Implementation of import controls under the EU IUU Regulation

A review of progress

October 2016

Background to analysis

- Member states (MS) submit reports every two years to European Commission on implementation of IUU Regulation
- Reports submitted for 2010/11, 2012/13, 2014/15
- Obtained via access to information requests
  - 2010/11: 25 reports (excl. AT, LU)
  - 2012/13: 27 reports (excl. HR)
  - 2014/15: 23 reports (excl. FI, IT, LU, MT, SE)
- Quality of reporting differs considerably between MS and, in some cases, precludes robust comparisons across MS/analysis of implementation

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Inspections of landings by third country vessels in EU ports

Article 9 IUU Regulation (1005/2008)

- MS required to inspect 5% of landings and transshipments by third country (TC) vessels in their ports each year
- Inspections must be based on risk management
- 21 benchmarks (risk criteria) in Art. 4 of the Implementing Regulation (1010/2009)

Inspections of landings by third country vessels in EU ports

Implementation:

- 2014/15:
  - 10 MS reported 4122 TC vessel landings and transshipments
  - All 10 MS reported fulfilling 5% inspection requirement
  - MS apply risk criteria or inspect 100% of TC landing/transshipment operations
- Report from Spain:
  - DECLINE in quantities of products landed by TC fishing vessels in Las Palmas since 2010, but an INCREASE in access to port services
    - Shift to nearby ports with less rigorous controls??

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Risk-based verification of import CCs

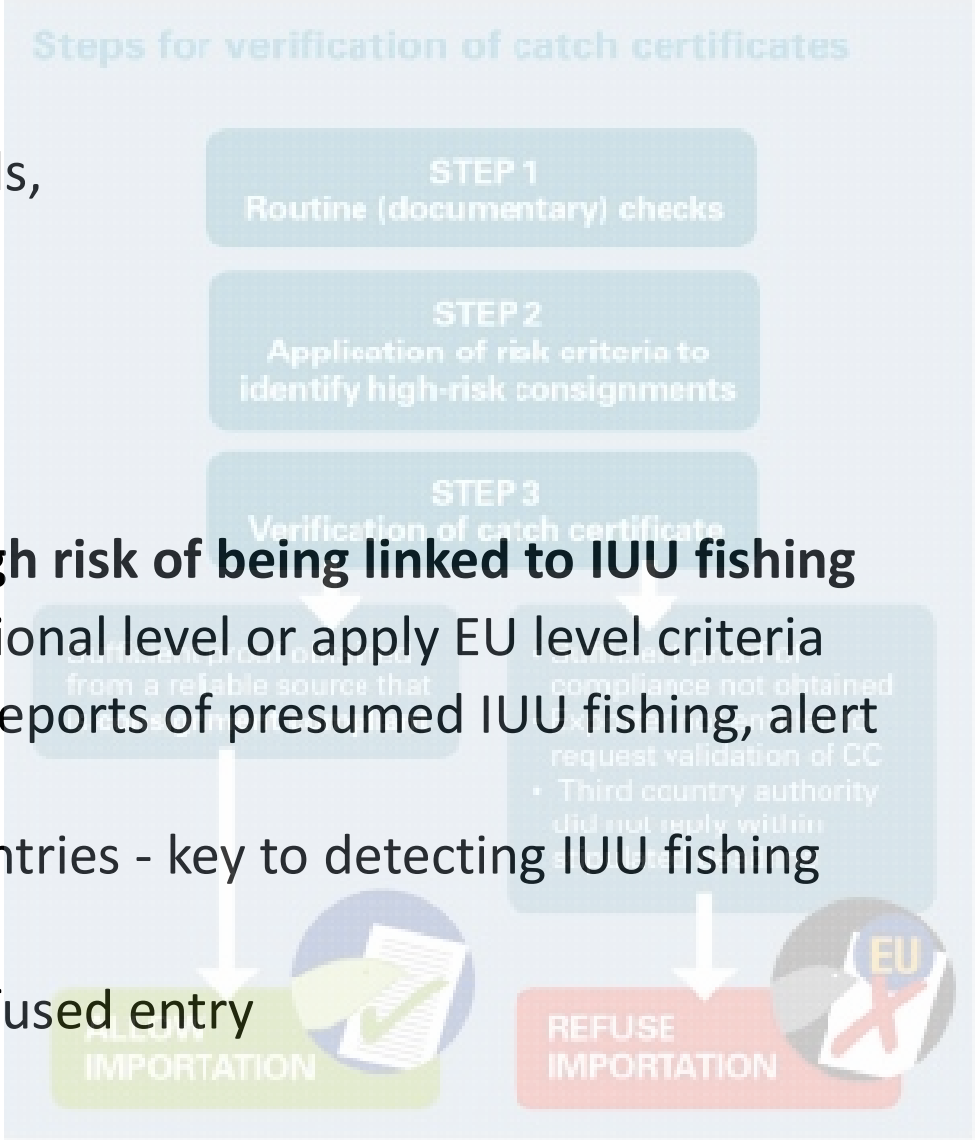
Applies to direct landings AND
freight imports (e.g. container vessels,
air freight…)

