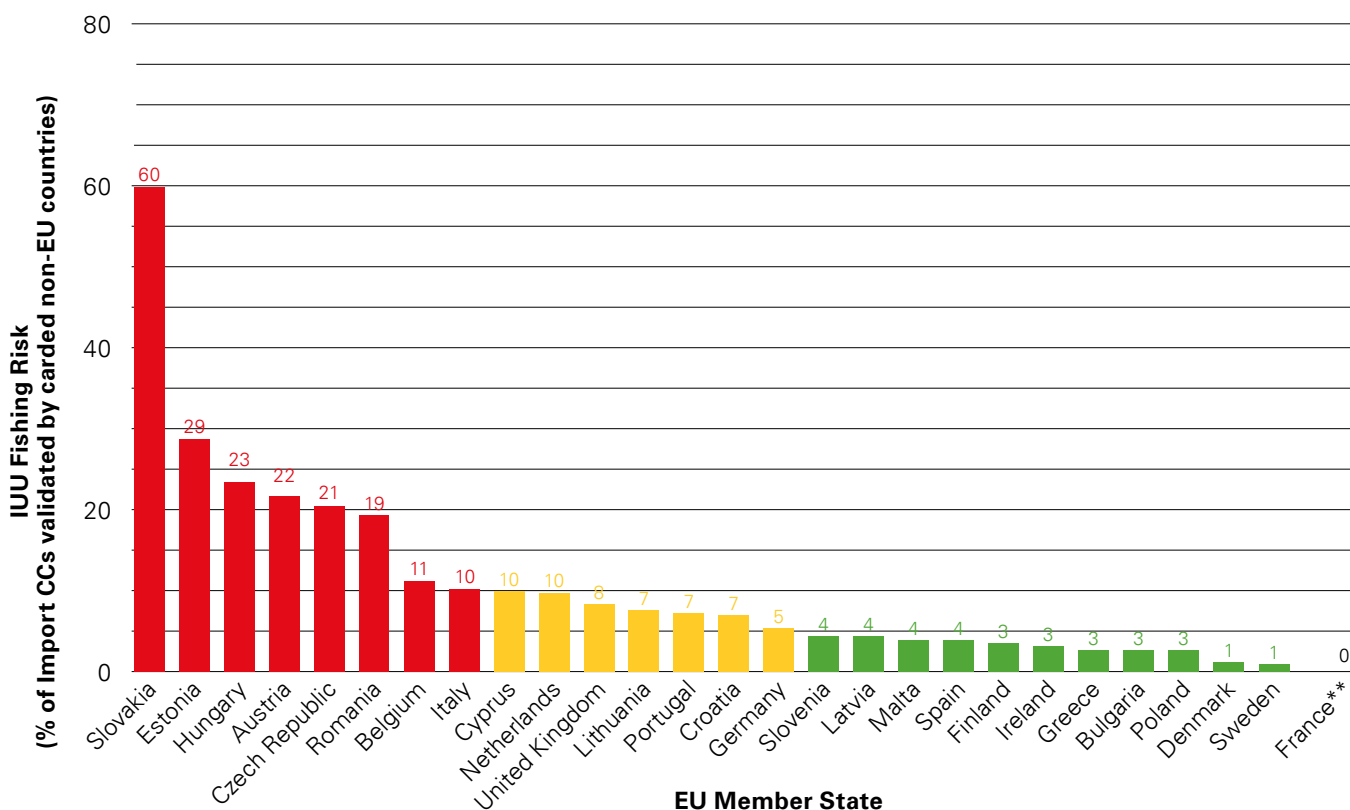
69 The Maldives Fisheries Information System can be accessed here: <https://keyolhu.mv/importer>

70 Cambodia, Comoros, Ecuador, Kiribati, Liberia, Panama, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sierra Leone, Taiwan, Thailand, Trinidad and Tobago, Tuvalu, Vietnam

**Figure 2 – Total number of catch certificates received by Member States over the 2018/19 reporting period**



**Figure 3 – Percentage of import catch certificates validated by carded non-EU countries (IUU Risk) over the 2018/19 reporting period\***



\* **Red = Higher risk** (>10% of catch certificates validated by carded non-EU countries), **Yellow = Medium risk** (between 5-10%), **Green = Low risk** (<5%).

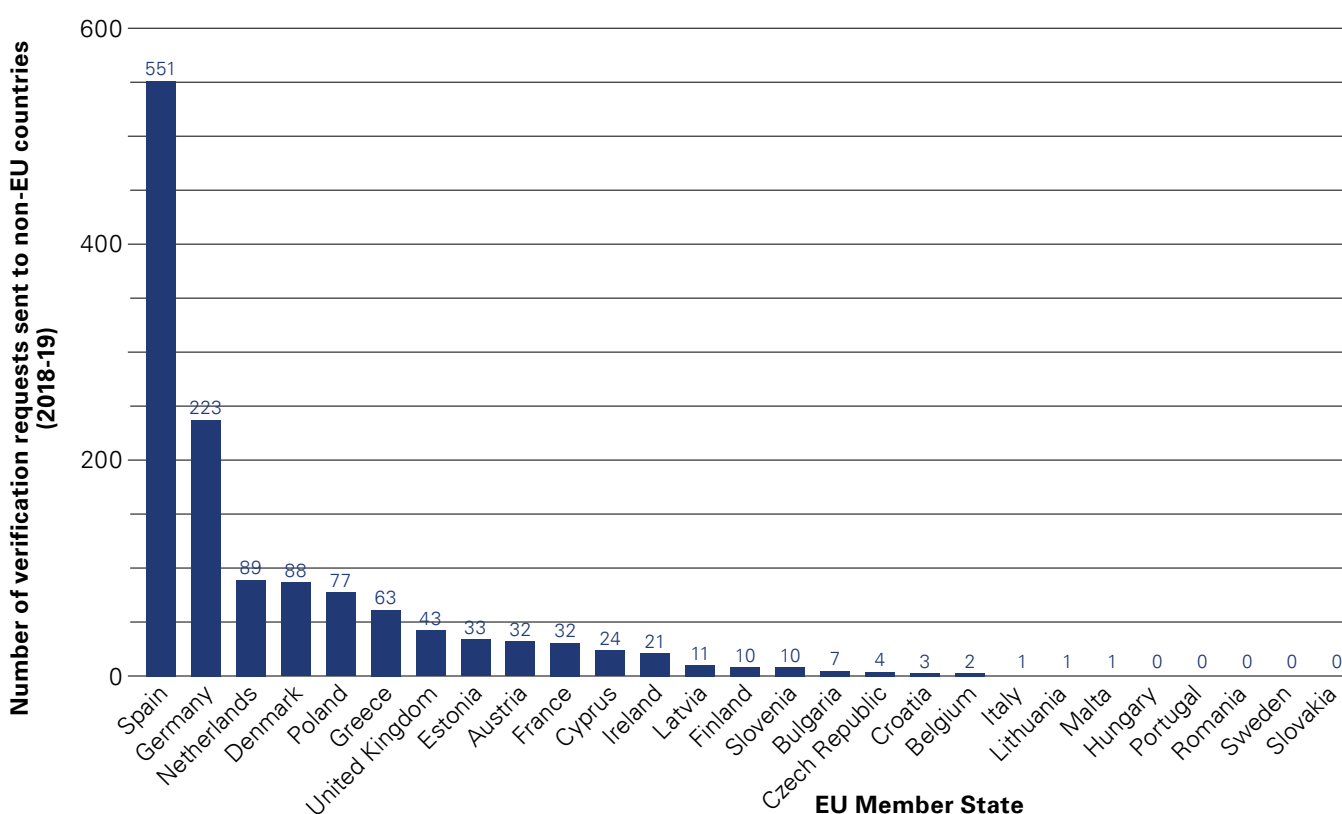
\*\* No flag State information was provided by France in the 2018/19 biennial report.



For example, approximately 60% of the CCs presented to **Slovakia** within the 2018/19 reporting period were validated by carded non-EU countries yet this MS reported that no requests for verifications under Article 17(6) of the EU IUU Regulation were sent to the authorities of non-EU countries over the same period. Furthermore, over 23% of **Hungary's** import CCs were also validated by carded countries, but no import CCs were subject to verification. **Estonia**, with the second highest IUU risk identified in this review (over 28% of CCs validated by carded countries), subjected less than 3% of import CCs to verification.

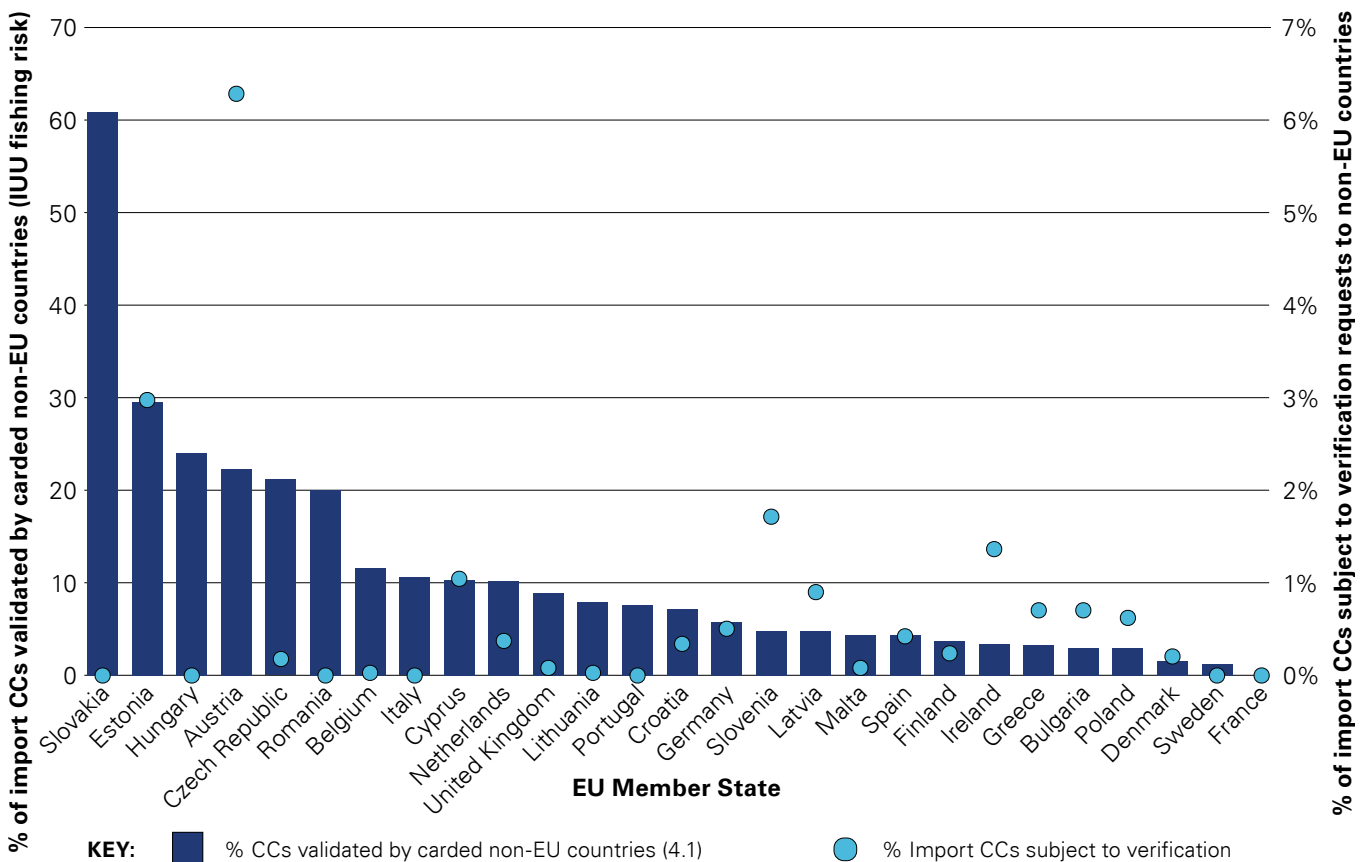
This information is very concerning, with only **Austria** having verified over 5% of the total number of import CCs validated by non-EU countries. **Over half of MS were identified to have over 5% of CCs validated by carded non-EU countries.<sup>71</sup> Regardless, a very small proportion of the total number of CCs validated by non-EU countries (including carded non-EU countries) were subject to verification.** Detailed information on the percentages of import CCs subject to verification over the 2018/19 reporting period is included in **Table 3**. Verification is a crucial step in ensuring that the seafood products entering the MS are not the product of IUU fishing. **A number of the countries identified to have the highest IUU risk and a low proportion of verifications are also those that have yet to implement a risk-based approach to assessing CCs – including the Czech Republic, Estonia, Hungary, and Romania.** Although the number of CCs presented to these countries is generally low when compared to large importers such as Spain and Italy, the implementation of a risk-based approach to assessing CCs is likely to increase the number of CCs flagged for verification, thus helping to ensure that all consignments are compliant with the EU IUU Regulation.

**Figure 4 – Total number of verification requests sent by Member States to non-EU countries (2018/19)**



<sup>71</sup> For the 2018/19 reporting period, no import CCs received by MS were validated by red carded non-EU countries. There were however a number of CCs validated by yellow carded non-EU countries for all MS.

**Figure 5 – Comparison of the share (%) of import catch certificates: (i) validated by carded non-EU countries under the EU IUU regulation (IUU fishing risk); and (ii) subject to verification requests to non-EU countries (2018/19)\***



\* Flag state information was not available for France

### What’s changed?

The major finding of the 2014/15 Coalition review related to verifications of CCs to ascertain compliance of seafood imports was an insufficient number of verification requests sent to non-EU countries, relative to the IUU fishing risk associated with imports. In this current review, this trend has continued and there is clearly no relationship between the IUU fishing risk associated with MS seafood imports and the number of verification requests sent to non-EU countries. Furthermore, the number of verification requests sent by MS to non-EU countries looks to be decreasing over time – with the majority of MS sending significantly fewer verification requests over the 2018/19 reporting period when compared to the 2014/15 period (Table 2). It is worth noting however that any observed decline in MS verification requests sent to non-EU countries may be the result of improved control from non-EU countries, which reduces the need for MS to request verification.

