

**QUESTIONNAIRE to be used for biennial reporting
on the application of the IUU Regulation**

Reporting period 2018-2019 (deadline for submission 30 April 2020)

Member State:	Malta
Organisation:	Department of Fisheries and Aquaculture; Ministry for Sustainable Development, the Environment and Climate Change
Date:	24/03/2020
Name, position and contact details of responsible official:	<div style="background-color: #cccccc; height: 15px; width: 100%;"></div>

May the Commission provide a copy of this questionnaire to other Member States?	
Yes:	X
Yes except for questions (list):	
No:	

Please check if your notified authorities under the IUU Regulation correspond with the latest version of the Official Journal:

[https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52019XC0215\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52019XC0215(01))

Article 15.2 (exportation of catches):

Article 17.8 (verification of catch certificates):

Article 21.3 (re-exportation):

Please state your notified authorities under the IUU Regulation in accordance with:

Article 39.4 (nationals):

Section 1. Information on legal framework¹

Since the last reporting exercise covering the period 2016-2017, has your country adopted/modified national law or any administrative guides for the application of Council Regulation (EC) No 1005/2008 on illegal, unreported and unregulated fishing (IUU Regulation)?

Yes No

If yes, please detail and provide copies or provide link to the official national database

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Section 2. Information on administrative organisation²

2.1. Are there any changes as regards your administrative organisation since the last reporting exercise?

Yes No

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?

Yes No

2.3. If different authorities/services are involved, please distinguish between:

- the control of direct landings 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 verifications of re-exports.

a) vertical co-operation (between local/regional authorities and head-quarter);

Please explain and describe this cooperation: N/A

b) co-operation with other authorities and allocation of tasks for various authorities in the implementation of the IUU Regulation (Fisheries, Health, Customs, Coast Guard, Navy, etc.);

Please explain and describe this cooperation: No delegation of authority has been provided to other entities, however a good level of cooperation is in place between the Department of Fisheries and Aquaculture and the Customs Department.

c) how many officials are involved in the implementation of the catch certification scheme?

Please specify the number of officials expressed in Full Time Equivalent (FTE):

3 full time officers

d) Do the authorities of your country have the possibility to audit/verify a company for the purposes laid down in the IUU Regulation?

¹ This section 1 is to be filled-in by all Member States i.e. coastal and landlocked Member State.

² This section 2 is to be filled-in by all Member States i.e. coastal and landlocked Member State.

Yes

No

If yes, which and how many audits/verifications have they undertaken since the last reporting exercise covering the period 2018-2019? Which authorities are responsible for audits/verifications?

Please detail the results: The authorities that can carry similar audits Financial crime Police with the assistance from the Department of Fisheries and Aquaculture. To date no similar audits have taken place for the purpose of the IUU.

2.4. Does your country have freezones/freeports³ in which activities relevant to importation/exportation/processing of fishery products are authorised?

Yes

No

- **Includes inspections transfer to containers*

Section 3. Information on direct landings and transshipments of fishery products by third country fishing vessels⁴ (including information on port inspections and infringements)⁵

3.1. Please check if your list of designated ports corresponds to the latest version of the Office Journal.

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2019.276.01.0011.01.ENG

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 Regulation⁶)?

Yes

No

If yes, please list your country's designated ports (including ports designated under Regional Fisheries Management Organisations requirements) and answer to questions 3.2. to 3.7.:

.....Valletta (Deepwater Quay, Laboratory Wharf, Magazine Wharf).....
.....

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?

Please fill-in the table below (2018):

³ https://ec.europa.eu/taxation_customs/business/customs-procedures/what-is-importation/free-zones_en

⁴ Fishing vessels as defined in article 2.5 of the IUU Regulation

⁵ This section 3 refers to Chapter II (Articles 4 to 11) of the IUU Regulation and is applicable to coastal Member States. Landlocked Member States should not fill in this section.

⁶ Please note that ports designated under Regional Fisheries Management Organisations must also be designated under the IUU Regulation with restrictions if necessary (species etc.)

Inspections of third country vessels in Member States ports (2018)

Type of operation	Vessels	Figures (2018)	Flag of the third country vessel(s) ⁷					Total
			<i>SGP</i>	<i>PAN</i>	<i>JPN</i>	<i>FS3</i>	<i>FSx</i>	
Landings	Non-EU vessels using MS designated ports	Number of landings	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
		Number of inspections	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
		% of inspections / landings	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
		Number of infringements	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
Transhipments	Non-EU vessels using MS designated ports	Number of transhipments in ports	4	6	1			11
		Number of inspections	4	68*	10*			82
		% of inspections / transhipments	100%	100%*	100%*			100%
		Number of infringements	0	0	0			0

⁷ ISO Alpha-2 country codes.

