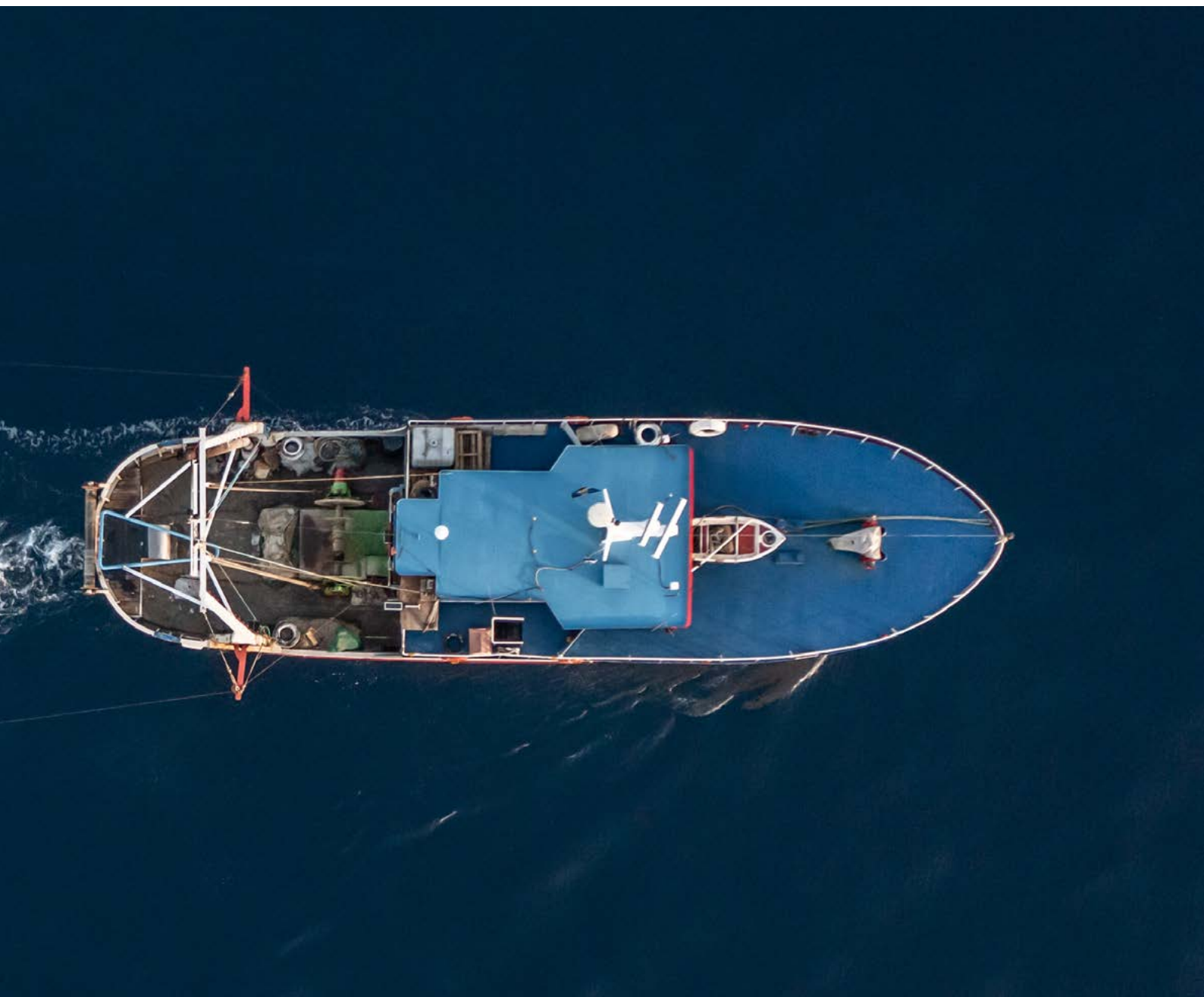


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# Water-tight?