**Table 2 – Number of verification requests sent to non-EU countries in the 2014/15 and 2018/19 reporting periods**

<b>Member State</b>	<b>Total number of verification requests (2014/15 reporting period)<sup>72</sup></b>	<b>Total number of verification requests (2018/19 reporting period)</b>
<b>Spain</b>	1643	551
<b>Netherlands</b>	511	89
<b>Ireland</b>	558	21
<b>Denmark</b>	240	88
<b>Germany</b>	70	223
<b>Greece</b>	102	63
<b>Poland</b>	68	77
<b>UK</b>	81	43
<b>France</b>	66	32
<b>Cyprus</b>	47	24
<b>Portugal</b>	57	0
<b>Slovenia</b>	45	10
<b>Finland</b>	43	10
<b>Austria</b>	18	32
<b>Czech Republic</b>	36	4
<b>Estonia</b>	50 (approx.)	33
<b>Croatia</b>	19	3
<b>Bulgaria</b>	9	7
<b>Latvia</b>	1	11
<b>Lithuania</b>	6	1
<b>Italy</b>	2	1
<b>Belgium</b>	0	2
<b>Malta</b>	0	1
<b>Hungary</b>	0	0
<b>Luxembourg</b>	0	No biennial report provided to the EU IUU Fishing Coalition
<b>Romania</b>	0	0
<b>Sweden</b>	0	0
<b>Slovakia</b>	0	0

<sup>72</sup> EJF, Oceana, The Pew Charitable Trusts and WWF (2017). The EU IUU Regulation. Analysis: Implementation of EU Seafood Import Controls. Available at: <http://www.iuuwatch.eu/the-iuu-regulation/member-state-implementation/>

**Table 3 – Key statistics on import catch certificates, verifications and trade flows for the Member States in 2018/19**

For calculating IUU Fishing Risk: **Red = Higher risk** (>10% Catch certificates validated by carded non-EU countries), **Yellow = Medium risk** (5-10%), **Green = Low risk** (<5%)

Although no longer an EU Member State following its withdrawal from the EU, the United Kingdom has been included in this review as the UK submitted a biennial report for the 2018/19 reporting period.

**SOURCE: (Seafood imports (Tonnes) from non-EU countries):** Eurostat (2022). Extra-EU imports (rounded to the nearest thousand tonnes) under the 0301, 0302, 0303, 0304, 0305, 0306, 0307, 0308, 1604 and 1605 product codes. Please note that this total volume includes fishery products that are excluded from the EU IUU Regulation (e.g. aquaculture products, freshwater fish). For a list of products excluded under the EU IUU Regulation see Annex XIII at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:280:0005:0041:EN:PDF>

Member State	Nº. of import CCs received (2018/19)	Seafood imports (Tonnes) from non-EU countries over the 2018/19 reporting period	Total Nº. of non-EU country verifications (2018/19)	Nº of refusals	% import CCs subject to non-EU country verification	% CCs validated by carded non-EU countries	Top ten flag States of origin (2019)	Key observations (trends, etc.)
<b>Austria</b>	512	14,000	32	0	6.25%	21.68%	<b>Vietnam</b> , Philippines/Norway, Canada, USA, Morocco, India, China/Papua New Guinea, Korea	Sporadic trade flows – Belize only in 2015/16. Decrease in Philippines CCs and sharp decrease in Indonesia 2018/19. Increase in Norway, Canada, Ghana and <b>Panama</b> CCs.
<b>Belgium</b>	5962	204,000	2	0	0.03%	11.17%	China, India, Nicaragua, USA, <b>Vietnam</b> , Senegal, Indonesia, Russia, Chile, Morocco	Big increase in Nicaragua CCs. Increase in <b>Panama</b> CCs. Increases in Namibia, Sri Lanka, USA, Russia, Seychelles and Curaçao CCs. Big increase in total CCs between 2018-19.
<b>Bulgaria</b>	957	27,000	7	0	0.73%	2.61%	Canada, China, Faroe Islands, USA, Morocco, Iceland, Indonesia, Argentina, New Zealand, Norway/Sri Lanka	Decrease in Indonesia CCs (108 in 2014, 23 in 2019).
<b>Croatia</b>	851	15,000	3	0	0.35%	6.70%	Argentina, Morocco, Tunisia, New Zealand, Philippines, USA, China, Albania, South Africa, Indonesia	Increases in Tunisia & Morocco CCs, decrease in Republic of Korea CCs (93 in 2014, 2 in 2018)
<b>Cyprus</b>	2267	15,000	24	0	1.06%	9.93%	Senegal, Sri Lanka, New Zealand, <b>Thailand</b> , China/Philippines, India, Indonesia, Canada, USA	No significant trends detected.



Member State	N° of import CCs received (2018/19)	Seafood imports (Tonnes) from non-EU countries over the 2018/19 reporting period	Total N° of non-EU country verifications (2018/19)	N° of refusals	% import CCs subject to non-EU country verification	% CCs validated by carded non-EU countries	Top ten flag States of origin (2019)	Key observations (trends, etc.)
<b>Czech Republic</b>	2001	31,000	4	0	0.20%	20.54%	USA, Morocco, Russia, <b>Ecuador</b> , Philippines, <b>Panama</b> , <b>Vietnam</b> , Seychelles/Indonesia, Sri Lanka	Decline in imports CCs from <b>Thailand</b> , <b>Vietnam</b> , Canada and Papua New Guinea, while the number of imports from USA, <b>Ecuador</b> , Philippines and Russia has increased.
<b>Germany</b>	41965	788,000	223	1	0.53%	5.24%	Sri Lanka, Philippines, Iceland, Maldives, USA, Russia, Norway, Peru, <b>Vietnam</b> , Namibia	Flag state information was only provided to the EU IUU Fishing Coalition for the 2018/19 reporting period so no trends could be identified. Germany stated in the 2018/19 report that no changes in trade flow were identified since the 2014/15 reporting exercise.
<b>Denmark</b>	38878	1,229,000	88	2	0.23%	1.04%	Norway, Greenland, Iceland, Faroe Islands, Canada, USA, Russia, Seychelles, India, <b>Vietnam</b> /China	No significant trends detected.
<b>Estonia</b>	1109	14,000	33	0	2.98%	28.85%	Canada, <b>Thailand</b> , Russia, China, <b>Vietnam</b> , Peru/USA, Norway, Faroe Islands, Greenland	Increase in <b>Ecuador</b> CCs in 2018 (2 in 2016 to 20 in 2018).
<b>Spain</b>	122222	2,258,000	551	13	0.45%	3.74%	Morocco, Spain, Mauritania, China, Peru, Indonesia, South Africa, Namibia, Argentina, Chile	Big increase in Maldives CCs. No notable shifts in trade flows according to comments from Spain in the biennial report.

Member State	N° of import CCs received (2018/19)	Seafood imports (Tonnes) from non-EU countries over the 2018/19 reporting period	Total N° of non-EU country verifications (2018/19)	N° of refusals	% import CCs subject to non-EU country verification	% CCs validated by carded non-EU countries	Top ten flag States of origin (2019)	Key observations (trends, etc.)
<b>Finland</b>	3753	98,000	10	0	0.27%	3.28%	Norway, Iceland, Seychelles, Maldives, Korea, Philippines, Mauritius, <b>Vietnam</b> , Papua New Guinea, El Salvador	Finland noted a clear change with regard to the yellow-carded countries <b>Ecuador</b> and <b>Vietnam</b> in the biennial report of 2018/19. Ecuador up from 4 CCs (2016) to 22 (2018) and Vietnam up from 0 (2016) to 41 (2019). Big increase in imports overall.
<b>France</b>	99849	747,000	32	4	0.03%	Insufficient data	Senegal, USA, Sri Lanka, Maldives, China, India, Morocco, Mauritania, Canada, Seychelles	Flag state information was not provided for 2016/17 and specific flag State figures not provided for 2018/19 so no significant trends could be identified.
<b>Greece</b>	8687	135,000	63	1	0.73%	2.73%	Senegal, Turkey, India, Indonesia, Morocco, China, New Zealand, USA, Argentina, Philippines	Increase in CCs from Indonesia 2018/19.
<b>Hungary</b>	196	5,000	0	0	0.00%	23.47%	Russia, Philippines, Canada/Indonesia, Morocco, Ghana/USA, Uruguay/ <b>Ecuador</b>	Sporadic trade flows, though numbers of CCs are low in general. No significant trends detected.
<b>Ireland</b>	1497	9,000	21	1	1.40%	2.94%	Iceland, South Africa, Russia, Philippines, Norway, <b>Ecuador</b> , USA, Argentina/Ghana, Seychelles	As noted in the 2018/19 biennial report, since October 2017 Ireland hasn't received an import from the Maldives, this country previously supplied by far the largest quantity in weight of all imports accepted by Ireland's Border Inspection Posts (BIPs).

Member State	N° of import CCs received (2018/19)	Seafood imports (Tonnes) from non-EU countries over the 2018/19 reporting period	Total N° of non-EU country verifications (2018/19)	N° of refusals	% import CCs subject to non-EU country verification	% CCs validated by carded non-EU countries	Top ten flag States of origin (2019)	Key observations (trends, etc.)
<b>Italy</b>	96736	859,000	1	0	0.00%	10.03%	Senegal, Morocco, Tunisia, Sri Lanka, USA, <b>Thailand</b> , Egypt, India, South Africa, Maldives	Large increase in the number of CCs presented to Italy from Sri Lanka in 2018.
<b>Lithuania</b>	2948	116,000	1	0	0.03%	7.36%	Norway, Iceland, China, Russia, USA, <b>Vietnam</b> , India, <b>Thailand</b> , Peru/Uruguay	In 2014/15 there was a notable increase in CCs from <b>Taiwan</b> and the Philippines. The number of CCs has decreased again for both countries (Taiwan – 94 in 2014/15 to 1 in 2018/19, Philippines – 94 in 2014/14 to 29 in 2018/19).
<b>Latvia</b>	1241	32,000	11	0	0.89%	4.27%	Norway, Iceland, Faroe Islands, Russia, China, <b>Vietnam</b> , Morocco, USA, Canada, Seychelles/Korea	Increase in Russia CCs (10 in 2015, 31 in 2019).
<b>Malta</b>	1250	58,000	1	0	0.08%	3.76%	Morocco, Senegal, Philippines, Seychelles, Russia, China/ <b>Ecuador</b> , Indonesia, Korea, Peru	Sporadic trade flows. No significant trends detected.
<b>Netherlands</b>	22878	1,090,000	89	16	0.39%	9.72%	Sri Lanka, Iceland, Philippines, <b>Ecuador</b> , USA, China, India, Morocco, Suriname, Canada	Increase in <b>Ecuador</b> CCs (473 in 2018, 672 in 2019).
<b>Poland</b>	12024	488,000	77	4	0.64%	2.52%	Russia, Norway, USA, Sri Lanka, New Zealand, Iceland, China, Chile, Argentina, Faroe Islands	Big increase in Maldives CCs (2 in 2014, 271 in 2016).
<b>Portugal</b>	24446	353,000	0	0	0.00%	7.17%	Indonesia, Senegal, China, Russia, India, Mozambique, South Africa, USA, Namibia, <b>Panama</b>	Sudden decrease in <b>Vietnam</b> 18/19 following the country's yellow card.

Member State	N° of import CCs received (2018/19)	Seafood imports (Tonnes) from non-EU countries over the 2018/19 reporting period	Total N° of non-EU country verifications (2018/19)	N° of refusals	% import CCs subject to non-EU country verification	% CCs validated by carded non-EU countries	Top ten flag States of origin (2019)	Key observations (trends, etc.)
Romania	1165	34,000	0	0	0.00%	19.40%	Canada, Philippines, Indonesia, Peru, Morocco, <b>Ecuador</b> , <b>Thailand</b> , China, Cabo Verde, Korea	Increase in Canada and Indonesia CCs.
Sweden	32505	1,439,000	0	0	0.00%	0.76%	Norway, Russia, Iceland, Canada, Greenland, Faroe Islands, USA, Maldives, Philippines, <b>Thailand/Vietnam</b>	Notable increase in CCs from Albania noted by Sweden in the biennial report.
Slovakia	552	13,000	0	0	0.00%	60.14%	<b>Thailand</b> , <b>Ecuador</b> , Philippines/Indonesia, Morocco, USA, Russia, Norway, China/Argentina	Big increase in <b>Thailand</b> CCs 18/19 (0 in 2016, 141 in 2018).
Slovenia	580	8,000	10	1	1.72%	4.31%	Korea, Philippines/Russia, Tunisia, China, Argentina, Morocco/USA, Ghana/Indonesia/South Africa	In the 2018/19 biennial report, Slovenia noted new trading from Tunisia in 2019 for consignments released into free circulation and increases in the number of CCs submitted for transit to another MS for Canada and Seychelles (2018) and the Republic of Korea (2019).
UK	54278	894,000	43	4	0.08%	8.43%	Iceland, Indonesia, Russia, Canada, Philippines, USA, India, Maldives, Seychelles, <b>Thailand</b>	No significant trends detected.
Luxembourg			No biennial report provided to the EU IUU Fishing Coalition		No biennial report provided to the EU IUU Fishing Coalition	No biennial report provided to the EU IUU Fishing Coalition	No biennial report provided to the EU IUU Fishing Coalition	No biennial report provided to the EU IUU Fishing Coalition



## Requirement 4 – Physical inspections of consignments

MS may also carry out physical inspections of consignments as part of verifications for IUU import control purposes. This section will focus on the information reported by MS in the 2018/19 biennial reports on physical inspections performed for both direct landings and freight consignments.

### Direct Landings

Direct landings are subject to more comprehensive inspection requirements under the EU IUU Regulation than freight consignments arriving by container vessel, aircraft, road or rail. The EU IUU Regulation requires MS to carry out inspections in their designated ports<sup>73</sup> (**Annex 3**) for a minimum of **5% of landing and transshipment operations carried out by non-EU country fishing vessels**.<sup>74</sup> For further details on the inspection process see **Box 5**. Inspections of seafood import consignments are carried out on the basis of risk management, although there are a number of cases where vessels shall be inspected in all cases, as stipulated in the EU IUU Regulation.

<sup>75</sup>The fishing vessels for which inspections are mandatory are:

- a. Fishing vessels sighted in accordance with Article 48;<sup>76</sup>
- b. Fishing vessels reported in the framework of a notification made under the Community alert system in accordance with Chapter IV;<sup>77</sup>
- c. Fishing vessels identified by the Commission as presumed to have engaged in IUU fishing in accordance with Article 25;
- d. Fishing vessels appearing in an IUU vessel list adopted by an RFMO notified to EU Member States in accordance with Article 30.

