



# The EU IUU Regulation

What has been achieved, and where to from here?



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# EU IUU Regulation successes







# Looking forward & proposed next steps

## MS implementation of the EU IUU Regulation

- ✓ IT tool for processing of catch certificates
- ✓ Risk-based verification of catch certificates

➔ Role of MS authorities & European Commission to implement effectively

➔ Role of industry to exercise due diligence when importing seafood

July 2016

EFJ OCEANA PEW WWF

### Modernisation of the EU IUU Regulation Catch Certificate System

**EU IUU COALITION POSITION PAPER**

#### 1. Purpose of this document

The Environmental Justice Foundation, Oceana, The Pew Charitable Trusts and WWF ("the coalition") are working together to secure the harmonised and effective implementation of the EU Regulation to end illegal, unreported and unregulated (IUU) fishing. A key objective of our collaboration is to improve the effectiveness of the EU IUU Regulation's catch certificate (CC) system in identifying and blocking illegal seafood products. The purpose of this document is to outline the coalition's ambitions for the European Commission's from here on, Commission modernisation (i.e. upgrading of the CC system during 2016-2017).

to the EU are required to issue and validate the CCs, certifying that the products were caught in compliance with national and international fishing regulations. At the point of entry into the EU member state (MS) of final destination, competent authorities are required to verify CCs and reject the import of any seafood products that are unaccompanied by a valid CC, or that are found – or seriously suspected – to be linked to illegal or fraudulent activities.

Under the EU IUU Regulation, the EU can also identify non-EU countries as having inadequate measures in place to prevent and deter IUU fishing in their waters or by their fleets, by issuing a warning (yellow card) that signals a formal demand for improvement in this regard. If these "yellow-carded" countries fail to improve according to the EU's requests, they face having their seafood banned from the EU market (red card).

The Commission released an analysis of implementation of the EU IUU Regulation in October 2015<sup>1</sup>. In this document, the Commission communicated its plans to modernise the CC system during the course of 2016-2018 (from here on, modernisation plan). The two key elements of the proposed modernisation plan are:

- delivering an IT system that will create a unified CC database and procedures for harmonised exchange and cross-checks of information on CCs and associated information (from here on, EU-wide database of CCs); and
- using the new IT system to support harmonised and improved risk analyses for the control of CCs. With regard to the first of these goals, the Commission has indicated its intention to utilise the already existing Trade Control and Expert System (TRACES) as a basis to incorporate functions for the processing and control of CCs<sup>2</sup>. TRACES has been in place since 2004 to help improve traceability, information exchange and risk management with respect to trade in animals, food, feed and plants entering and leaving the EU.

**2. Background**

The EU IUU Regulation came into force on January 1, 2010. This Regulation aims to block the entry of illegally caught seafood products into the European Union (EU), through mandating the use of a CC for seafood imports into the EU. Third non-EU countries that export seafood

1 Council Regulation (EC) No 1005/2008 of 25 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (EU IUU Regulation).  
2010/2008. <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008R1005>  
2 See <http://ec.europa.eu/trade/policy/instruments/tariffs/traces/> for more information.

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### Risk Assessment and Verification of Catch Certificates under the EU IUU Regulation

**EU IUU COALITION POSITION PAPER**

#### 1. Background

The EU member states receive around 275,000 catch certificates (CCs) annually, for the import of some 3.5 million tonnes<sup>1</sup> of fishery products under the EU IUU Regulation. Several of the largest importing member states – such as Germany, Spain and France – receive between 40,000 and 60,000 CCs each year, equating to between 110 and 165 CCs per day.

The EU IUU Regulation's catch certificate (CC) scheme aims to ensure that products derived from IUU fishing activities are prevented from entering the EU market. To this end, the Regulation empowers member state authorities to carry out at verifications they consider necessary to ensure that the provisions of the Regulation are correctly applied<sup>2</sup>. Verifications may include, in particular:

- examining the products to be imported;
- verifying declaration data and the existence, and authenticity, of documents;
- examining the accounts of operators and other records; and
- inspecting fishing vessels, means of transport and storage facilities<sup>3</sup>.