Article 17 IUU Regulation:

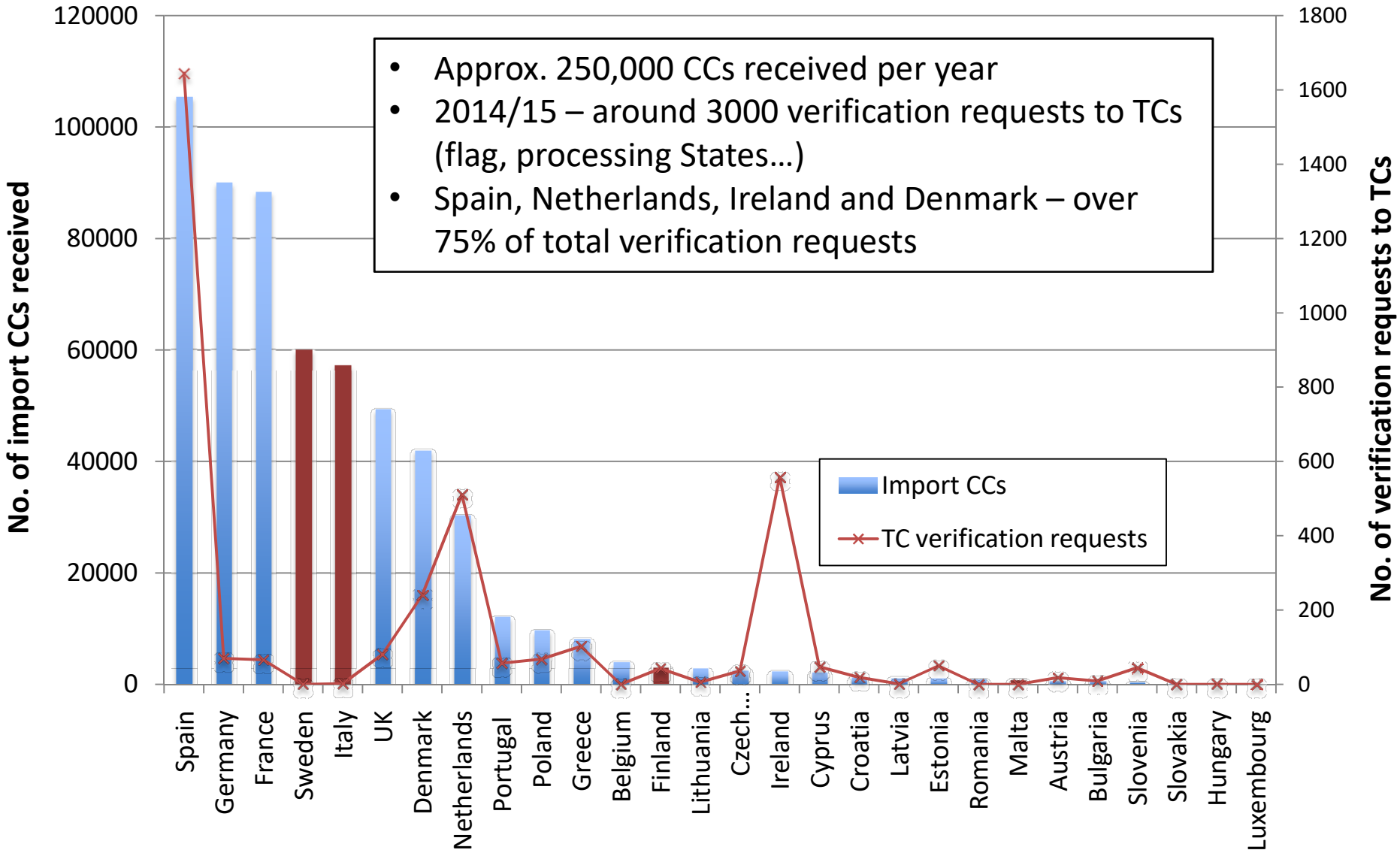
- "All verifications necessary"
- Focus on consignments with a **high risk of being linked to IUU fishing**
- MS may define risk criteria at national level or apply EU level criteria
- **Mandatory verifications** (fraud, reports of presumed IUU fishing, alert notice, etc.)
- Verification requests to third countries - key to detecting IUU fishing