Please fill-in the table below (2019):

Inspections of third country vessels in Member States ports (2019)								
Type of operation	Vessels	Figures (2019)	Flag of the third country vessel(s) ⁸					Total
			SGP	PAN	JPN	FS3	FSx	
Landings	Non-EU vessels using MS designated ports	Number of landings	N/A	N/A	N/A	N/A	N/A	
		Number of inspections	N/A	N/A	N/A	N/A	N/A	
		% of inspections / landings	N/A	N/A	N/A	N/A	N/A	
		Number of infringements	N/A	N/A	N/A	N/A	N/A	
Transhipments	Non-EU vessels using MS designated ports	Number of transhipments in ports	0	9	1			10
		Number of inspections	0	49*	6*			55
		% of inspections / transhipments	0	100%*	100%*			100%
		Number of infringements	0	0	0			

*Includes inspections on transfers from reefer vessels to refrigerated containers

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).

Please fill-in the table below (2018):

Flag of the third country vessel ⁹	Name of the third country fishing vessel	Type of infringements	Measures taken
FS1	N/A		
FS2			
...			
FSx			

Please fill-in the table below (2019):

Flag of the third country vessel ¹⁰	Name of the third country fishing vessel	Type of infringements	Measures taken

⁸ ISO Alpha-2 country codes.

⁹ ISO Alpha-2 country codes.

¹⁰ ISO Alpha-2 country codes.

Section 4. Information on catch certification scheme for importation for the purpose of the IUU Regulation¹¹

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.¹²

Flag State (non-EU)[1]	2018	2019
Canada	18	2
China	8	17
1Ecuador	19	17
Faroese	0	1
Ghana	2	4
INDIA	3	1
Indonesia	12	14
Kenya	0	2
Korea	5	6
Mauritius	9	3
Morocco	401	238
New Zealand	1	0
Norway	10	1
Panama	1	4
PAPUA NEW GUINEA	0	1
Peru	14	5
Philippines	41	51
Russia	9	18
Senegal	128	75
Seychelles	55	32
Solomon islands	2	2
South Africa	7	1
Taiwan	3	0
USA	1	3
Vietnam	2	1
Total	751	499

¹¹ Section to be filled-in by all Member States. Article 2.11 of the IUU Regulation – "*importation means the introduction of fishery products into the territory of the Union, including for transshipment purposes at ports in its territory*"

¹² If catch certificates are submitted only for transshipment purposes, please specify.

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
<i>ICCAT (electronic)-bluefin tuna catch document</i>	0	0
<i>Dissostichus spp. (CCAMLR)</i>	0	0
<i>CCSBT CDS</i>	0	0
<i>SWO Statistical Doc ICCAT</i>	7	9
Total	7	9

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
France	63	32
Italy	5	40
Spain	68	3
UK	21	0
Total	157	75

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
<i>ICCAT (electronic)-bluefin tuna catch document</i>	0	0
<i>Dissostichus spp. (CCAMLR)</i>	0	0
<i>CCSBT CDS</i>	0	0
Total	0	0

4.5. Has your country received processing statements from 1 January 2018 until 31 December 2019?

Yes

No

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.

<u>Processing non-EU State[1]</u>	2018	2019
China	1	0

Ecuador	3	5
Indonesia	1	0
Mauritius	34	23
Papua New Guinea	2	1
Seychelles	6	0
Seychelles	2	1
Thailand	16	11
Turkey	1	0
USA	1	0
Korea	0	12
Ghana	0	2

4.6. Please indicate if the information in processing statements referring to the corresponding catch certificates is retained and recorded:

Yes *No*

Not applicable (e.g. in the absence of processing statements received from non-EU countries in 2018-2019)

4.7. Has your country received requests to authorise APEO¹³s in 2018-2019?

Yes *No*

If yes, how many requests has your country received and how many APEOs have been authorised?

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4.8. Has your country adopted administrative rules referring to the management and control of APEO in 2018-2019?

Yes *No*

Not applicable (e.g. absence of APEO request)

If yes, please detail:

.....