### Box 5: The Inspection Procedure<sup>78</sup>

1. Officials in charge of inspections shall be able to examine all **relevant areas**, decks and rooms of the fishing vessel, **catches** processed or not, **nets or other gear**, equipment and any **relevant documents** which officials deem necessary to verify in compliance with applicable laws, regulations or international management and conservation measures.
2. Inspections shall involve the monitoring of the **entire landing** or transshipment operations and include a cross-check between the quantities by **species** recorded in the prior notice of landing and the **quantities** by species landed or transshipped.
3. Officials shall **sign** their inspection report in the presence of the master of the fishing vessel, who shall have the right to add or cause to be added any information that he considers relevant. Officials shall indicate in the logbook that an inspection has been made.
4. A **copy of the inspection report** shall be handed over to the master of the fishing vessel, who may forward it to the owner.
5. The master shall **cooperate** with and assist in the inspections of the fishing vessel and shall not obstruct, intimidate or interfere with the officials in the performance of their duties.

73 Designated Ports are ports in EU Member States where landings and transshipment operations of fishery products are allowed and port services are accessible for non-EU country fishing vessels, in accordance with Article 5(2) of Council Regulation (EC) No 1005/2008.

74 Art. 9(1) Regulation (EC) N° 1005/2008.

75 Art. 9(2) Regulation (EC) N° 1005/2008.

76 If a fishing vessel is sighted by a EU Member States' competent authority engaging in activities that may be considered IUU fishing, the authority shall forthwith issue a report of the sighting including as much information as possible, for instance: details on the name and description of the vessel, the fishing vessel's call sign, the registration number (and IMO number if appropriate), the flag State of the fishing vessel, the position at the time when first identified, the date/time UTC when first identified, photographs, etc.

77 Where information obtained in accordance with Chapters II,III,V, VI, VII, VIII, X or XI raises well-founded doubt as to the compliance, by fishing vessels or fishery products from certain non-EU countries, with applicable laws or regulations, including applicable laws or regulations communicated by non-EU countries under the administrative cooperation referred to in Article 20(4), or with international conservation and management measures, the Commission shall publish an alert notice on its website and in the Official Journal of the European Union to warn operators and to ensure that EU Member States take appropriate measures in respect of the non-EU countries concerned pursuant to this Chapter.

78 Art. 10 Regulation (EC) N° 1005/2008.

In the biennial reports, MS are asked to provide details on the landings and transshipments by non-EU country fishing vessels that have been recorded in designated ports over the reporting period. MS are required to provide details on the number of landings, number of transshipments, the percentage of landings that are inspected, the percentage of transshipments that are inspected and the number of infringements recorded. MS are also required to provide details on the flag of the non-EU country vessel(s) inspected.<sup>79</sup> This first section will focus on the physical inspections of direct landings.

**According to the information provided in the biennial reports for 2018/19, of the 10 MS to report non-EU country direct landings, only 8 reported inspecting over 5% of direct landings, as required under Article 9(1) of the EU IUU Regulation<sup>80</sup> (Table 4).**

Both **Denmark** and **Poland** fell short of the 5% requirement within the 2018/19 period, with Denmark inspecting only 4% of direct landings in 2019, and Poland inspecting only 4.4% in 2018 and 2.5% in 2019 (Table 4). It is critical that all MS comply with the requirement under the EU IUU Regulation to inspect at least 5% of direct landings. Falling short of this share risks so-called “Member State shopping”, where the ports of certain MS are targeted for direct landings by vessels landing or transshipping illegal catch as inspections are lax. In the previous Coalition review of the 2014/15 biennial reports, all ten MS reported having inspected the required 5% of direct landings over this period. This demonstrates that all ten MS have the capacity to fulfil the requirements under the EU IUU Regulation.

It is important to note, however, that there are best-case examples within this category, with **Spain** inspecting significantly more direct landings than is required under the EU IUU Regulation. Spain inspected over 90% of direct landings recorded at its designated ports in both 2018 and 2019. The United Kingdom also inspected a high proportion of reported direct landings, inspecting 58% of direct landings on average over the 2018/19 period. 7 of the 10 MS to have inspected direct landings from non-EU countries found at least one infringement within the 2018/19 reporting period,<sup>81</sup> highlighting the importance of inspections. **These examples highlight that when there is political will and resources made available, it is possible to inspect well over the required 5% of direct landings.** Certain MS have few full-time officials involved in the implementation of the catch certification scheme, whereas Spain, for example, has 165 officials involved in the implementation of the catch certification scheme.

**Table 4 – Annual statistics on the percentage of direct landings operations in Member State ports subject to inspection for the 2018/19 reporting period**

Member State	% of direct landing operations inspected (2018)	% of direct landing operations inspected (2019)
Spain	91.0%	93.0%
United Kingdom	52.3%	64.0%
Ireland	27.7%	20.0%
Latvia	18.2%	22.2%
France	14.68%	17.0%
Lithuania	5.0%	13.0%
Netherlands	5.7%	7.4%
Sweden	5.7%	5.8%
Denmark	5.1%	4.0%
Poland	4.4%	2.5%

Figures in **red** highlight occasions where Member States failed to inspect 5% of direct landing operations in ports as required under the EU IUU Regulation (Article 9).

79 ISO Alpha-2 country codes.

80 France, Ireland, Lithuania, Latvia, Netherlands, Spain, Sweden, United Kingdom

81 Denmark, France, Ireland, Netherlands, Spain, Sweden, United Kingdom

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## Freight consignments

In 2018, 3.6 billion tonnes of freight were handled in EU ports.<sup>82</sup> Using the biennial reports, MS are required to declare whether they perform physical inspections of import consignments, and if so, provide additional details. **Unlike direct landings, there is no requirement for MS to inspect 5% of import consignments**, so there are unsurprising discrepancies between the number and quality of inspections carried out by MS.

In the 2018/19 biennial reports, 7 MS – Belgium, Czech Republic, Finland, Greece, Hungary, Latvia and Romania – reported that they didn't carry out physical inspections of import consignments (**Annex 4**).<sup>83</sup> Despite stating in the 2014/2015 biennial reports that import consignments were inspected, **Finland** and **Latvia** now state that there are no physical inspections of consignments carried out. **Ireland**, on the other hand, has since implemented physical inspections. The change in response for **Finland** and **Latvia** brings into question whether the reporting template is wholly understandable as it seems unlikely for MS to have stopped performing physical inspections. Physical inspections of freight consignments can be a useful tool in ensuring that information provided in CCs is correct and in preventing the importation of IUU products. MS failing to physically inspect these consignments arguably have a higher chance of importing products of IUU fishing into the EU.

The quantity of inspections also varied greatly between MS. For example, the Netherlands randomly checked 20% of seafood import consignments; Portugal, on the other hand, carried out no inspections over 2018/19 due to limited capacity and, reportedly, the absence of serious risk. Additionally, disparities exist between MS declaring inspections of containers/freight consignments (see **Annex 4**). These reflect differences in:

- **How consignments are selected for inspection:** Many MS use risk analysis, some perform routine checks and other MS apply only random checks.
- **The authorities responsible for carrying out inspections:** The competent authorities vary between MS. The authorities responsible across the EU include customs agencies, veterinary border inspection posts (BIPs), food safety agencies, health services, fisheries authorities, etc.

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82 Eurostat (2018). 'Rotterdam: the largest freight port in the EU' [online]. Available at: <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20200402-2>.

83 France did not provide information for this question following the EU IUU Fishing Coalition's access to information request.

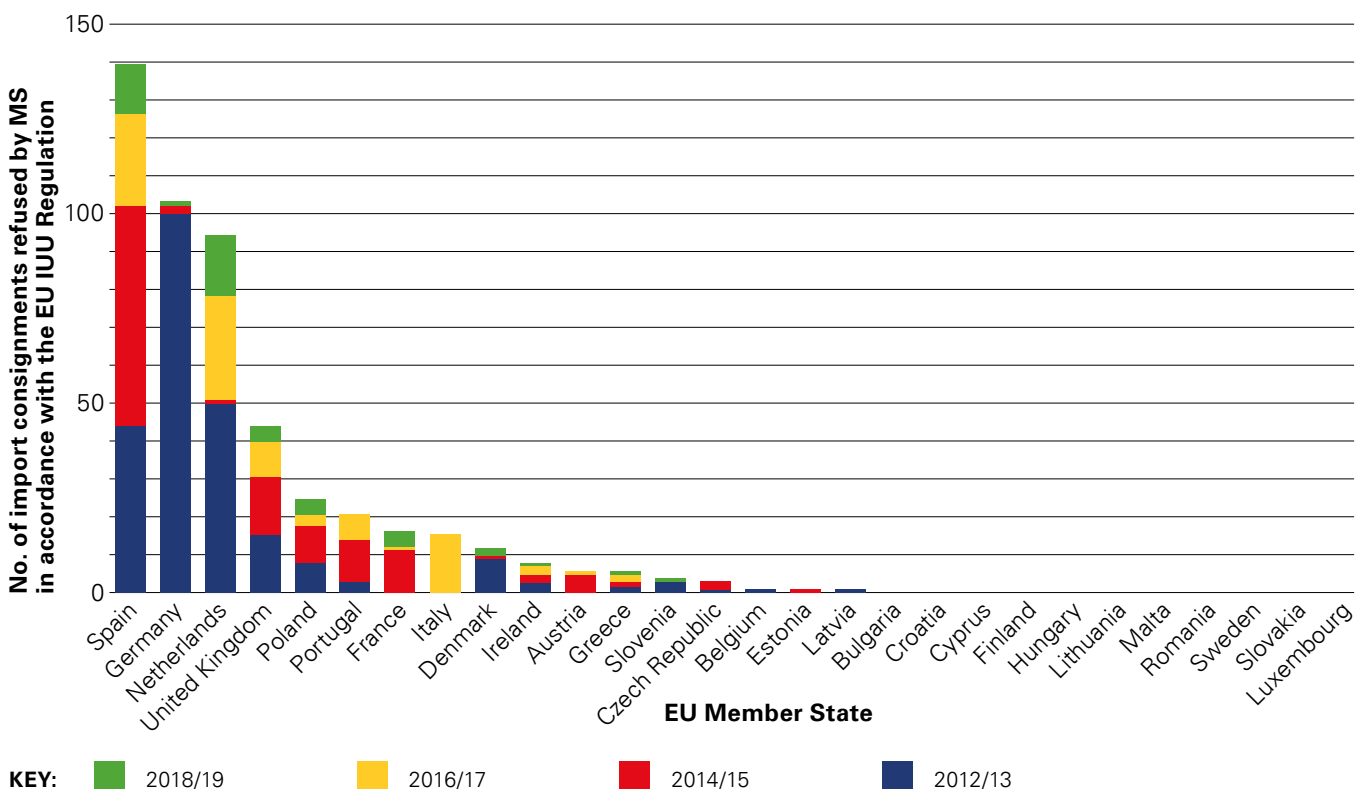
## Requirement 5 – Rejection of consignments in cases of non-compliance

Under the EU IUU Regulation<sup>84</sup> there are a number of occasions in which the competent authorities of a MS shall refuse the importation of fishery products into the EU. These include occasions where imports are refused without having to request additional evidence or send a request for assistance, and occasions where importations are refused following a request for assistance.<sup>85</sup> If MS make the decision to refuse an importation of fisheries products, these products can be destroyed, disposed of or sold in accordance with national law. If sold, the profits may be used for charitable purposes.

Within the biennial reports, MS are required to provide details of any imports that were refused, in accordance with the EU IUU Regulation. A table is provided within the reporting template for MS to input annual information, including the reason for refusal of importation, the flag State and the number of refusals.<sup>86</sup>

When compared to the number of imports received annually into MS, the number of refusals is very low. **17 MS to have provided information on the refusal of imports declared that no imports were refused within the 2018/19 reporting period, and a total of 47 imports were refused across the remaining MS. This number of refusals is low considering the 580,000 import CCs received by MS over the same period.** The negligible number of refusals reported by MS is a continuous trend, as observed using the biennial reports published between 2012 and 2019 (Figure 6). In its 2020 report to the European Parliament and the Council on the application of the EU IUU Regulation, the European Commission acknowledged that refusals of imports continued to decline between 2016 and 2019.<sup>87</sup> It is worth noting that this decreasing trend in import refusals does not necessarily reflect a decrease in the effectiveness of the control by the MS. It may also be the result of an improvement in the validations of CCs by non-EU countries.

**Figure 6 – Number of import consignments refused by Member States in accordance with the EU IUU Regulation (2012-2019)**



84 Art. 18 Regulation (EC) N° 1005/2008.

85 Pursuant to Art. 17(6) Regulation (EC) N° 1005/2008.

86 Question 8.1 – See **Annex 1**.

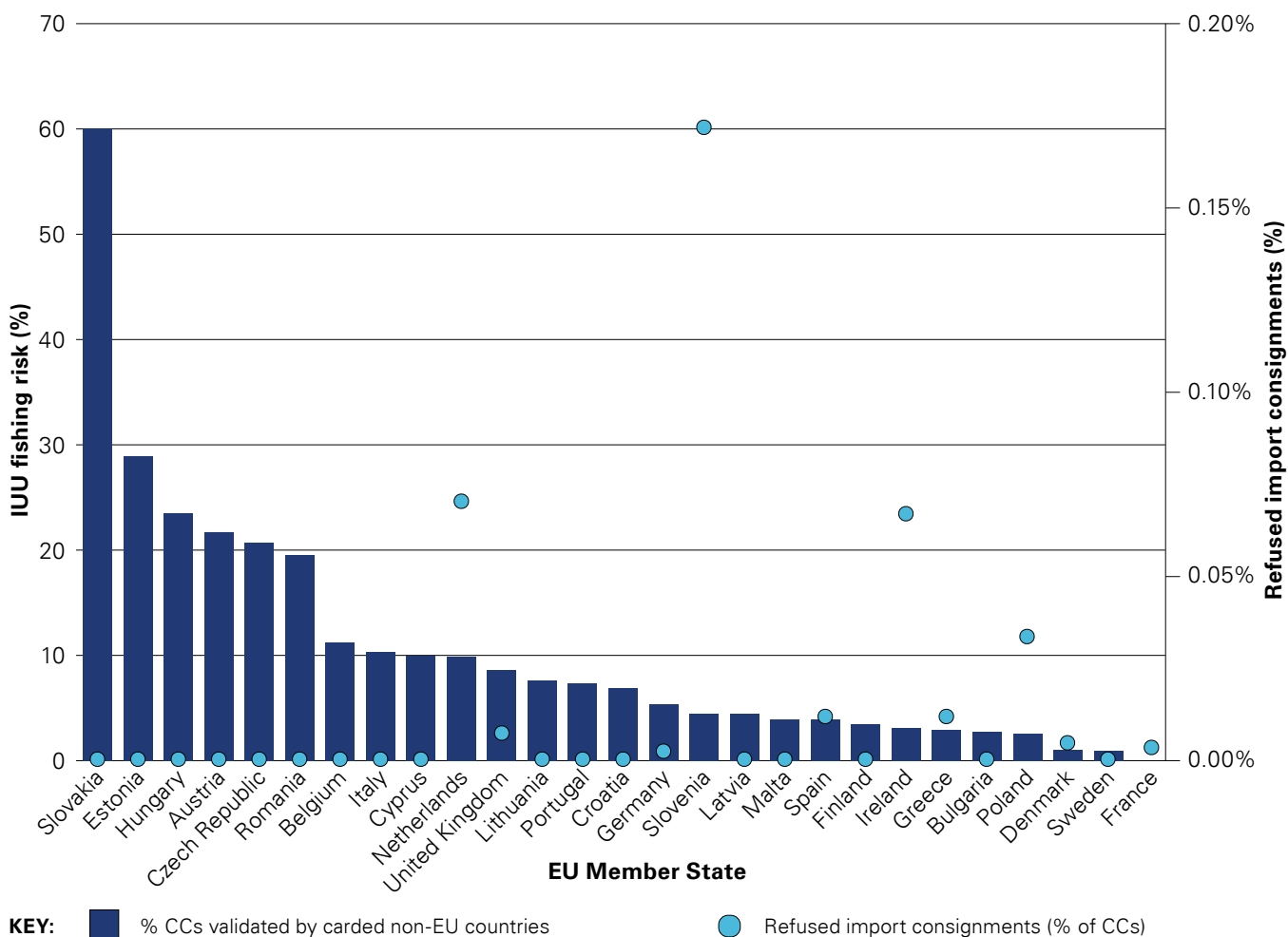
87 The latest report (2020) from the Commission to the European Parliament and the Council on the application of the IUU Regulation (Council regulation (EC) No 1005/2008) is available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0772&rid=7>