Assessing the effectiveness of EU controls to prevent illegal seafood imports

EXECUTIVE SUMMARY – NOVEMBER 2022



**EU IUU FISHING COALITION**



**OCEANA**



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## EXECUTIVE SUMMARY

The EU Regulation establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing (**the EU IUU Regulation**) establishes a catch certification scheme to help EU Member States (**MS**) detect and block products sourced from IUU fishing at their borders. Under this system, 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.

**This analysis focuses on the latest reports<sup>1</sup> submitted by the then 28 MS, covering the 2018/19 reporting period, to assess whether all MS are effectively controlling seafood imports. It follows up on a 2017 EU IUU Fishing Coalition report<sup>2</sup> which similarly analysed EU seafood import controls for the 2014/15 period. The present report analyses the implementation of six key requirements under the EU seafood import control scheme:**

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, 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 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. Until the current revision of the EU Fisheries Control Regulation 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 outside of a pilot phase. This is despite the first version of the system being operational since 2019.


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 that increased MS capacity could have tangible results in improving compliance with, for example, the required import checks.** The European Commission also has a role to play by actively **identifying MS requiring additional support.** Those MS should be encouraged to significantly improve their performance and offered support where appropriate. If no action is taken, the European Commission should consider all available measures, including initiating a formal infringement procedure against these MS.

Effective and harmonised implementation is required by all MS to ensure successful application of the EU IUU Regulation and a coherent approach to safeguard the single market. 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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1 <http://www.iuuwatch.eu/2022/01/eu-member-states-biennial-reports/>

2 [http://www.iuuwatch.eu/wp-content/uploads/2017/03/IUU\\_Import-controls\\_report\\_ENG.pdf](http://www.iuuwatch.eu/wp-content/uploads/2017/03/IUU_Import-controls_report_ENG.pdf)

A photograph of a fishing boat on the ocean. The boat is white with a blue hull and has various fishing equipment on deck. The sky is blue with some clouds. A semi-transparent blue box with white text is overlaid on the top right of the image.

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 Member States with lax controls

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## Recommendations

The value of the following recommendations is further highlighted by the fact that there has been little improvement made since the EU IUU Fishing Coalition's 2017 analysis. Disparities continue to exist between the import controls implemented by MS for the prevention of IUU seafood imports.

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;
- 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;



- Encourages the swift inclusion of more comprehensive risk criteria and seamless data cross-checks during the next iterations of the CATCH IT system, as recommended by the Long Distance Advisory Council (LDAC). 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;
- Provides adequate support to the national authorities responsible for seafood imports control. 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.

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

- Allocate sufficient capacity and resources to ensure effective implementation of import controls;
- 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.



**This analysis is the first published analysis of data reported by all Member States for the 2018/19 reporting period.**

**Summary Table – 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?	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	1109	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
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

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)?
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

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>

**This review focuses on six key requirements under the EU IUU Regulation. It is crucial that all MS uphold these requirements to ensure that IUU products do not enter the EU market.**

## REQUIREMENT 1: Routine documentary checks of import catch certificates



- Documentary checks of all import catch certificates (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.
- **Disparities between the documentary checks undertaken by MS were observed in terms of the proportion of CCs that are subject to checks, as well as the procedures involved.**
- As also noted in the 2017 EU IUU Fishing Coalition review, the authorities responsible for CC checks continue to differ between MS (e.g. customs, veterinary/health department, fisheries authorities).
- 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.

## REQUIREMENT 2: Application of a risk-based approach to assessing catch certificates



- Effective risk analysis, as required under the IUU Regulation, is essential to identify consignments for further scrutiny given the scale of fisheries imports into the EU.
- **In the 2018/19 biennial reports, there is evidence that the standards of risk assessment vary considerably between MS and that several MS are yet to apply a risk-based approach to the verification of CCs.**
- 12 MS<sup>3</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>4</sup> specify that EU-level risk criteria (based on Article 31 of the EU IUU Regulation) are applied within their import controls. **Germany** also states that criteria in the EU IUU Regulation are used in risk assessment<sup>5</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>6</sup>
- Other MS<sup>7</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 is currently utilised only by **Austria**, although **Sweden** also intends to implement it to facilitate the implementation of an IUU risk management approach in the future. Currently Sweden checks all CCs besides those from Norway.
- Since the 2017 EU IUU Fishing Coalition review there have been some limited improvements in the risk-based approach to the assessment of CCs. **Austria** for example is now implementing the EFCA risk assessment methodology; 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 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.