4.9. Has your country validated re-export certificates for products imported from 1 January 2018 until 31 December 2019?

Yes *No*

If yes, how many re-export certificates? Please detail per year and, if possible, per destination country:

¹³ Approved Economic Operators – IUU Regulation, Article 16 and Implementing Regulation (EC) 1010/2009, Chapter II

Destination country (non-EU)¹⁴	2018	2019
<i>Third Country 1</i>	0	0
<i>Third Country 2</i>	0	0
...	0	0
<i>Third Country x</i>	0	0
Total	0	0

4.10. Does your country monitor if the catches for which your country has validated a re-export certificate actually leave the EU?

Yes *No*

Not applicable (e.g. in the absence of validation of re-export certificates in 2018-2019)

If yes, please detail:

.....

4.11. Has your country established any IT tools to monitor the catch certificates and processing statements accompanying imports?

Yes *No*

If yes, does it include a module for re-exportation of imported catches?

Yes *No*

4.12. Does your country implement the provisions regarding transit under Article 19.2 at the point of entry or the place of destination?

At the point of entry *At the place of destination* *Not implemented*

¹⁴ ISO Alpha-2 country codes.

Section 5. Information on catch certification scheme for exportation¹⁵

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?

Yes No

Not applicable (e.g. in the absence of validation of catch certificates for exportation in 2018-2019)

If yes, please explain briefly the established procedure and answer questions 5.2 to 5.5.

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5.2. Has your country validated catch certificates for exportation in 2018-2019 in accordance with Article 15?

Yes No

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 State ¹⁶	Year	
	2018	2019
<i>Third Country 1</i>	/	/
<i>Third Country 2</i>	/	/
...		
<i>Third Country x</i>		
Total		

5.3. Has your country established any IT tool to monitor the catch certificates validated for exports stemming from own vessels?

Yes No

5.4. Does your country monitor that the catches for which your country has validated catch certificates actually leave the EU?

Yes No

Not applicable (e.g. in the absence of validation of catch certificates for exportation in 2018-2019)

5.5. Has your country refused the validation of a catch certificate between 1 January 2018 and 31 December 2019?

Yes No

¹⁵ Section to be filled-in by flag Member States.

¹⁶ ISO Alpha-2 country codes.

Not applicable (e.g. in the absence of request for validation of catch certificates for exportation in 2018-2019)

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 Regulation¹⁷

6.1. Has your country established a procedure for verification of catch certificates for importation in accordance with Article 17.2?

Yes No

If yes, please detail: Inspections at point of entry of fresh fish.

How many catch certificates 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)[1]	Number of verifications		Number of verifications	
	2018		2019	
	No of basic document-based verifications[2]	No of in-depth verifications[3]	No of basic document-based verifications	No of in-depth verifications
Canada	18		2	
China	8		16	1
Ecuador	19		17	
Faroese	0		1	
France	63		40	
Ghana	2		7	
India	3		1	
Indonesia	12		14	
Italy	5		3	
Kenya	0		2	
Korea	5		6	
Mauritius	9		3	
Morocco	401		238	
Norway	0		1	

¹⁷ Section to be filled-in by all Member States

Panama	1		4	
PAPUA NEW GUINEA ⁰			1	
Peru	14		5	
Philippines	41		51	
Russia	9		18	
Senegal	128		76	
Seychelles	55		32	
Solomon islands	2		2	
South Africa	0		1	
Spain	68		32	
Taiwan	3		0	
USA	1		3	
Vietnam	2		1	
Total		869		578

6.2. Does your country use a risk assessment approach for verification of catch certificates in accordance with Article 17?

Yes No *

If yes, please detail (e.g. EU criteria for verifications (Article 31 of Commission Regulation 1010/2009); EFCA risk assessment methodology; national criteria).

**A 100% administrative cross check is conducted on all Catch certificates received*

6.3. Does your country also physically verify the consignments?

Yes No

If yes, please detail:

Number (per year): ~200

Method of selection: For all imported fresh fish and processed fishery products necessitating additional verifications

Follow-up:

Section 7. Verification requests to flag States¹⁸

7.1. Has your country sent requests for verifications under Article 17.6 of the IUU Regulation to other countries authorities in 2018-2019?