The EU IUU Fishing Coalition would also expect the proportion of import consignments refused by a MS (expressed as a percentage of the total number of import CCs received) to relate to MS IUU risk (percentage of import CCs validated by carded non-EU countries under the EU IUU Regulation) as imports received from these countries are more likely to be inspected (under a risk-based approach), verified and potentially refused. This trend was not observed (**Figure 7**).

The low number of rejections reported by MS with higher risk trade flows is potentially a cause for concern. For example, 60% of the import CCs presented to **Slovakia** were validated by (imported by) carded non-EU countries; yet, Slovakia did not refuse a single import consignment over the 2018/19 reporting period.<sup>88</sup> Countries with a high trade volume also exhibit this trend. **Italy**, for example, received over 96,000 import CCs from non-EU countries in the 2018/19 reporting period, 10% of which were validated by higher-risk carded countries, yet the MS reported no rejections in this period. Italy imported 443,000 tonnes of seafood from non-EU countries in 2020, making it one of the larger EU importers in terms of volume.<sup>89</sup> The risk of IUU products entering Italy is therefore significantly higher than Slovakia due to the large volume of imported seafood entering the MS each year.

**Figure 7 – Comparison of: (i) percentage of import catch certificates validated by carded non-EU countries under the EU IUU Regulation (IUU fishing risk); and (ii) refused import consignments expressed as a percentage of import catch certificates received (2018/19)**



\* Flag state information was not available for France

88 Note: Slovakia only received 552 import CCs from non-EU countries in 2018/19 – a relatively low trade volume when compared to other MS.

89 EUMOFA. (2021). The EU Fish Market (2021 edition). Available at: <https://www.eumofa.eu/the-eu-fish-market-2021-edition-is-now-online>

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## Requirement 6 – Biennial reporting to the Commission on activities under the Regulation

Member States are required to submit biennial reports to the European Commission no later than 30th of April in the calendar year following the reporting period.<sup>90</sup> Based on these submissions, the Commission produces a report to be submitted to the European Parliament and to the Council every 3 years.

The latest of these reports was published in 2020 and presents key achievements under the EU IUU Regulation between 2015 and 2019.<sup>91</sup> Although MS do reserve the right to withhold information from the public, the information provided to the EU IUU Fishing Coalition has generally improved over time (**Annex 5**). However, certain sections within the biennial reports for the 2016/17 and 2018/19 reporting periods provided by the European Commission in response to an ‘access to information’ request were redacted by some MS, therefore information in certain biennial reports accessed by the EU IUU Fishing Coalition is lacking. The 2018/19 biennial report for Luxembourg was not provided to the EU IUU Fishing Coalition.

The EU IUU Fishing Coalition’s previous 2017 study provided a number of recommendations for improvements to be made to the reporting template, as a number of non-specific questions within the reports resulted in inconsistent responses from MS and disparity in the level of detail provided. In 2017, improvements to the reporting template were also encouraged by three EU advisory councils – the Long Distance Advisory Council (LDAC), the Market Advisory Council (MAC) and the Mediterranean Advisory Council (MEDAC) in a rare joint advice.<sup>92</sup>

Since the 2014/15 reporting period, the EU IUU Coalition notes that there have been a number of changes made to the reporting template for biennial reports. These changes have improved the accessibility of the document by simplifying questions and providing tables for data input. Tables have been used much more effectively in the updated reporting template to ensure that responses to certain questions provide the European Commission with the specific information desired. For reference, a number of questions now also mention the Article within the EU IUU Regulation that corresponds with the information to be provided. This facilitates the input of the relevant information by MS authorities. Arguably, the most important alteration to the biennial reporting template is the updated requirement for MS to provide annual statistics. This is a significant improvement to the reporting template, as the 2014/15 reporting template often required aggregated data for the two-year reporting period. The submission of annual data is also facilitated through new tables incorporated within the report, with columns provided for the individual years within the two-year reporting period. To access the 2018/19 reporting template, see **Annex 1**.

Since the 2014/15 reporting period, there have been additional observed improvements to certain questions within the reporting template. For example, in the 2014/15 reporting template, MS were asked whether the country had “*established a procedure for verification of catch certificates for importation?*” and “*how many catch certificates have been verified from 1 January 2014 until 31 December 2015?*”. These questions required improvement as they failed to define what is meant by a verification, meaning that MS may have reported on any, all or none of the following: routine documentary checks of CCs; physical inspections of consignments; verification requests to non-EU countries; or other controls. The first of these questions has been improved somewhat with clarification that the European Commission is interested only in verifications in accordance with Article 17.2 of the EU IUU Regulation. The second of these questions<sup>93</sup> has also been improved with the addition of a table, requiring MS to provide specific information on the number of basic document-based verifications and the number of in-depth verifications, as well as the flag State of origin.

One of the major flaws identified with the reporting template of the biennial reports was the lack of a requirement that MS provide a breakdown of CC data by flag State of origin. The updated reporting template now provides a table for the input of this data in which the CCs received during the reporting period are segregated by flag State of origin. This information allows the European Commission and interested parties to detect shifts in trade flows and identify whether certain MS are being exploited as a result of weaker border controls – vital tools when analysing the implementation of the EU IUU Regulation and the effectiveness of MS import controls.

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90 Art. 55 Regulation (EC) N° 1005/2008.

91 European Commission. (2020). Report from the Commission to the European Parliament and the Council on the application of the IUU Regulation (COM(2020) 772 final). Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0772&rid=7>

92 LDAC, MAC and MEDAC (2017). Improving implementation of Council Regulation (EC) 1005/2008 to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing. Available at: [https://www.ldac.eu/images/documents/publications/LDAC-MAC-MEDAC\\_Joint\\_Opinion\\_on\\_Application\\_of\\_IUU\\_Regulation\\_9June2017.pdf](https://www.ldac.eu/images/documents/publications/LDAC-MAC-MEDAC_Joint_Opinion_on_Application_of_IUU_Regulation_9June2017.pdf)

93 Now question 6.2 – see **Annex 1**.

Although there have been some improvements made to the reporting template of the biennial reports since the 2014/15 reporting period, there are a number of recommendations which were made in the 2017 EU IUU Fishing Coalition review which have yet to be addressed (see **Table 5**). These recommendations aim to ensure that the reporting template facilitates MS providing an appropriate level of detail so that the implementation of the EU IUU Regulation and the CC scheme can be properly assessed.

**Table 5 – The EU IUU Fishing Coalition’s recommendations for improved reporting on implementation of the EU IUU Regulation catch certification scheme\***

Question/section of reporting template	Issue	Suggestions for improvement
<p><b>6.1</b> Has your country established a procedure for verification of catch certificates for importation in accordance with Article 17.2? If yes please detail.</p>	<p><b>Non-specific question results in a lack of consistent responses from MS and differences in the level of detail provided.</b></p>	<p><b>Request information from MS on the following:</b></p> <ul style="list-style-type: none"> <li><b>a. The procedure in place for routine documentary checks of CCs, including:</b> <ul style="list-style-type: none"> <li><b>i. The fields of the CC checked;</b></li> <li><b>ii. Details of any cross-checks carried out of information in the CC against information in supplementary documents;</b></li> <li><b>iii. The authority responsible and level of expertise of competent officials;</b></li> <li><b>iv. The proportion of CCs subject to such checks.</b></li> </ul> </li> <li><b>b. The produce in place for verifications of CCs, including:</b> <ul style="list-style-type: none"> <li><b>i. The difference types of verification undertaken and in what circumstances;</b></li> <li><b>ii. The authority responsible and level of training of competent officials;</b></li> <li><b>iii. How CCs are selected for verification;</b></li> <li><b>iv. Non-EU country authorities contacted;</b></li> <li><b>v. The information requested from non-EU country authorities;</b></li> <li><b>vi. How consignments are treated pending the outcome of the verification process.</b></li> </ul> </li> </ul>
<p><b>6.3</b> Does your country use a risk assessment approach for verification of catch certificates in accordance with Article 17? If yes, please detail (e.g. EU criteria for verifications (Article 31 of Commission Regulation 1010/2009); EFCA risk assessment methodology; national criteria).</p>	<p><b>This question has improved in its specificity since the previous Coalition study. There are still a number of means by which the Commission could improve the level of detail provided by MS.</b></p>	<p><b>Request information from MS on the following:</b></p> <ul style="list-style-type: none"> <li><b>a. Specific criteria applied to identify high-risk CCs as part of the risk assessment process.</b></li> <li><b>b. Authority responsible for conducting risk assessment, level of training of competent officials.</b></li> <li><b>c. How the criteria are applied to CCs to identify consignments for verifications, including:</b> <ul style="list-style-type: none"> <li><b>i. Whether criteria are applied to 100% of CCs received;</b></li> <li><b>ii. Whether criteria are applied to CCs in “real-time” to direct enforcement efforts;</b></li> <li><b>iii. How CCs are selected for verification following application of risk criteria.</b></li> </ul> </li> <li><b>d. Procedures to ensure the risk assessment is kept up to date in light of emerging risks.</b></li> </ul>

Question/section of reporting template	Issue	Suggestions for improvement
<b>6.4 Does your country also physically verify the consignments? If yes, please detail: Number (per year), Reason, Follow-up.</b>	<b>Non-specific question results in a lack of consistent responses from MS and differences in the level of detail provided.</b>	<b>Request the following information from MS with regard to freight consignments:</b> <ul style="list-style-type: none"> <li><b>a. The different types of physical inspection available and what these involve.</b></li> <li><b>b. The authority responsible for physical inspections and the level of training of competent officials.</b></li> <li><b>c. How consignments are selected for physical inspection.</b></li> <li><b>d. The proportion/number of CCs subject to physical inspection.</b></li> </ul>
7.3 Was the quality of the answers provided overall sufficient to satisfy the request?	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 requests for verifications: <ul style="list-style-type: none"> <li><b>a.</b> Details on the non-EU countries from which any insufficient answers were received in response to a verification request.</li> <li><b>b.</b> Information on the missing details in any insufficient responses to a verification request.</li> </ul>

\* Rows highlighted in **bold** are suggested improvements to the reporting template made in the Coalition's 2017 review on the implementation of seafood import controls. These recommendations have not yet been addressed by the European Commission. As such, the EU IUU Fishing Coalition reiterates the importance of these updates as a means of improving understanding of MS implementation of seafood import controls.



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# EU Member State comments on the implementation of the EU IUU Regulation

In the final section of the 2018/19 biennial reports, MS are asked to detail the main difficulties that competent authorities have encountered with the implementation of the EU IUU Regulation, including the catch certification scheme. They are also invited to provide recommendations for improvements that would make implementation of the EU IUU Regulation smoother. Previously, MS were asked only to detail any difficulties with implementation of the catch certification scheme; broadening the question helps the Commission to identify any wider issues with implementation of the EU IUU Regulation. Discussed below are several recurrent themes which have been identified when analysing the comments provided by MS within the biennial reports for the 2018/19 reporting period.