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

4 Denmark, Greece, Netherlands, Portugal, Spain

5 Art. 50(3) Regulation (EC) No. 1005/2008.

6 Article 51 of the IUU Regulation establishes a mutual assistance system (to be managed by the European Commission or a body designated by it) to assist competent authorities in preventing, investigating and prosecuting IUU fishing.

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



### REQUIREMENT 3: Verifications of catch certificates to ascertain compliance of imports



- In cases where MS request assistance from the competent authorities of the flag State or non-EU country, the request must explain why they have well-founded doubts as to the validity of the CC and/or the compliance of the products with relevant conservation and management measures.
- Verifications are requested based on the results of the risk assessment (if applied) to determine compliance of seafood imports. The EU IUU Regulation also stipulates a number of scenarios in which verifications are mandatory.
- **The number of verification requests sent to non-EU countries (Figure 1) pales in comparison to the number of CCs received by MS.**
- **In addition to the proportionally low number of verification requests sent to non-EU countries, 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 2). Many MS with high-risk trade flows identified in this review verified few or no CCs with non-EU countries.**
- 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 were sent to the authorities of these countries over the same period.
- **A number of the MS identified to have the highest IUU import 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.

### REQUIREMENT 4: Physical inspections of 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.

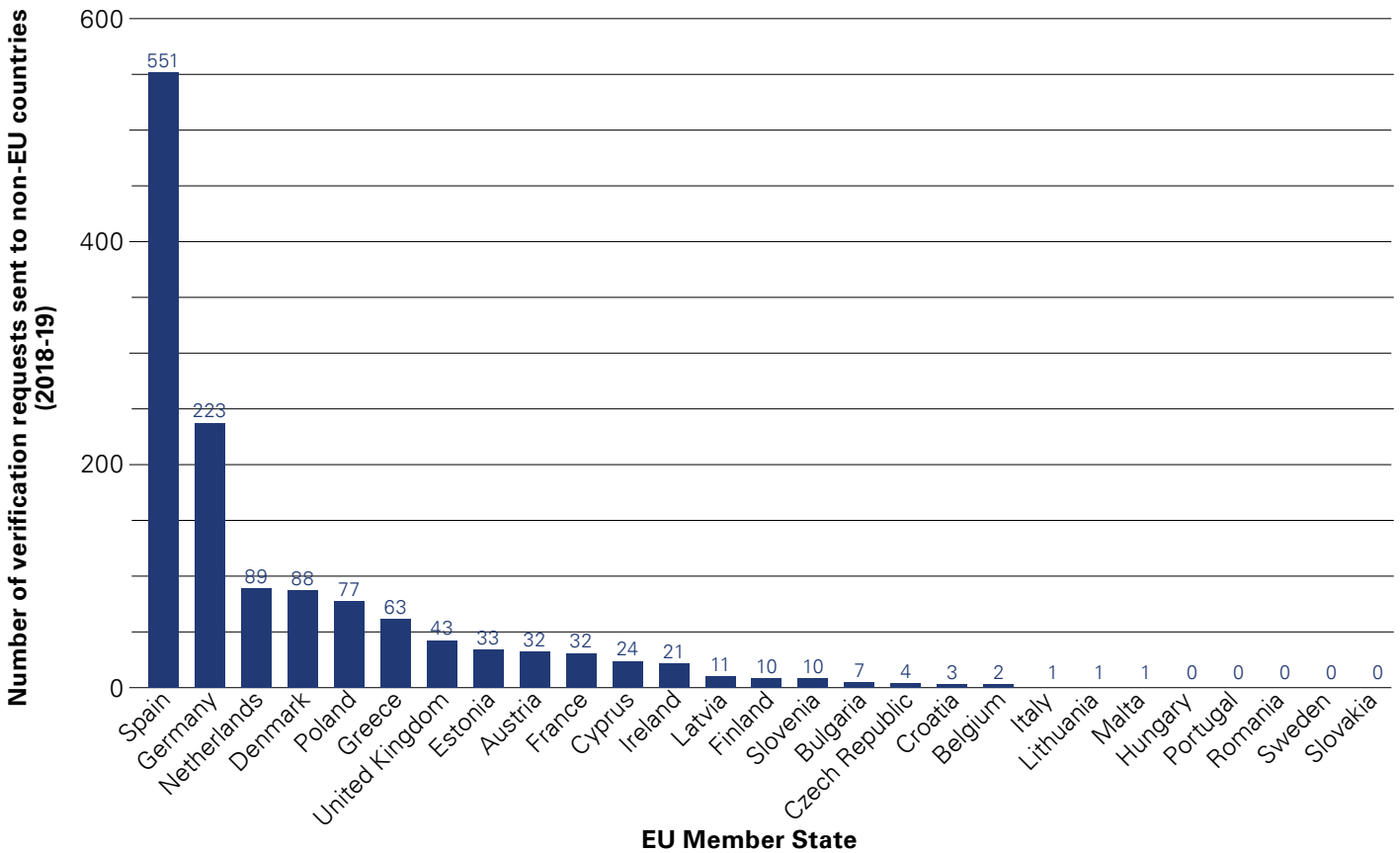
- MS must carry out inspections in their designated ports for a minimum of **5% of landing and transshipment operations carried out by non-EU country fishing vessels.**
- Inspections of seafood import consignments are carried out on the basis of risk management, although there are a number of stipulated cases where vessels shall be inspected in all cases.
- **Of the 10 MS which reported non-EU country direct landings, only 8 reported inspecting over 5% of these direct landings, as required under Article 9(1) of the EU IUU Regulation (Table 1).**
- 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
- 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.
- There are, however, best-case examples within this category, with **Spain** inspecting over 90% of direct landings in both 2018 and 2019, significantly more than the 5% required under the EU IUU Regulation.

**Table 1 – Annual statistics on the percentage of direct landings operations in MS ports subject to inspection for the 2018/19 reporting period**