In verifying consignments for import, member states may also request the assistance of third country authorities (e.g. of the flag State) to confirm legal origin and provide proof of compliance<sup>4</sup>.

In view of the scale and volume of fisheries imports into the EU each year, maximising efficiency in the verification of consignments is paramount. To facilitate the detection of IUU products, the Regulation requires member states to focus rigorous and stringent verifications on imports most at risk of being products of IUU fishing. According to the Regulation, "risk" is to be identified on the basis of nationally defined or EU-level criteria<sup>5</sup>. The 15 EU-level risk criteria that authorities may use in targeting verifications are set out in Article 31 of the Implementing Regulation to the IUU Regulation (see Annex II<sup>6</sup>). Criteria defined at the national level must be notified to the Commission and updated as required<sup>7</sup>.

In addition to the risk-based verification of CCs, the IUU Regulation specifies a number of situations in which verifications shall be carried out in every case<sup>8</sup>:

- where fraud is suspected in relation to the CC;
- where there is reason to suspect non-compliance by the fishing vessel with applicable laws, regulations or conservation and management measures (CMMs);
- where fishing vessels, companies or other operators have been reported in connection with presumed IUU fishing;
- where a flag State or re-exporting country is subject to RFMO trade measures; or
- where there is doubt as to compliance of fishing vessels or fishery products from certain third countries with applicable laws, regulations or CMMs and an alert notice has been published by the European Commission to this effect<sup>9</sup>.

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8 Council Regulation (EC) No 1005/2008 of 25 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (EU IUU Regulation).  
9 Council Regulation (EC) No 1005/2008 of 25 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (EU IUU Regulation).

### PAS 1550:2017

Exercising due diligence in establishing the legal origin of seafood products and marine ingredients – Importing and processing – Code of practice



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# Looking forward & proposed next steps

## Carding process

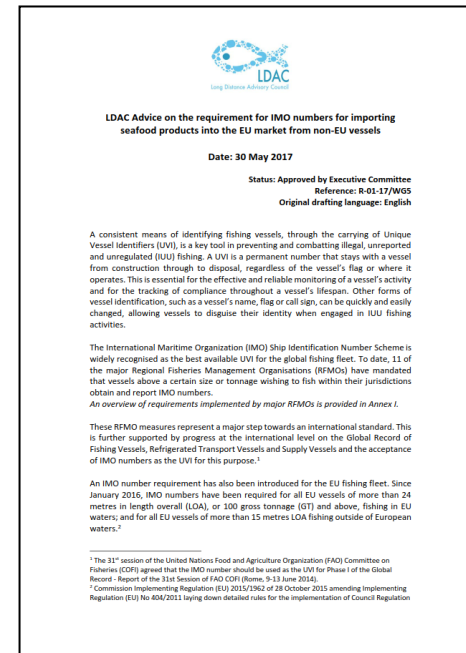
- ✓ More transparent process
- ✓ Involvement of EU stakeholders
- ✓ Improved follow up in key post-carded countries

➡ Proposal for development of a joint MAC/LDAC Advice specifically on this issue

## IMO Numbers

- ✓ Require for all vessels importing to the EU (compulsory to include in catch certificate)

➡ Proposal to endorse LDAC Advice on IMO numbers





# Looking forward & proposed next steps

## **Revision of the Control Regulation**

- ✓ Safeguard EU high standards in fisheries control and seafood traceability

➡ Proposal to establish MAC task force on the revision of the Control Regulation



# Summary of proposed next steps

1. Develop a joint MAC/LDAC Advice on need for improved transparency, stakeholder involvement and follow up in post-carded countries for the EU IUU Regulation carding process
2. Endorse LDAC Advice on IMO numbers
3. Establish a MAC task force on the revision of the Control Regulation