## CATCH IT System

CATCH is an IT system that was launched by the European Commission (Version 1.0) on 7 May 2019 by the then Commissioner for the Environment, Maritime Affairs and Fisheries, Mr Karmenu Vella.<sup>94</sup> The system aims to digitalise the EU's current paper-based catch certification scheme. According to the European Commission website, "the objective behind CATCH is to develop a web-based application to support the management (issuance, control and verification) of official documents and to automate the related procedures as laid down in Regulation (EC) No 1005/2008 [the EU IUU Regulation] and its annexes."<sup>95</sup> CATCH aims to introduce a harmonised, robust baseline of risk-based criteria in order to reduce opportunities for fraudulent imports, but also to ease the administrative burden on MS. The CATCH IT system will eventually be integrated into the existing Trade Control and Expert System (TRACES) online platform.<sup>96</sup> As of March 2021, many MS<sup>97</sup> continue to use a paper-based system in the verification of catch certificates and are yet to establish appropriate IT tools.<sup>98</sup>

Although the deadline for submitting the 2018/2019 biennial reports was 30 April 2020 (after the initial launch of the CATCH IT System), a number of MS included the introduction and swift uptake of the CATCH IT System in recommendations for a smoother implementation of the EU IUU Regulation.<sup>99</sup> Currently,<sup>100</sup> the EU Control Regulation<sup>101</sup> is under revision, and CATCH is expected to be enshrined in EU law upon completion of this process.<sup>102</sup> The CATCH IT system is currently used only by MS and their national operators on a voluntary basis. Following the adoption of the revised Control Regulation, the use of the CATCH IT system will become mandatory for MS. Although CATCH has been operational since 2019 and the system's potential to simplify and streamline implementation of the EU IUU Regulation and the catch certification scheme was a recurrent suggestion made by MS in the 2018/19 biennial reports, no MS have begun utilising the IT system as far as the EU IUU Fishing Coalition is aware.<sup>103</sup>

The use of the system will remain voluntary for non-EU countries following adoption of the revised Control Regulation. The European Commission states that it "cannot and does not wish to impose its system on non-EU countries."<sup>104</sup> Nevertheless, the European Commission expects sufficient engagement with the IT system given that the TRACES platform (with which CATCH will be integrated) is already used by 60 non-EU countries and

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94 European Commission. (2019) 'European Commission launches new tool to strengthen EU's fight against illegal, unreported and unregulated fishing' [online]. Available at: [https://ec.europa.eu/oceans-and-fisheries/news/european-commission-launches-new-tool-strengthen-eus-fight-against-illegal-unreported-and-2019-05-07\\_en](https://ec.europa.eu/oceans-and-fisheries/news/european-commission-launches-new-tool-strengthen-eus-fight-against-illegal-unreported-and-2019-05-07_en)

95 European Commission (2019). 'CATCH – Information note' [online]. Available at: [https://ec.europa.eu/oceans-and-fisheries/system/files/2019-06/catch-it-system\\_en.pdf](https://ec.europa.eu/oceans-and-fisheries/system/files/2019-06/catch-it-system_en.pdf)

96 TRACES is the European Commission's platform for sanitary and phytosanitary certification required for the importation of animals, animal products, food and feed of non-animal origin and plants into the European Union, and the intra-EU trade and EU exports of animals and certain animal products. More information on TRACES is available at: [https://ec.europa.eu/food/animals/traces\\_en](https://ec.europa.eu/food/animals/traces_en)

97 Belgium, Bulgaria, Cyprus, Denmark, France, Hungary, Ireland, Lithuania, Malta, Poland and Romania

98 ClientEarth. (2021). Digitising the control of fishery product imports. Available at: <https://www.clientearth.org/latest/documents/digitising-the-control-of-fishery-product-imports-a-panorama-of-the-systems-in-place-in-the-eu-and-ways-forward/>

99 Austria, Belgium, Cyprus, Denmark, Germany, Latvia, Poland, Portugal, Romania

100 As of March 2022

101 Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy

102 European Commission (2018). COM(2018) 368 final. Available at: [https://eur-lex.europa.eu/resource.html?uri=cellar:6d8cdc8b-63f7-11e8-ab9c-01aa75ed71a1.0001.02/DOC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:6d8cdc8b-63f7-11e8-ab9c-01aa75ed71a1.0001.02/DOC_1&format=PDF)

103 As far as the EU IUU Fishing Coalition is aware, no EU Member States have begun using the CATCH IT System outside of a pilot phase [as of October 2021]

104 European Commission (2019). 'CATCH – Information note' [online]. Available at: [https://ec.europa.eu/oceans-and-fisheries/system/files/2019-06/catch-it-system\\_en.pdf](https://ec.europa.eu/oceans-and-fisheries/system/files/2019-06/catch-it-system_en.pdf)

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many of these States have also already shown interest in CATCH.<sup>105</sup> Over the transitional period the European Commission will be promoting the use of the CATCH IT System by both exporters and competent authorities in non-EU countries.

There are however some concerns regarding the technical and practical implementation of the CATCH IT System. For example, in its 2018/19 biennial report, Latvia states that its existing catch certification scheme does not allow for the operation of CATCH IT, although potential solutions to this issue are proposed. The European Commission must provide appropriate assistance to MS, to ensure that competent authorities are prepared to use the system following its establishment in law and that existing MS IT systems are compatible with the CATCH IT system (if technically feasible). Appropriate assistance must also be provided to non-EU countries that are willing to utilise the CATCH IT System. Involvement and engagement of non-EU countries with the system will be crucial to the success of CATCH.

## Issues with the catch certification scheme

MS have noted a number of additional difficulties with implementation of the catch certification scheme itself:

- Difficulties finding current addresses of authorised bodies of certain non-EU countries, current stamps and their samples of CCs;
- Poorly legible copies of CCs or weak validation stamps;
- There is the possibility that importers may be importing multiple consignments of a notified amount of fisheries products, using a previously used CC, as it is not possible to communicate every CC with colleagues in other MS. The United Kingdom, for example, notes that the country receives regular consignments from Russian vessels that have been processed in China and are accompanied by a CC with huge weights. The United Kingdom states that there is no mechanism for cross-referencing whether the number of imports has exceeded the quantity stated on the CCs.

A number of these issues were also raised in a 2013 European Parliament study and have yet to be addressed.<sup>106</sup> There is potential for the CATCH system to remedy issues of contact details, although this depends on engagement of non-EU countries with the system. These details are crucial in ensuring that the catch certification scheme is closed to forgery and false information. The CATCH IT System has the potential to address a number of difficulties experienced by MS competent authorities when implementing the catch certification scheme.

A number of further difficulties in implementation of the EU IUU Regulation were encountered by the competent authorities of MS. Further details on these issues and recommendations made by MS to smoothen implementation of the EU IUU Regulation are discussed in **Annex 6**.

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<sup>105</sup> Ibid.

<sup>106</sup> Palin, C., Gaudin, C., Espejo-Hermes, J. and Nicolaidis, L. (2013). Compliance of Imports of Fishery and Aquaculture Products with EU Legislation, pp.109-110. Available at: [https://www.europarl.europa.eu/thinktank/en/document/IPOL-PECH\\_ET\(2013\)513968](https://www.europarl.europa.eu/thinktank/en/document/IPOL-PECH_ET(2013)513968)



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## The need for improved and consistent application of seafood import controls

This review of progress made by MS in implementation of the EU IUU Regulation highlights that there has been little improvement made since the EU IUU Fishing Coalition's 2017 analysis. In the present study, the EU IUU Fishing Coalition has identified that disparities continue to exist between the import controls implemented by MS for the prevention of IUU seafood imports. These include differences between MS in the proportion of CCs subject to verification, the application of a risk-based approach to assessing CCs and the physical inspection of consignments.

In order to ensure that no seafood bought and consumed by EU citizens is the product of IUU fishing, all MS must work effectively to ensure there are no gaps in the net. It takes only one MS to fail in enforcing effective import controls for illegal fish to enter the EU market.

The observed disparity between seafood import controls applied by EU MS has the potential to create an uneven playing field and result in "Member State shopping" whereby seafood produced through IUU fishing is imported into the EU through MS that are believed to have lax import controls. In this review of the 2018/19 biennial reports, there appears to be a relationship between the failure to implement a risk-based approach to assessing CCs and/or perform physical inspections of seafood import consignments and the MS with higher risk trade flows for IUU fishing (**Table 6**).



**Table 6 – Table summarising the risk associated with seafood imports and disparities in import controls applied by EU Member States**

EU Member State	N° of catch certificates received in the 2018/19 reporting period	Seafood imports (Tonnes) from non-EU countries over the 2018/19 reporting period	IUU Fishing Risk (% of import catch certificates validated by carded non-EU countries)	Physical Inspection of consignments?	Risk-based approach to assessing catch certificates?
Slovakia	552	13,000	60.14	Yes	No
Estonia	1,109	14,000	28.85	No	No
Hungary	196	5,000	23.47	No	No
Austria	512	14,000	21.68	Yes	Yes
Czech Republic	2,001	31,000	20.54	No	No
Romania	1,165	34,000	19.40	No	No
Belgium	5,962	204,000	11.17	No	Yes
Italy	96,736	859,000	10.03	Yes	Yes
Cyprus	2,267	15,000	9.93	Yes	No
Netherlands	22,878	1,090,000	9.72	Yes	Yes
United Kingdom	54,278	894,000	8.43	Yes	Yes
Lithuania	2,948	116,000	7.36	Yes	Yes
Portugal	24,446	353,000	7.17	Yes	Yes
Croatia	851	15,000	6.70	Yes	Yes
Germany	41,965	788,000	5.24	Yes	Yes
Slovenia	580	8,000	4.31	Yes	No
Latvia	1,241	32,000	4.27	No	No
Malta	1,250	58,000	3.76	Yes	No
Spain	122,222	2,258,000	3.74	Yes	Yes
Finland	3,753	98,000	3.28	No	Yes
Ireland	1,497	9,000	2.94	Yes	No
Greece	8,687	135,000	2.73	No	Yes
Bulgaria	957	27,000	2.61	Yes	No
Poland	12,024	488,000	2.52	Yes	No
Denmark	38,878	1,229,000	1.04	Yes	Yes
Sweden	32,505	1,439,000	0.76	No	Yes
France	99,849	747,000	No information provided	No information provided	No information provided

For calculating IUU Fishing Risk: **Red = Higher risk** (>10% Catch certificates validated by carded non-EU countries), **Yellow = Medium risk** (5-10%), **Green = Low risk** (<5%)

Although no longer an EU Member State following its withdrawal from the EU, the United Kingdom has been included in this review as the UK submitted a biennial report for the 2018/19 reporting period.

**SOURCE: (Seafood imports (Tonnes) from non-EU countries):** Eurostat (2022). Extra-EU imports (rounded to the nearest thousand tonnes) under the 0301, 0302, 0303, 0304, 0305, 0306, 0307, 0308, 1604 and 1605 product codes. Please note that this total volume includes fishery products that are excluded from the EU IUU Regulation (e.g. aquaculture products, freshwater fish). For a list of products excluded under the EU IUU Regulation see Annex XIII at:

<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:280:0005:0041:EN:PDF>



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## Overall Progress

The current review shows that little progress has been made by MS in improving implementations of requirements under the EU IUU Regulation, when compared to the Coalition's previous 2017 review (**Table 7**). This variation in implementation of the EU IUU Regulation weakens the entire EU import control scheme, opening the system up to abuse as operators involved in IUU fishing may likely target MS with lax controls. The IUU trade will persist and illegal products will continue to enter the EU until all MS implement the requirements of the EU IUU Regulation effectively.

There are a number of MS with consistently high-risk trade flows for IUU fishing, including **Austria, Czech Republic, Estonia, Hungary, Romania** and **Slovakia**. In these countries, the proportion of import CCs validated by carded non-EU countries remains above 15% for both the 2014/15 and 2018/19 reporting periods. A number of these MS have also been identified as having both a consistently low number of refusals and a consistently low proportion of CCs subject to verification. Although the non-EU countries subject to a yellow or red card under the EU carding scheme have changed significantly between the analysed reporting periods, with a number of new cardings and a number of countries receiving a green card (identified as having enacted significant reforms on IUU fishing) (**Annex 7**), the percentage of import CCs validated by carded non-EU countries remains consistently high for these MS.

Additionally, for the 2014/15 reporting period, both **Denmark** and **Poland** declared that at least 5% of direct landing and transshipment operations were subject to inspection (as required under the EU IUU Regulation). In the most recent biennial reports however, these MS report having failed to inspect 5% of direct landings over the 2018/19 reporting period, thus failing to uphold an obligation under EU law. It is of the utmost importance that all MS abide by the EU IUU Regulation to ensure that the products of IUU fishing do not enter the EU. The failure of one MS to effectively implement the EU IUU Regulation compromises the effectiveness of the entire EU import control scheme.

This review of MS implementation of the EU IUU Regulation has used all available information provided to the EU IUU Fishing Coalition by the European Commission. Although all available documents were provided, the biennial reports received were not always completely transparent. For example, the lack of transparency (redactions) in the information released by France as part of the access to information request made it impossible to fully evaluate the country's implementation of the EU IUU Regulation. The redaction of information in the biennial report of France should be considered a risk factor in itself. In order to assess the performance of all MS effectively, full transparency is needed in all future biennial reports.

Some MS however, having provided fully transparent biennial reports, are seen to be effectively implementing the EU IUU Regulation and upholding the requirements expected of them. Spain, for example, provided an exceptional amount of detail within the biennial report for 2018/19. In this reporting period, Spain has consistently inspected over 5% of direct landings annually as required under the EU IUU Regulation (91% and 93% in 2018 and 2019 respectively), despite receiving a high number of direct landings over this period when compared to the majority of MS. It is therefore unsurprising that Spain also refused the highest number of import consignments over the 2012-19 period (**Figure 6**). Although disparities in the implementation of the EU IUU Regulation still exist between MS and there has been little improvement since the Coalition's 2017 report, it is important to acknowledge that there are a number of MS going above and beyond a number of the requirements of the EU IUU Regulation.

**Table 7 – Comparison of key statistics on import catch certificates, verifications and trade flows of Member States for the 2014/15 and 2018/19 reporting periods\***

\* No specific flag State figures on catch certificates was provided by France in the 2018/19 biennial report

\*\* The reporting template of the 2014/15 biennial report did not require MS to provide exact figures on the percentage of direct landings subject to inspection. MS were only required to confirm that at least 5% of direct landing and transshipment operations were inspected. As such, not all MS provided detailed annual figures. Figures in red highlight occasions in which MS failed to inspect 5% of direct landings, as required under the EU IUU Regulation. Grey cells indicate that no direct landings were reported for the given MS over the reporting period.

