



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

THE DIRECTOR-GENERAL

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Mr. Ivan Lopez
Chairman
Long Distance Advisory Council
C/del Doctor Fleming 7, 2º derecha
28036 Madrid
SPAIN

Subject: Requirement for IMO numbers for importing seafood products into the EU market from non-EU vessels

Your ref.: R-01-17/WG5

Dear Mr. Lopez,

Thank you for the LDAC advice on the requirement for IMO numbers for importing seafood products into the EU market from non-EU vessels received on 2 June 2017, which we have thoroughly analysed. You will find below my replies to the points raised.

First of all, I would like to stress that **neither the control nor the IUU regulations** require the IMO number for the third countries vessels fishing outside EU waters and exporting these products to the EU. Requiring IMO numbers for third country vessels fishing outside EU waters and exporting to the EU is not possible for categories of vessels not covered by these requirements at EU, regional or international level.

Annex II of the IUU regulation related to the EU catch certificate and re-export certificate requires the IMO number, **but only when such a certificate is issued**. Article 29 and 48 also refer to the IMO number requirement **but only when it is applicable**.

In your advice you mention that the control implementing rules do cover limited categories of EU vessels (EU vessels of more than 24 meters in length overall or of 100 gross tonnage or more), but these implementing rules include also in reality "all third country fishing vessels authorised to carry out fishing activities in Union waters." This category was omitted in your document.

In relation to catch documentation schemes (CDS), it also worth noting that even if FAO Flag State Performance Voluntary Guidelines provide expressly that flag states (as

regards information, registration and records of fishing vessels) should follow minimum requirements such as "...relevant requirements of the International Maritime Organization"; the recently adopted FAO Catch Documentation Scheme Voluntary Guidelines do not mention, even implicitly, the need to include an IMO number as information to be provided in a Catch Certificate of a given CDS.

In response to your opinion that uneven standards are applied to EU and non-EU vessels catching seafood which is imported into the EU and that this would be contrary to one of the key objectives of the reformed Common Fisheries Policy, namely to ensure a level playing field for all fishery products marketed in the EU regardless of their origin, as well as for EU operators vis-à-vis third country operators, it should be noted that as far as the common market organisation is concerned the principles enshrined in articles 2(5) and Recital 57 of the CFP Regulation, are further concretised in Regulation 1379/2013 through the application of marketing standards, which are imposed on both EU and imported products. **The intention to secure a level-playing field, at least from a market viewpoint, was never directed to vessels, but only to products.**

Therefore, measures must be applied to fisheries products, not vessels, in order to ensure acceptability under World Trade Organization (WTO) rules. Hence the requirement of having an IMO number would be considered a technical barrier to trade as these rules are not applicable to all vessels. Against this background, it should also be noted that the EU IUU Regulation has never imposed new obligations on third countries, but merely requires that existing international rules are applied.

Thank you again for your constructive input. If you have any questions on this reply, you may contact Ms. Evangelia Georgitsi (evangelia.georgitsi@ec.europa.eu; +32.2.295.04.43) or Ms. Pascale Colson (pascale.colson@ec.europa.eu; +32 2 29 56273).

Yours sincerely,

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