Article 18 IUU Regulation:

- Non-compliant products to be refused entry



Number of import CCs received and third country verification requests
(*2014/15, red bars indicate 2012/13 data*)



Fishery imports from non-EU countries into top 6 EU importers, 2014-2015 (excl. imports from EEA)

	IUU Reg imports (annual average in tonnes, 2010-2015)*	Import CCs received	Verification requests to third countries	Verification requests as % of total CCs received	Import CCs from carded countries (estimate)**	Rejected consignments
Spain	860,000	105,365	1,643	1.559%	3%	58
UK	380,000	49,313	81	0.164%	13%	15
Germany	365,000	90,000	60-70	0.078%	8%	2
Netherlands	350,000	30,335	511	1.685%	14%	1
Italy	350,000	57,172	2	0.003%	20%	0
France	275,000	88,345	66	0.075%	6.5%	12

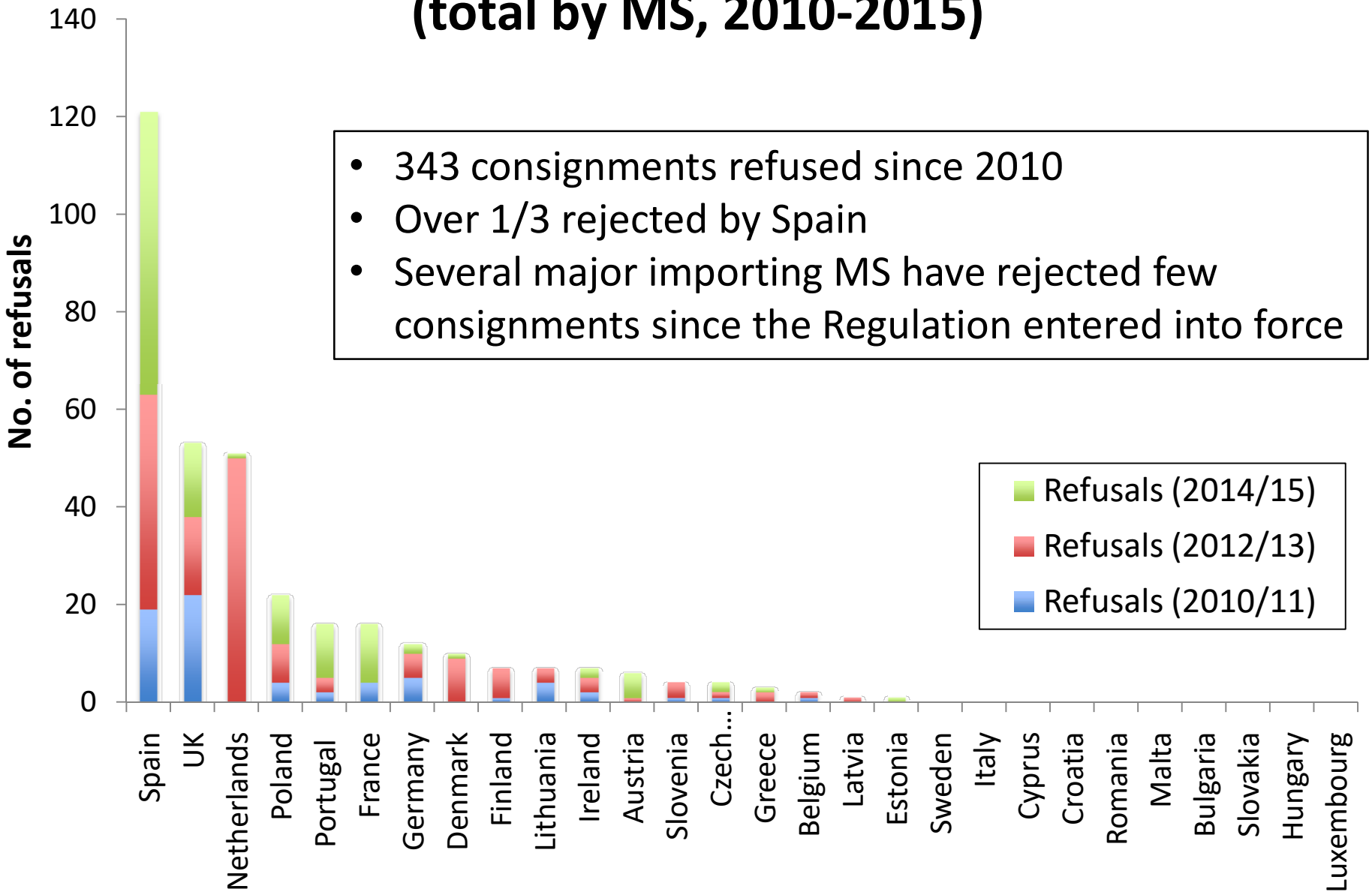
Notes:

Grey shading indicates data for 2012/13

**Eurostat. Calculated based on methodology set out in: http://ec.europa.eu/fisheries/documentation/studies/iuu-regulation-application/doc/final-report_en.pdf*

***Based on flag State information reported in MS reports. Red text indicates estimates based on Customs data reported in Eurostat (Germany) or country of origin information contained in Customs import declarations (France) – flag State information not available.*

Rejected consignments (total by MS, 2010-2015)



- 343 consignments refused since 2010
- Over 1/3 rejected by Spain
- Several major importing MS have rejected few consignments since the Regulation entered into force

Risk-based verification of import CCs

Risk assessment:

- Effective risk analysis crucial to target limited enforcement resources
- Wide disparity in methods and criteria for risk assessment
- In 2014/15, 4 MS reported applying EU level risk criteria to direct CC verifications

Verifications:

- Differing standards of scrutiny and rigour
- Report from Spain
  - DECREASE in trade flows following an INCREASE in verification requests to certain flag States
  - Diversion of trade to other MS?

Conclusions

- Risk-based verification of import CCs - **inadequate harmonisation of MS procedures**
- Uneven/weak MS controls, lack of EU level guidance
- Improved harmonisation called for by MS (e.g. DK, ES in 2014/15 reports)
- Issue raised by European Parliament:
  - ENVI committee opinion on EU wildlife trafficking action plan
  - Motion for a European Parliament resolution on *How to make fisheries controls uniform*
- **Improved reporting** on specific criteria and procedures is required