**KEY:**   Indicates data for 2012/13 as information not available for 2014/15 at the time of writing

Member State	N° import catch certificates		N° of verification requests sent to non-EU countries		% Import catch certificates subject to verification		N° of refusals		% catch certificates validated by carded non-EU countries		Risk based approach for the assessment of catch certificates		% Direct landings inspected **	
	2014/15	2018/19	2014/15	2018/19	2014/15	2018/19	2014/15	2018/19	2014/15	2018/19	2014/15	2018/19	2014/15	2018/19
Austria	748	512	18	32	2.41%	6.25%	5	0	31.38%	21.68%	No	EFCA		
Belgium	4063	5962	0	2	0	0.03%	0	0	4.52%	11.17%	National	National		
Bulgaria	738	957	9	7	1.22%	0.73%	0	0	5.12%	2.61%	No	No		
Croatia	1331	851	19	3	1.43%	0.35%	0	0	15.40%	6.70%	National	National		
Cyprus	2293	2267	47	24	2.05%	1.06%	0	0	20.53%	9.93%	National	No		
Czech Republic	2626	2001	36	4	1.37%	0.20%	2	0	33.43%	20.54%	No	No		
Germany	90000	41965	70	223	0.08%	0.53%	2	1	No flag State info	5.24%	National	National		
Denmark	42017	38878	240	88	0.57%	0.23%	1	2	1.14%	1.04%	EU Level	EU Level	At least 5%	2018: 5.1% 2019: 4%
Estonia	1209	1109	50 (approx.)	33	4.16%	2.98%	1	0	25.54%	28.85%	No	No		
Spain	105365	122222	1643	551	1.56%	0.45%	58	13	2.56%	3.74%	EU Level	EU Level	100% (for the 2014/15 reporting period)	2018: 91% 2019: 93%
Finland	3142	3753	43	10	1.37%	0.27%	6	0	25.40%	3.28%	National	National		
France	88345 (approx.)	99849	66	32	0.07%	0.03%	12	4	6.58%	No flag State info	National	Information on risk-based approach applied to the assessment of CCs not available.	At least 5%	2018: 14.58% 2019: 17.03%

Member State	N° import catch certificates		N° of verification requests sent to non-EU countries		% Import catch certificates subject to verification		N° of refusals		% catch certificates validated by carded non-EU countries		Risk based approach for the assessment of catch certificates		% Direct landings inspected **	
	2014/15	2018/19	2014/15	2018/19	2014/15	2018/19	2014/15	2018/19	2014/15	2018/19	2014/15	2018/19	2014/15	2018/19
Greece	8247	8687	102	63	1.24%	0.73%	1	1	5.67%	2.73%	EU Level	EU Level		
Hungary	124	196	0	0	0	0	0	0	17.14%	23.47%	No	No		
Ireland	2348	1497	558	21	23.80%	1.40%	2	1	3.39%	2.94%	No	No	At least 5%	2018: 27.7% 2019: 20%
Italy	57172	96736	2	1	0.003%	0	0	0	21.25%	10.03%	National	National		
Lithuania	2956	2948	6	1	0.20%	0.03%	0	0	5.53%	7.36%	National	National	At least 5%	2018: 5% 2019: 13%
Latvia	1241	1241	1	11	0.08%	0.89%	0	0	3.73%	4.27%	National	National		2018: 18.18% 2019: 22.22%
Luxembourg	6	N/A	0	N/A	0%	N/A	0	N/A	0%	N/A	National	No biennial report provided for the 2018/19 reporting period.		
Malta	896	1250	0	1	0%	0.08%	0	0	18.30%	3.76%	No	No		
Netherlands	30335	22878	511	89	1.68%	0.39%	1	16	14.02%	9.72%	National	EU Level	2014: 14.29% 2015: 14.52%	2018: 5.7% 2019: 7.4%
Poland	9862	12024	68	77	0.69%	0.64%	10	4	7.28%	2.52%	National	No	5.45% (for the 2014/15 reporting period)	2018: 4.4% 2019: 2.5%
Portugal	12208	24446	57	0	0.47%	0	11	0	3.22%	7.17%	EU Level	EU Level	At least 5%	
Romania	1023	1165	0	0	0%	0.00%	0	0	34.36%	19.40%	No	No		
Sweden	60000 (approx.)	32505	0	0	0%	0	0	0	Insufficient data	0.76%	National	National	Insufficient Data	2018: 5.65% 2019: 5.77%
Slovakia	275	552	0	0	0%	0	0	0	23.00%	60.14%	No	No		
Slovenia	439	580	45	10	10.30%	1.72%	0	1	20.44%	4.31%	No	No		
UK	49313	54278	81	43	0.16%	0.08%	15	4	13.39%	8.43%	National	National	At least 5%	2018: 52.3% 2019: 64%



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# The way forward

In order to address the issues discussed in this study and ensure consistent and effective implementation of seafood import controls across the EU, the EU IUU Fishing Coalition has included a number of recommendations below for both the European Commission and MS.

The EU IUU Fishing Coalition recommends that the **European Commission:**

- Continues to strive towards a consistent application and implementation of import control procedures across the EU – including CC checks, a risk-based approach and verifications; and initiates infringement procedures against those Member States who have failed to meet the requirements of the EU IUU Regulation;
- Undertakes additional audits in Member States to verify the information provided in the biennial reports;
- Holds accountable Member States that fail to uphold key requirements under the EU IUU Regulation (e.g. failure to inspect 5% of direct landing operations). Action should be taken by the Commission (i.e. infringement procedure) for MS that fail to reach targets set under the EU IUU Regulation;
- Considers the application of a DG MARE audit team in EU Member States to determine how best to improve implementation of the EU IUU Regulation in Member States failing to uphold requirements under the Regulation (when the health situation allows or through other means);
- Facilitates agreement on, and ensures application of, standardised risk analysis criteria and establishes clear benchmarks for the verification of high-risk CCs and inspection of consignments, taking into account best practices currently implemented in the EU;<sup>107</sup>
- Encourages EU Member State engagement with the newly established CATCH IT System while still voluntary, prior to the adoption of the revised Fisheries Control Regulation;
- Encourages non-EU country engagement with the CATCH IT system. The EU has made clear that there is no plan to enforce mandatory use of the CATCH IT system by non-EU countries but its use should be encouraged;
- Encourages the swift inclusion of more comprehensive risk criteria and data cross-checks during the next iterations of the CATCH IT system, as recommended by the Long Distance Advisory Council (LDAC).<sup>108</sup> The European Commission must ensure that the risk assessment applied in CATCH is at the level of or supersedes that of Member States which already have an electronic system to control catch certificates. In the interim period, the Commission must ensure that there is interoperability between CATCH and national IT systems without increasing the burden on economic operators;<sup>109</sup>
- Takes into consideration the recommended improvements to the MS biennial reporting format as discussed within this report;
- Provides adequate support to the authorities responsible for seafood imports within MS. This may include, where available, the production of a list of the management and conservation measures that apply in non-EU countries, 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;
- Provides MS with all necessary (and up-to-date) information regarding current addresses of the authorised bodies in non-EU countries, current stamps, authorised signatures and samples of catch certificates in the EU's Species Management System (SMS);

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107 EJF. (2020). Europe – a market for illegal seafood from West Africa: The case of Ghana's industrial trawl sector. Available at: [https://ejfoundation.org/resources/downloads/EJF\\_Europe-A-Market-for-Illegal-Seafood-from-West-Africa\\_2020\\_final.pdf](https://ejfoundation.org/resources/downloads/EJF_Europe-A-Market-for-Illegal-Seafood-from-West-Africa_2020_final.pdf)

108 LDAC. (2021). Advice – Opinion: LDAC Recommendations for a Level Playing Field for EU and non-EU fishing products. Available at: [https://ldac.eu/images/EN\\_LDAC\\_Advice\\_LPF\\_25May2021.pdf](https://ldac.eu/images/EN_LDAC_Advice_LPF_25May2021.pdf)

109 Ibid.



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- Encourages MS to improve transparency within the biennial reports. The European Commission should consider publically publishing these reports, as was done in the case of MS reports on the implementation of the Fisheries Control Regulation, following a recommendation made by the European Ombudsman.<sup>110</sup> The information contained within these reports plays a crucial role in assessing MS application of the EU IUU Regulation and the catch certification scheme. Interested stakeholders should be provided with full access to this information;
  - Ensures that the sanctions for IUU fishing activities imposed by Member States are effective, proportionate and dissuasive; and strives towards more uniform enforcement schemes and sanctioning systems;
  - Provides, together with EFCA and in close coordination with Member States, further support to their authorities on how best to implement the EU IUU Regulation through guidance, exchange of good practices, training, etc.;
  - Ensures that EU Member States encourage nationals to report legal, beneficial or financial interests in foreign flagged vessels, in accordance with Article 40 of the EU IUU Regulation, in order to:
    - Ensure that the European Commission has an overview of the EU nationals with legal, beneficial or financial interests in foreign flagged vessels, as it is unclear if Member States provide information to the European Commission, as required under Article 40;
    - Map where nationals have registered the vessels they own and/or operate under flags of convenience, allowing the European Commission to evaluate these countries in the context of the EU carding scheme;
    - Facilitate implementation of Article 39 of the EU IUU Regulation and co-operation between authorities when EU nationals are found to have supported or engaged in IUU fishing;
    - Support EU Member States' efforts in cooperating with non-EU countries in the context of the implementation of Articles 39 and 40 of the EU IUU Regulation.
  - Encourages improvements to the **Key Data Elements (KDEs)** currently required within the EU's catch certification scheme, facilitating alignment between the import control schemes employed by key market States:
  - Strengthening of the IMO number KDE. Although an IMO number is currently required by the EU "if issued" by the flag State, not all States or RFMOs comply with the latest IMO eligibility criteria for assigning an IMO number to fishing vessels. To reach a level playing field and expand the adoption of the scheme as a vital tool in the fight against IUU fishing, IMO numbers should be a mandatory requirement in line with the 2017 IMO Resolution.
  - The European Commission should support changes to the EU's catch certification scheme within the revised Fisheries Control Regulation, requiring MS to request information on the following KDEs:
    - Catch area: the EU does not specify the distinction between the EEZ and the high seas;
    - Port of landing;
    - Fishing gear type or catching method.

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<sup>110</sup> Recommendation of the European Ombudsman in case 452/2018/AMF on the European Commission's failure to disclose information on the existence of EU Pilot dialogues and to publish proactively Member State reports on the implementation of the Fisheries Control Regulation. Available at: <https://www.ombudsman.europa.eu/en/recommendation/en/115440>



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The EU IUU Fishing Coalition recommends that **EU Member States:**

- Allocate sufficient capacity and resources to ensure effective implementation of import controls under the EU IUU Regulation;
- Ensure that necessary procedures are put in place in preparation for the legal adoption of the CATCH IT System and that the system is ready for use as soon as applicable. Swift engagement with the system is to be encouraged;
- Support the establishment of a standardised EU-wide approach to risk analysis, and ensure this is effectively applied in detecting higher-risk CCs and consignments;
- Apply standardised, thorough verification and inspection procedures of higher-risk CCs and consignments, as agreed with, and defined by, the Commission;
- Ensure consignments containing suspicious or illegally caught products are refused entry to the EU market;
- Ensure comprehensive data submission to all questions within the biennial reports and full transparency;
- Promptly submit biennial reports as required under the EU IUU Regulation, regardless of whether no catch certificates are received over the reporting period.





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# Annex 1: Questions from the biennial reporting template on the application of the EU IUU Regulation (2018/19)

## Section 1: Information on legal framework

Since the last reporting exercise covering the period 2016-17, has your country adopted/modified national law or any administrative guides from the application of Council Regulation (EC) No 1005/2008 on illegal, unreported and unregulated fishing (IUU Regulation)?

## Section 2: Information on administrative organisation

- 2.1** Are there any changes as regards your administrative Organisation since the last reporting exercise?
- 2.2** If yes, please fill in the following questions. Does your country have different authorities/services to deal with the implementation of the IUU regulation?
- 2.3** If different authorities/services are involved, please distinguish between:
- the control of direct landing of third country fishing vessels;
  - validation of catch certificates upon exports;
  - verification of catch certificates for imports under direct landing;
  - verification of catch certificates for imports arriving by other means than fishing vessels (e.g. by containers, trucks);
  - validation and verification of re-exports.
- a.** Vertical cooperation (between local/regional authorities and head-quarter);
- b.** Cooperation with other authorities and allocation of tasks for various authorities in the implementation of the IUU Regulation (Fisheries, Health, Customs, Coast Guard, Navy, etc.)
- c.** How many officials are involved in the implementation of the catch certification scheme?
- d.** 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 and how many audits/verifications have they undertaken since the last reporting exercise covering the period 2016-7? Which authorities are responsible for audits/verifications? Please detail the results.
- 2.4** Does your country have freezones/freeports in which activities relevant to import/exportation/processing of fishery products are authorised?

### Section 3: Information on direct landings and transshipments of fishery products by third country fishing vessels (including information on port inspections and infringements)

- 3.1** Please check if your list of designated ports corresponds to the latest version of the Office Journal.
- 3.2** Does your country have designated ports for direct landings or transshipment operations of fishery products and port services of third country fishing vessels (Article 5 of the IUU Regulation)? If yes, please list your country's designated ports (including ports designated under Regional Fisheries Management Organisation requirements) and answer questions 3.2 to 3.7:
- 3.3** How many landings and transshipments in designated ports of third country vessels have been recorded by your country between 1 January 2018 until 31 December 2019? How many inspections has your country carried out and how many infringements have been detected?

Inspections of third country vessels in Member State ports (year)								
Type of operation	Vessels	Figures (year)	Flag of the third country vessel(s)					
Landings	Non-EU vessels using Member States designated ports	Number of landings						<b>Total</b>
		Number of inspections						
		% of inspections / landings						
		Number of infringements						
Transshipments	Non-EU vessels using Member States designated ports	Number of transshipments in ports						
		Number of inspections						
		% of inspections / transshipments						
		Number of infringements						

- 3.4** From the figures above, in the cases where your country detected infringements by third country vessels between 1 January 2018 and 31 December 2019, please specify the flag, the vessel's name, the type of infringement and the measures taken (Article 11 of the IUU Regulation).

Flag of the third country vessel	Name of the third country fishing vessel	Type of infringements	Measures taken

- 3.5** Has your country had any problems with third country fishing vessels when implementing Articles 6 (prior notice) and 7 (authorisation) of the IUU Regulation?
- 3.6** Since January 2018, has your country denied access to its ports to a fishing vessel for port services, activities of landing or transshipment of fishery products based on the conditions of the IUU Regulation?
- 3.7** Do you have third country fishing vessel landings in transit in your country with final destination in another Member State? [Article 19.3 of the IUU Regulation] If yes, please indicate the number of landings in transit per year:
- 3.8** In order to determine the cases for port inspection, does your country use risk assessment criteria [cf benchmarks for port inspections, Article 4 of Regulation (EC) No 1010/2009]?

## Section 4: Information on catch certification scheme for importation for the purpose of the IUU Regulation.

**4.1** How many catch certificates from non-EU countries were presented to the authorities of your country from 1 January 2018 until 31 December 2019? Please complete the following table by flag state validating the catch certificates, including in cases catch certificates are accompanied by processing statements.

Flag State (non-EU)	2018	2019
<b>Total</b>		

**4.2** From the number above, how many recognised RFMO catch certificates accompanied imports into your country? Please detail per RFMO certificate and year:

RFMO document	2018	2019
ICCAT (electronic_ bluefin tuna catch document)		
<i>Dissostichus spp.</i> (CCAMLR)		
CCSBT CDS		
<b>Total</b>		

**4.3** How many catch certificates from EU Member States were presented to the authorities of your country from 1 January 2018 until 31 December 2019?

Flag State (EU)	2018	2019
<b>Total</b>		

**4.4** From the number above, how many recognised RFMO catch certificates from EU Member States accompanied imports into your country? Please detail per RFMO certificate and year:

RFMO document	2018	2019
ICCAT (electronic_ bluefin tuna catch document)		
<i>Dissostichus spp.</i> (CCAMLR)		
CCSBT CDS		
<b>Total</b>		

**4.5** Has your country received processing statements from 1 January 2018 until 31 December 2019? If yes, how many processing statements under Article 14.2 accompanied imports into your country? If possible, please provide details per year and per processing country.