Yes No

If yes, how many requests for verifications? *Note: please provide separate data for 2018 and 2019:*

¹⁸ Section to be filled-in by all Member States

Flag States¹⁹	No of requests for verifications 2018	Justifications (Articles 17.4 and 17.6 of the IUU Regulation)-	No of requests for verifications 2019	Justifications (Articles 17.4 and 17.6 of the IUU Regulation)
<i>China</i>			1	
Total				

7.2. How many requests for verification 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 importation) [Please provide separate data for 2018 and 2019]

2018

2019 ...1 china.....

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

Yes

No

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)?

¹⁹ ISO Alpha-2 country codes.

Section 8. Information on refusal of importations (Article 18 of the IUU Regulation)²⁰

8.1. Has your country refused any imports from 1 January 2018 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.*

Yes

No

If yes, please provide details in the table below:

Reason for refusal of importation	2018		2019	
	Flag State ²¹	No.	Flag State ²²	No.
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 certificate 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?

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²⁰ Section to be filled-in by all Member States

²¹ ISO Alpha-2 country codes.

²² ISO Alpha-2 country codes.

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8.3. In case of refusal of importation, did the operators contest the decision of the authorities of your country?

Yes No

If yes, please detail:

Section 9. Information on trade flows²³

9.1. Did your country note a change²⁴ of imports of fishery products since the last reporting exercise covering the period 2016-2017?

Yes No

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:

No change in trade patters was identified since our last reporting

Section 10. Information on mutual assistance²⁵

10.1. Since the last reporting exercise covering the period 2016-2017, how many mutual assistance messages of the Commission has your country replied to?

Please provide separate data for 2018 and 2019 (if any)

2018... Nil

2019... Nil

10.2. Since the last reporting exercise covering the period 2018-2019, has your country sent any mutual assistance message to the Commission/other Member States?

Please provide separate data for 2018 and 2019 (if any)

2018...Nil.

2019...Nil

²³ Section to be filled-in by all Member States

²⁴ For example: new kinds of fishery products, new trade patterns or significant and sudden increase in trade volume for a certain species and/or certain third countries.

²⁵ Section to be filled-in by all Member States

Section 11. Information on cooperation with third countries²⁶

11.1. Apart from verifications and refusals under Articles 17 and 18, has your country had 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)?

Yes No

If yes, please detail (please provide separate data for 2018 and 2019, if any).

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Section 12. Information on nationals²⁷

12.1. Since the last reporting exercise covering the period 2016-2017, has your country implemented or modified existing measures to ensure that your country can take appropriate action with regards to nationals involved in IUU fishing in accordance with Article 39 of the IUU Regulation?

Yes No

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)?

No changes since our last reporting

12.3. Has your country endeavoured to obtain information on arrangements between nationals and third countries allowing reflagging of their vessels in accordance with Article 40.4?

Yes No

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)?

Yes No

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?

²⁶ Section to be filled-in by all Member States

²⁷ Section to be filled-in by all Member States

Yes No

If yes, please detail:

It is National practice that no National nor Union aid is provided to any vessel which may end up in the IUU vessels list.

Section 13. Infringements (Chapter IX of the IUU Regulation) and Sightings (Chapter X of the IUU Regulation)²⁸

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?

Yes No

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) ²⁹	Serious infringements detected in 2018:			Serious infringements detected in 2019:		
	Number	Nature	Sanctions applied	Number	Nature	Sanctions applied
<i>Country 1</i>						
<i>Country 2</i>						
...						
<i>Country x</i>						
<i>Total</i>						

13.2. Has your country applied or adapted its levels of administrative sanctions in accordance with Article 44?

Yes No

If yes, please detail: In line with National Legislation SL 425.08.

13.3. Has your country issued sighting reports from 1 January 2018 until 31 December 2019?

Yes No

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

²⁸ Section to be filled-in by all Member States

²⁹ ISO Alpha-2 country codes.

Flag State of the sighted vessel (EU and non-EU) ³⁰	No of sighting reports issued in 2018	No of sighting reports issued in 2019
<i>UKN</i>		1
<i>Country 2</i>		
...		
<i>Country x</i>		
<i>Total</i>		

13.4. Since the last reporting exercise covering the period 2016-2017, has your country received any sighting reports for its own vessels from other competent authorities?

Yes *No*

If yes, please detail follow-up (in accordance with Article 50 of the IUU Regulation).

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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?

No serious difficulties encountered

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

Malta would like to suggest that every exporting country notified to the EU should have a channelled e-mail address in order to direct any queries

Section 15. Any other comments

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³⁰ ISO Alpha-2 country codes.