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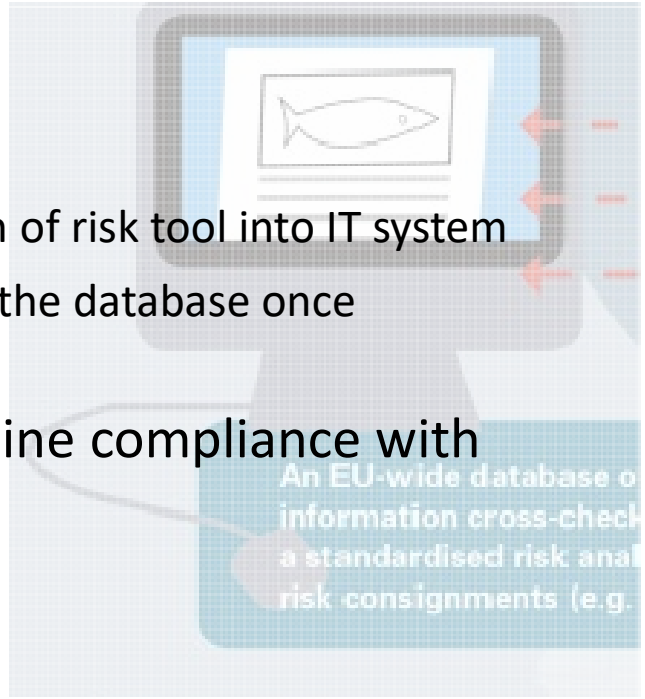
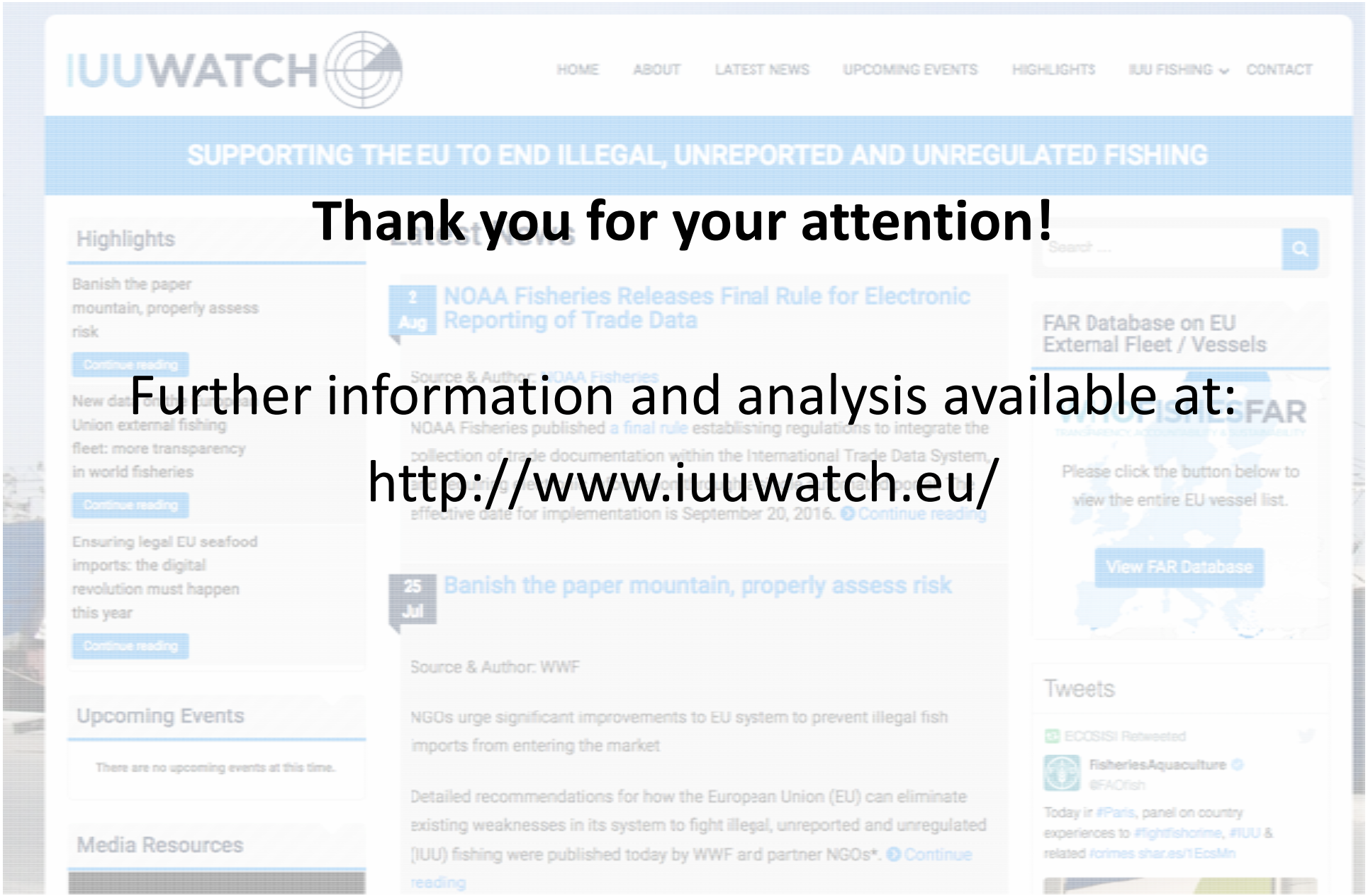
Recommendations

- Harmonise procedures for risk analysis and CC verifications **to a minimum standard across MS**
- **Methods and criteria defined at EU-level**, guidance issued
- Specify a **minimum % of import CCs** to be subjected to verification
- **EU-wide database of CC information** by mid-2017 (called for by 14 MS in 2014/15 reports):
  - Assist in EU-level cross-checks of CCs
  - Improve efficiency & detection of IUU products
  - Standardise risk assessment through incorporation of risk tool into IT system
  - MS must commit to the full and systematic use of the database once established.
- **Commission audit missions** to MS to determine compliance with import controls

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Source & Author: NOAA Fisheries
NOAA Fisheries published a final rule establishing regulations to integrate the collection of trade documentation within the International Trade Data System, effective date for implementation is September 20, 2016. Continue reading
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Source & Author: WWF
NGOs urge significant improvements to EU system to prevent illegal fish imports from entering the market
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