Processing non-EU State	2018	2019
<b>Total</b>		



- 4.6** Please indicate if the information in processing statements referring to the corresponding catch certificates is retained and recorded.
- 4.7** Has your country received requests to authorise APEOs in 2018-2019? If yes, how many requests has your country received and how many APEOs have been authorised?
- 4.8** Has your country adopted administrative rules referring to the management and control of APEO in 2018-2019? If yes, please detail.
- 4.9** Has your country validated re-export certificates for products imported from 1 January 2018 until 31 December 2019? If yes, how many re-export certificates? Please detail per year and, if possible, per destination country;

Destination country (non-EU)	2018	2019
<b>Total</b>		

- 4.10** Does your country monitor if the catches for which your country has validated a re-export certificate actually leave the EU? If yes, please detail:
- 4.11** Has your country established any IT tools to monitor the catch certificates and processing statements accompanying imports? If yes, does it include a module for re-exportation of imported catches?
- 4.12** Does your country implement the provisions regarding transit under Article 19.2 at the point of entry or the place of destination?

## Section 5: Information on catch certification scheme of exportation

- 5.1** Has your country established a procedure for validation of catch certificates for exportation of catches from own vessels in accordance with Article 15? If yes, please explain briefly the established procedure and answer questions 5.2 to 5.5.
- 5.2** Has your country validated catch certificates for exportation in 2018-2019 in accordance with Article 15? If yes, how many catch certificates did your country validate from 1 January 2018 to 31 December 2019? If possible, please provide details per requesting third country/country of destination in the following table:

Destination country (non-EU)	2018	2019
<b>Total</b>		

- 5.3** Has your country established any IT tool to monitor the catch certificates validated for exports stemming from own vessels?
- 5.4** Does your country monitor that the catches for which your country has validated catch certificates actually leave the EU?
- 5.5** Has your country refused the validation of a catch certificate between 1 January 2018 and 31 December 2019? If yes, please detail.

**Number (per year):**.....

**Reason:** .....

**Follow-up:**.....

## Section 6: Information on verifications of catch certificates for importation according to Article 17.1 to 5 of IUU Regulation

- 6.1** Has your country established a procedure for verification of catch certificates for importation in accordance with Article 17.2? If yes please detail:
- 6.2** How many catch certifications have been verified by your administration from 1 January 2018 until 31 December 2019? Please specify, separately for each year:

Flag State of origin (EU or non-EU)	Number of verifications 2018		Number of verifications 2019	
	No of basic document-based verifications	No of in-depth verifications	No of basic document-based verifications	No of in-depth verifications
<b>Total</b>				

- 6.3** Does your country use a risk assessment approach for verification of catch certificates in accordance with Article 17? If yes, please detail (e.g. EU criteria for verifications (Article 31 of Commission Regulation 1010/2009); EFCA risk assessment methodology; national criteria).

- 6.4** Does your country also physically verify the consignments? If yes, please detail:

**Number (per year):**.....

**Method of selection:** .....

**Follow-up:**.....

## Section 7: Verification requests to flag States

- 7.1** Has your country sent requests for verifications under Article 17.6 of the IUU Regulation to other countries' authorities in 2018-2019? If yes, how many requests for verifications?  
**[Please provide separate data for 2018 and 2019].**

Flag States	Number of requests for verifications 2018	Justifications (Articles 17.4 and 17.6 of the IUU Regulation)	Number of requests for verifications 2019	Justifications (Articles 17.4 and 17.6 of the IUU Regulation)
<b>Total</b>				

- 7.2** How many requests for verifications were not replied to by the other countries' authorities within the deadline provided in Article 17.6 of the IUU Regulation? Does your country in these situations send a reminder to the authorities of the country in question? Could you please specify when the request, despite reminder(s), remained unanswered? What measures have you taken in that case (i.e. denial of import)  
**[Please provide separate data for 2018 and 2019].**

- 7.3** Was the quality of the answers provided overall sufficient to satisfy the request?

- 7.4** Has your country been using IT systems developed by third countries allowing for a full or partly verification of catch certificates and how many verifications were made through these systems (approximately)?

## Section 8: Information on refusal of importations (Article 18 of the IUU Regulation)

- 8.1** Has your country refused any imports from 1 January until 31 December 2019? Note: please only consider refusals based on the IUU Regulation, not for other reasons e.g. Food Safety, Customs legislation, etc. If yes, please provide details in the table below:

Reason for refusal of import	2018		2019	
	Flag State	Number	Flag State	Number
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 certification 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 Union IUU vessel list or in the IUU vessel lists referred to in Article 30.				
The catch certificate has been validated by the authorities of a flag State identified as a non-cooperating State in accordance with Article 31.				
Further to the request for verification (Article 18.2)				

- 8.2** If the answer to 8.1 is yes, what measures were taken by your authorities towards the refused fishery products?
- 8.3** In case of refusal of importation, did the operators contest the decision of the authorities of your country? If yes, please detail.

## Section 9: Information on trade flows

- 9.1** Did your country note a change of imports of fishery products since the last reporting exercise covering the period 2016-17? If yes, please detail.
- 9.2** Please provide information, deriving from your country's statistical data, concerning change of trade patterns in imports of fishery products into your country.

## Section 10: Information on mutual assistance

- 10.1** Since the last reporting exercise covering the period 2016-17, how many mutual assistance messages of the Commission has your country replied to? Please provide separate data for 2018 and 2019 (if any).
- 10.2** Since the last reporting exercise covering the period 2016-17, has your country sent any mutual assistance message to the Commission/other Member States? Please provide separate data for 2018 and 2019 (if any).

## Section 11: Information on cooperation with third countries

- 11.1** Apart from verifications and refusals under Article 17 and 18, has your country had any 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 12: Information on nationals

- 12.1** Since the last reporting exercise covering the period of 2016-2017, has your country implemented or modified existing measures to ensure that your country can take appropriate action with regard to nationals involved in IUU fishing in accordance with Article 29 of the IUU Regulation? If yes, please detail.
- 12.2** What measures has your country taken to encourage nationals to notify any information on interests in third country vessels (Article 40.1)?
- 12.3** Has your country endeavored to obtain information on arrangements between nationals and third countries allowing reflagging of their vessels in accordance with Article 40.4? If yes, please detail.
- 12.4** If yes to any of the above, how many cases have your country dealt with and which administrative or penal follow-up was given? Please provide details.
- 12.5** Has your country put in place procedures to ensure that nationals do not sell or export any fishing vessels to operators involved in the operation, management or ownership of fishing vessels included in the Union IUU vessel list (Article 40.2)? If yes, please provide details.
- 12.6** 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 13: Infringements (Chapter IX of the IUU Regulation) and Sightings (Chapter X of the IUU Regulation)

- 13.1** Has your country detected serious infringements as defined in Article 42 of the IUU Regulation from 1 January 2018 until 31 December 2019? If yes, please detail separately for each year the number of serious infringements, nature and sanctions applied:

Flag State of the vessel or nationality of the operator (EU and non-EU)	Serious infringements detected in 2018			Serious infringements detected in 2019		
	Number	Nature	Sanctions applied	Number	Nature	Sanctions applied
<b>Total</b>						

13.2 Has your country applied or adapted its levels of administrative sanctions in accordance with Article 44? If yes, please detail.

13.3 Has your country issued sighting reports from 1 January 2018 until 31 December 2019? If yes, how many sighting reports were issued by your country from 1 January 2018 until 31 December 2019?

Flag State of the sighted vessel (EU and non-EU)	No of sighting reports issued in 2018	No of sighting reports issued in 2019
<b>Total</b>		

13.4 Since the last reporting exercise covering the period 2016-17, has your country received any sighting reports for its own vessels from other competent authorities? If yes, please detail follow-up (in accordance with Article 50 of the IUU Regulation).

**Section 14: General**

14.1 In the reporting period 2018-2019, what have been the main difficulties that your country has encountered in implementing the IUU Regulation, including the catch certification scheme?

14.2 Which improvements would your country suggest to the Regulation that would make implementation smoother?

**Section 15: Any other comments**

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## Annex 2: Member States approaches to the risk-based assessment of catch certificates under the EU IUU Regulation

EU Member State	Risk criteria applied to identify consignments for verification? (2018/19)
<b>Austria</b>	<b>Yes.</b> EFCA Calculator Risk Analysis is used, alongside experience. Austria also takes ongoing discussions and new information from EC (mutual assistance, SLOs, EFCA) into consideration.
<b>Belgium</b>	<b>Yes.</b> Type and origin of consignments are assessed. Certificates from higher risk non-EU countries are verified more thoroughly (EU yellow card, DG MARE/SLO issued warnings).
<b>Bulgaria</b>	<b>No.</b>
<b>Croatia</b>	<b>Yes.</b> Every CC and every Annex IV processing statement is passed through risk analysis.
<b>Cyprus</b>	<b>No.</b>
<b>Czech Republic</b>	<b>No.</b> Relatively low number of CCs submitted, so every CC is subject to checks and verifications. Czech Republic therefore does not deem it necessary to employ the risk assessment based on the EU criteria nor the national criteria.
<b>Denmark</b>	<b>Yes.</b> Risk assessment based on the criteria from Art. 31 of Commission Regulation 1010/2009. <sup>111</sup> IUU control staff are informed via guidelines and newsletters.
<b>Estonia</b>	<b>No.</b> 100% documentary check.
<b>Finland</b>	<b>Yes.</b> Risk factors identified within the IT system which then highlights CCs to be inspected further.
<b>France</b>	<b>Redacted.</b>
<b>Germany</b>	<b>Yes.</b> Criteria in accordance with Art. 50 (3) of Regulation (EC) N° 1005/2008 (EU IUU Regulation). In the future, the new IT system will contain an electronic system for risk management, which takes into account the risk criteria of Regulation (EC) N° 1010/2009.
<b>Greece</b>	<b>Yes.</b> Criteria in accordance with Art. 31 of Reg. 1010/2009.
<b>Hungary</b>	<b>No.</b>
<b>Ireland</b>	<b>No.</b>
<b>Italy</b>	<b>Yes.</b> Central customs risk assessment determines type of control (documentary, scanner, physical verification).
<b>Latvia</b>	<b>No.</b> Documents for all imports are checked according to the EFCA and Commission guidelines etc. Verifications in accordance with Art. 17 of the EU IUU Regulation.
<b>Lithuania</b>	<b>Yes.</b> National risk criteria and EU risk assessment methodology performed by RIKS (Risk Management and Control System).
<b>Malta</b>	<b>No.</b> 100% administrative cross check is conducted on all CCs received.
<b>Netherlands</b>	<b>Yes.</b> Criteria in Art. 31 of Reg. 1010/2009, but also pre-identified. Morocco requests are considered high risk criteria.
<b>Poland</b>	<b>No.</b>

<sup>111</sup> Commission Regulation (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.

EU Member State	Risk criteria applied to identify consignments for verification? (2018/19)
Portugal	Yes. Criteria based on Art. 31 of Reg. 1010/2009.
Romania	No.
Slovakia	No.
Slovenia	No. 100% documentary control by customs (includes mutual assistance notes).
Spain	Yes. Risk criteria based on Art. 31 of Reg. 1010/2009 in addition to national criteria.
Sweden	Yes. All certificates besides those from Norway are to be checked. Over time, Sweden intends to implement the EFCA Common methodology to facilitate the implementation of an IUU risk management approach.
United Kingdom	Yes. The UK has developed a simple risk management tool to assign a risk level to consignments/ cargo so as to apportion resources according to the level of risk (60% to high, 30% to medium, 10% low risk). The tool includes six broad risk categories: Business, Country, Documents, Species, Trade and Vessel.

**ABBREVIATIONS:** CC = Catch Certificate; EC = European Commission  
EFCA = European Fisheries Control Agency  
EFTA = European Free Trade Association  
DG MARE = Directorate-General for Maritime Affairs and Fisheries  
SLO = Single Liaison Office

## Annex 3: List of ports in EU Member States where landings and transshipment operations of fishery products are allowed and port services are accessible for non-EU country fishing vessels, in accordance with Article 5(2) of Council Regulation (EC) N° 1005/2008<sup>112</sup>

EU Member State	Designated Ports
<b>Belgium</b>	Oostende, Zeebrugge
<b>Bulgaria</b>	Burgas, Varna
<b>Denmark</b>	Esbjerg, Frederica, Hanstholm, Hirtshals, Hvide Sande*, Køberhavn, Skagen, Strandby*, Thyborøn*, Aalborg, Aarhus
<b>Germany</b>	Bremerhaven, Cuxhaven, Rostock (transshipments not allowed), Sassnitz/Mukran (transshipments not allowed)
<b>Estonia</b>	None at the moment
<b>Ireland</b>	Killybegs*, Castletownbere*
<b>Greece</b>	Piraeus, Thessaloniki
<b>Spain</b>	A Coruña, A Pobra do Caramiñal, Algeciras, Alicante, Almería, Barbate*) (transshipments and landings not permitted), Barcelona, Bilbao, Cádiz, Cartagena, Castellón, Gijón, Huelva, Las Palmas de Gran Canaria, Málaga, Marín, Palma de Mallorca*, Ribeira, Santa Cruz de Tenerife, Santander, Tarragona, Valencia, Vigo (Área Portuaria), Vilagarcía de Arousa
<b>France</b>	<i>Metropolitan France:</i> Dunkerque, Boulogne, Le Havre, Caen*, Cherbourg*, Granville*, Saint-Malo, Roscoff*, Brest, Douarnenez*, Concarneau*, Lorient*, Nantes — Saint-Nazaire*, La Rochelle*, Rochefort sur Mer*, Port la Nouvelle*, Sète, Marseille Port, Marseille Fos-sur-Mer <i>Overseas France:</i> Le Port (La Réunion), Fort de France (Martinique)*, Port de Jarry (Guadeloupe)*, Port de Marina de Rivière-Sens (Commune de Gourbeyre, Guadeloupe), Port du Larivot (Guyane)*
<b>Croatia</b>	Ploče, Rijeka, Zadar (Gaženica), Split (Sjeverna luka)
<b>Italy</b>	Ancona, Brindisi, Civitavecchia, Fiumicino*, Genova, Gioia Tauro, La Spezia, Livorno, Napoli, Olbia, Palermo, Ravenna, Reggio Calabria, Salerno, Taranto, Trapani, Trieste, Venezia
<b>Cyprus</b>	Limassol
<b>Latvia</b>	Rīga, Ventspils
<b>Lithuania</b>	Klaipėda
<b>Malta</b>	Valletta (Deepwater Quay, Laboratory Wharf, Magazine Wharf)
<b>Netherlands</b>	Eemshaven, IJmuiden, Harlingen, Scheveningen*, Velsen, Vlissingen
<b>Poland</b>	Gdańsk, Gdynia, Szczecin, Świnoujście

<sup>112</sup> The list of ports in EU Member States where landings and transshipment operations of fishery products are allowed and port services are accessible for third-country fishing vessels, in accordance with Article 5(2) of Council Regulation (EC) No 1005/2008 can be accessed at: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C\\_.2019.058.01.0008.01.ENG&toc=OJ:C:2019:058:TOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2019.058.01.0008.01.ENG&toc=OJ:C:2019:058:TOC)

EU Member State	Designated Ports
<b>Portugal</b>	Aveiro, Lisboa, Peniche, Porto, Setúbal, Sines, Viana do Castelo Açores (Horta Ponta Delgada, Praia da Vitória*), Madeira (Caniçal)
<b>Romania</b>	Constanța
<b>Slovenia</b>	None at the moment
<b>Finland</b>	None at the moment
<b>Sweden<sup>113,114</sup></b>	Ellösön*, Göteborg, Karlskrona Saltö*, Karlskrona Handelshamnen*, Kungshamn*, Lysekil*, Mollösund*, Nordersund*, Rönnäng*, Simrishamn*, Slite*, Smögen*, Strömstad*, Trelleborg*, Träslövsläge*, Västervik*, Wallhamn*
<b>United Kingdom<sup>115</sup></b>	Aberdeen*, Dundee* (only access to port services), Falmouth, Fraserburgh*, Grangemouth* (only access to port services), Greenock* (only access to port services), Grimsby, Hull, Immingham, Invergordon* (only access to port services), Kinlochbervie*, Leith* (only access to port services), Lerwick*, Lochinver*, Methel* (only access to port services), Peterhead, Plymouth*, Scrabster*, Stornoway* (only access to port services), Ullapool*

\* Not an EU Border Inspection Post (BIP)

113 Landings of all fishery products from vessels flying the flag of Norway, Iceland, Andorra and the Faroe Islands are allowed at Karlskrona Saltö, Karlskrona Handelshamnen, Lysekil, Nordersund, Rönnäng, Simrishamn, Slite, Smögen, Strömstad, Trelleborg, Västervik and Wallhamn. Landings of more than 10 tons of herring taken in areas outside the Baltic Sea, mackerel

114 Landings of more than 10 tons of herring taken in areas outside the Baltic Sea, mackerel and horse mackerel are not permitted at Göteborg, Karlskrona Saltö, Karlskrona Handelshamnen, Nordersund, Simrishamn, Slite, Smögen, Trelleborg, Västervik and Wallhamn

115 Landings only accepted from fishing vessels flying the flag of EEA or EFTA countries at Aberdeen, Fraserburgh, Kinlochbervie, Lerwick, Lochinver, Plymouth, Scrabster and Ullapool.

## Annex 4: Member States approaches to the inspection of consignments under the EU IUU Regulation

NOTE: This information was sourced directly from the biennial reports submitted by MS under the EU 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.

EU Member State	Consignments Inspected?	How selected?	Details
<b>Austria</b>	Yes	Risk Analysis	2018: 0 ; 2019: 1. The 2019 inspection was the result of an alert from another MS. Risk criteria to be re-evaluated.
<b>Belgium</b>	No	N/A	No details provided.
<b>Bulgaria</b>	Yes	Random	2018: 3 ; 2019: 3. Carried out by The Customs Agency/Food Safety Agency.
<b>Croatia</b>	Yes	Risk Analysis	The consignment will be physically inspected in accordance with the results of a risk analysis system. Also inspected in the case of reasonable suspicion detected in document control of CC/Annex IV processing statements.
<b>Cyprus</b>	Yes	Risk Analysis	2018: 267 ; 2019: 304. Number of criteria applied to assess risk including submission time, new exported flag country, suspect country. Consignments arriving at Larnaca Airport were also routinely verified.
<b>Czech Republic</b>	No	N/A	Can be examined at time of customs clearance but physical examination is not part of the verification process.
<b>Germany</b>	Yes	Routine	In connection with the veterinary BIPs and the Customs, there is a 100% control, i.e., checking of the documents and an identity check
<b>Denmark</b>	Yes	Routine, Random	Veterinary border control and IUU control are combined, physical checks used to ensure both veterinary and IUU requirements. Additional random checks for consignments from Norway, Iceland, Greenland and Faroe Islands.
<b>Estonia</b>	Yes (although Estonia answered 'No' to this question)	Results of initial check	If needed consignment can be physically verified, but only if there is some information about consignment, documents are falsified, etc.
<b>Spain</b>	Yes	Risk Analysis	When a landing or transit is not immediately authorized, the economic operator has the possibility of requesting the introduction in deposit. Therefore the number of physical inspections coincides with the number of inspected landings indicated in its corresponding section. The identity control of containers is carried out in the PIF by the Health Services. Based on Regulation (EC) 882/2004, unfavorable identity check results are analyzed by this unit.
<b>Finland</b>	No	N/A	No details provided.
<b>France</b>	Redacted	Redacted	Redacted
<b>Greece</b>	No	N/A	No details provided.
<b>Hungary</b>	No	N/A	No details given.
<b>Ireland</b>	Yes	Risk Analysis	2018 – 33(BIP), 36 (Direct Landing), 2019 – 82 (BIP), 25 (Direct Landing). Risk Analysis at BIP, all direct landings checked, fishery is NEAFC RFMO.
<b>Italy</b>	Yes	Risk Analysis	Determined via the customs risk analysis system, or in any case where there are doubts following documentary checks.



EU Member State	Consignments Inspected?	How selected?	Details
<b>Lithuania</b>	Yes	Risk Analysis	2018: 22; 2019: 26. Risk profile based on national, EU criteria, information from other countries.
<b>Latvia</b>	No	N/A	No details provided.
<b>Malta</b>	Yes	Routine	Approximately 200 per year. For all imported fresh fish and processed fishery products necessitating additional verifications
<b>Netherlands</b>	Yes	Random	20%. Randomly and if necessary, after a non-compliant document check.
<b>Poland</b>	Yes	Random, Routine	A few thousand inspections per year. No precise number available, since such controls are done daily by Veterinary officers at BCPs. Out of all those, around 20 per year are joint controls conducted by Fishery- and Agricultural and Food Quality Inspectors together with veterinary officials.  Method of selection: All shipments/containers arriving from 3rd countries other than NO, IS or FO are subjected to veterinary controls which include identification of species and weight checking imports for joint controls are selected randomly or upon receiving alert from Veterinary officials.
<b>Portugal</b>	Yes	Risk Assessment	Limited capacity and absence of serious risk – 0 checks 2018/19. According to the 2016/17 biennial report, Portugal selects physical inspection using the same approach as used in selecting high risk CCs for verification. Based on a number of factors, including the presence of any DG MARE/SLO alerts and application of the risk criteria provided in Article 31 of Regulation (EC) N° 1010/2009.
<b>Romania</b>	No	N/A	The verifications are made by Customs, Health, National Food Safety Authority
<b>Sweden</b>	Yes?	Unclear	National Food Agency carries out health verifications at the BIP and Swedish Customs can do physical controls if there is information about consignments that needs to be followed up, or if requested by the Swedish Agency for Marine and Water Management (SwaM).
<b>Slovakia</b>	Yes	Random	2018: 3; 2019: 2. Usually in connection with other tasks (e.g. food safety controls).
<b>Slovenia</b>	Yes	Result of initial check	2018: 2; 2019: 3. Customs Department in case of doubt that consignment corresponds to the submitted catch certificate physically verifies the consignment.
<b>United Kingdom</b>	Yes	Unclear	UK Port Health Authorities will not routinely conduct a physical check under the EU IUU Regulation. Marine Scotland however selected using a risk-based approach.

## Annex 5: Member States biennial reports received in response to information requests to the European Commission

EU Member State	2010/11	2012/13	2014/15	2016/17	2018/19
Austria	✘	✓	✓	✓	✓
Belgium	✓	✓	✓	✓	✓
Bulgaria	✓	✓	✓	✓	✓
Croatia	✘	✘	✓	✓	✓
Cyprus	✓	✓	✓	✓	✓
Czech Republic	✓	✓	✓	✓	✓
Denmark	✓	✓	✓	✓	✓
Estonia	✓	✓	✓	✓	✓
Finland	✓	✓	✘	✓	✓
France	✓	✓	✓	✓	✓
Germany	✓	✓	✓	✓	✓
Greece	✓	✓	✓	✓	✓
Hungary	✓	✓	✓	✓	✓
Ireland	✓	✓	✓	✓	✓
Italy	✓	✓	✘	✓	✓
Latvia	✓	✓	✓	✓	✓
Lithuania	✓	✓	✓	✓	✓
Luxembourg	✘	✓	✘	✘	✘
Malta	✓	✓	✘	✓	✓
Netherlands	✓	✓	✓	✓	✓
Poland	✓	✓	✓	✓	✓
Portugal	✓	✓	✓	✓	✓
Romania	✓	✓	✓	✓	✓
Slovakia	✓	✓	✓	✓	✓
Slovenia	✓	✓	✓	✓	✓
Spain	✓	✓	✓	✓	✓
Sweden	✓	✓	✘	✓	✓
United Kingdom	✓	✓	✓	✓	✓

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## Annex 6: Further difficulties experienced by Member States in implementation of the EU IUU Regulation and suggested improvements

### Nationals (Article 39)

In the 2018/19 biennial reports, a number of MS mentioned difficulties when implementing Article 39 of the EU IUU Regulation on nationals, noting the complex nature of the issue. The competent authorities of **Cyprus**, **Greece** and **the Netherlands** all mentioned this issue in their respective biennial reports, with Greece specifically noting difficulties on the “control and enforcement of provisions of the IUU legislation for nationals especially when these are not residents of the country or in cases they manage fishing companies that are based in non-EU countries”. MS are responsible for monitoring the activities of their nationals and holding these actors accountable if found to have supported or engaged in IUU fishing activities. The European Commission is responsible for monitoring compliance with this component of the EU IUU Regulation and providing necessary support to MS.

#### Nationals and the EU IUU Regulation

The EU IUU Regulation contains details on MS responsibilities to ensure that no nationals are supporting in or engaging in IUU fishing. Nationals are subject to the jurisdiction of MS and Article 39 of the EU IUU Regulation stipulates that:

- No nationals shall work onboard, operate or beneficially own a fishing vessel included in the Community IUU Vessel List;
- MS cooperate amongst themselves and with non-EU countries and take appropriate measures, in accordance with national and Community law, in order to identify nationals supporting or engaged in IUU fishing;
- MS shall take appropriate action with regard to these nationals;
- Each MS shall notify the Commission with the names of the competent authorities responsible for coordinating with the collection and verification of information on activities of nationals referred to above, and for reporting and cooperating with the Commission.

### Additional recommendations made by EU Member States (2018/19 biennial reports)

MS provided a number of additional recommendations to the European Commission in the 2018/2019 biennial reports. These recommendations include, but are not limited to:

- More frequent meetings of the Fisheries Control Expert Group. It is important that representatives from MS meet regularly to discuss cooperation and issues regarding the implementation of the EU IUU Regulation;
- IUU meetings between MS authorities (both customs and fisheries agencies) and European Commission departments (DG MARE and DG TAXUD);
- A single EU risk analysis system;
- Clear benchmarks for the verifications of CCs and import controls. These benchmarks should not be quantitative targets decided at the EU level. They should rather be adapted to the risks characterising a MS trade flow;
- Article 19 of the EU IUU Regulation on the transit and transshipment of fisheries products stipulates that, if at the point of entry into the Union fisheries products are transshipped and transported by sea to a different MS, it is the responsibility of the final MS to carry out verifications and refusals (according to Article 17 & 18).

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A number of MS<sup>116</sup> noted that it would be preferential for verifications and IUU controls to take place at the point of entry into the EU, not at the final destination.

- Improvements to the EU's Species Management System (SMS)<sup>117</sup> including:
  - a fixed format for notifications;
  - a search feature in the database; and
  - improved usability (weak copies uploaded, files lacking names).
- Mandatory submission of vessel lists from each non-EU country to determine those that are licensed to a non-EU country and operate within their own EEZ (therefore requiring only a simplified CC).

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116 Denmark and Sweden

117 A set of documents available to MS, a repository of various documents provided by the EC on models, stamps and other information.

## Annex 7: Timeline of EU carding decisions\*

\* Countries in **bold** are currently carded under the EU's carding system. This reflects information as per the table published by the DG MARE in [https://ec.europa.eu/oceans-and-fisheries/fisheries/rules/illegal-fishing\\_en](https://ec.europa.eu/oceans-and-fisheries/fisheries/rules/illegal-fishing_en). Information correct as of 23 March 2022.

Country	Pre-Identification (Yellow Card)	Pre-Identification Revoked	Identification (Red Card)	Listing	Delisting
Belize	November 2012	N/A	November 2013	March 2014	December 2014
<b>Cambodia</b>	November 2012	N/A	November 2013	March 2014	
<b>Cameroon</b>	February 2021				
<b>Comoros</b>	October 2015	N/A	May 2017	July 2017	
Curaçao	November 2013	February 2017			
<b>Ecuador</b>	October 2019				
Fiji	November 2012	October 2014			
<b>Ghana</b>	November 2013	October 2015			
	June 2021				
Kiribati	April 2016	December 2020			
Republic of Korea	November 2013	April 2015			
<b>Liberia</b>	May 2017				
<b>Panama</b>	November 2012	October 2014			
	December 2019				
Papua New Guinea	June 2014	October 2015			
Philippines	June 2014	April 2015			
Republic of Guinea	November 2012	N/A	November 2013	March 2014	October 2016
<b>Sierra Leone</b>	April 2016				
Solomon Islands	December 2014	February 2017			
Sri Lanka	November 2012	N/A	October 2014	February 2015	June 2016
<b>St Kitts and Nevis</b>	December 2014				
<b>St Vincent and Grenadines</b>	December 2014	N/A	May 2017	July 2017	
Taiwan	October 2015	June 2019			
Thailand	April 2015	January 2019			
Togo	November 2012	October 2014			
<b>Trinidad and Tobago</b>	April 2016				
Tuvalu	December 2014	July 2018			
Vanuatu	November 2012	October 2014			
<b>Vietnam</b>	October 2017				





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