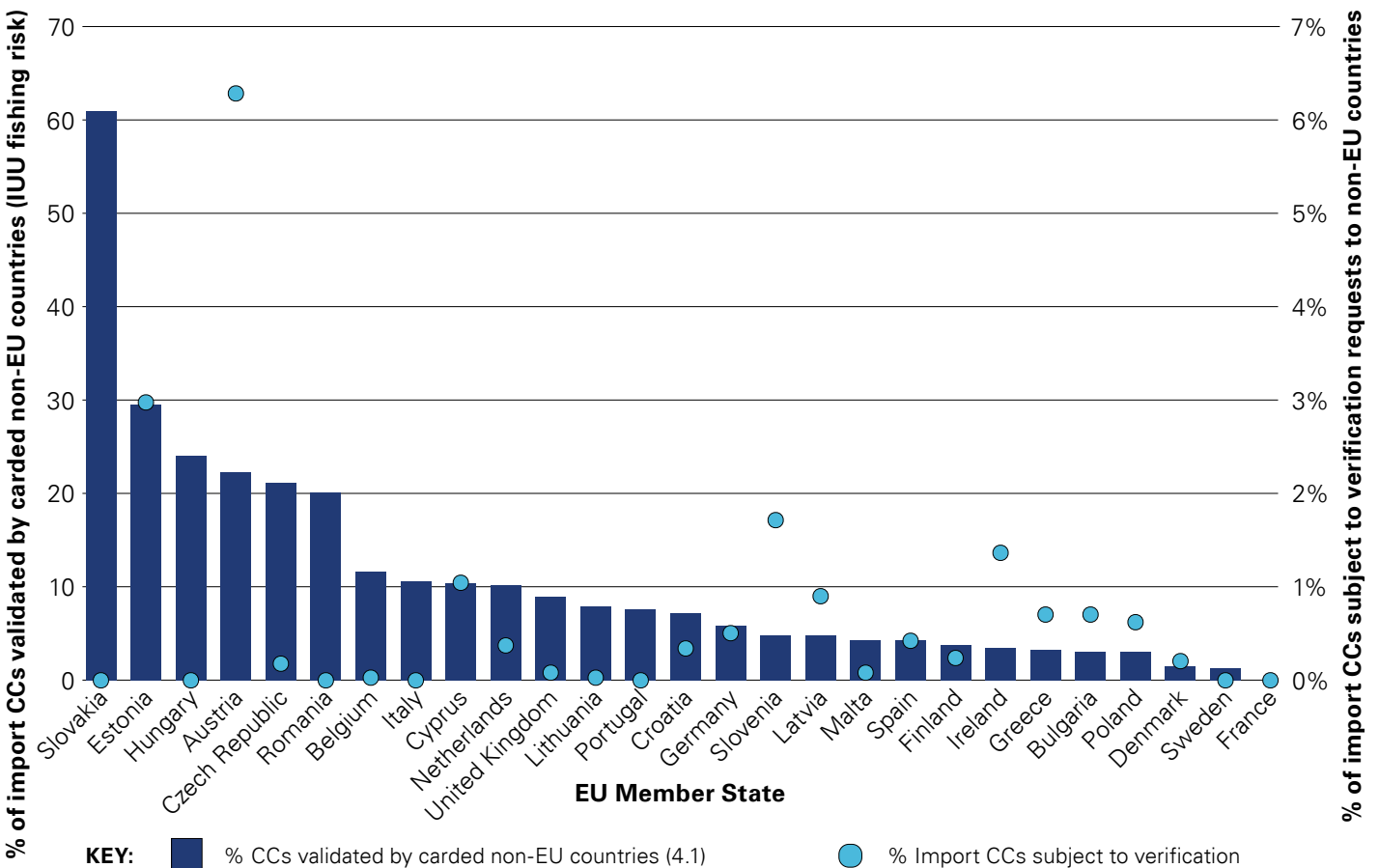
Member State	% of direct landing operations inspected (2018)	% of direct landing operations inspected (2019)
<b>Spain</b>	91%	93%
<b>United Kingdom</b>	52.3%	64%
<b>Ireland</b>	27.7%	20%
<b>Latvia</b>	18.18%	22.22%
<b>France</b>	14.58%	17.03%
<b>Lithuania</b>	5%	13%
<b>Netherlands</b>	5.70%	7.40%
<b>Sweden</b>	5.65%	5.77%
<b>Denmark</b>	5.10%	4%
<b>Poland</b>	4.40%	2.50%



**Figure 1 – Total number of verification requests sent by Member States to non-EU countries (2018/19)**



**Figure 2 – 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)**



## Freight Consignments

- **Unlike direct landings, there is no requirement for MS to inspect 5% of freight 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.
- 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.
- 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. 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 competent authorities responsible for carrying out inspections** vary between MS, including customs agencies, veterinary border inspection posts, food safety agencies, health services, fisheries authorities, etc.

### REQUIREMENT 5: Rejection of consignments in cases of non-compliance

- There are a number of occasions in which the competent authorities of a MS shall refuse the importation of fishery products into the EU.
- When compared to the number of imports received annually into MS, the number of refusals is very low. **17 MS declared**



**that no imports were refused within the 2018/19 reporting period, and a total of 47 imports were refused across the remaining MS (Figure 3). This number of refusals is low considering the 580,000 import CCs received by MS over the same period.**

- 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) 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 4**).
- 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>8</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

### REQUIREMENT 6: Biennial reporting to the Commission on activities under the IUU Regulation

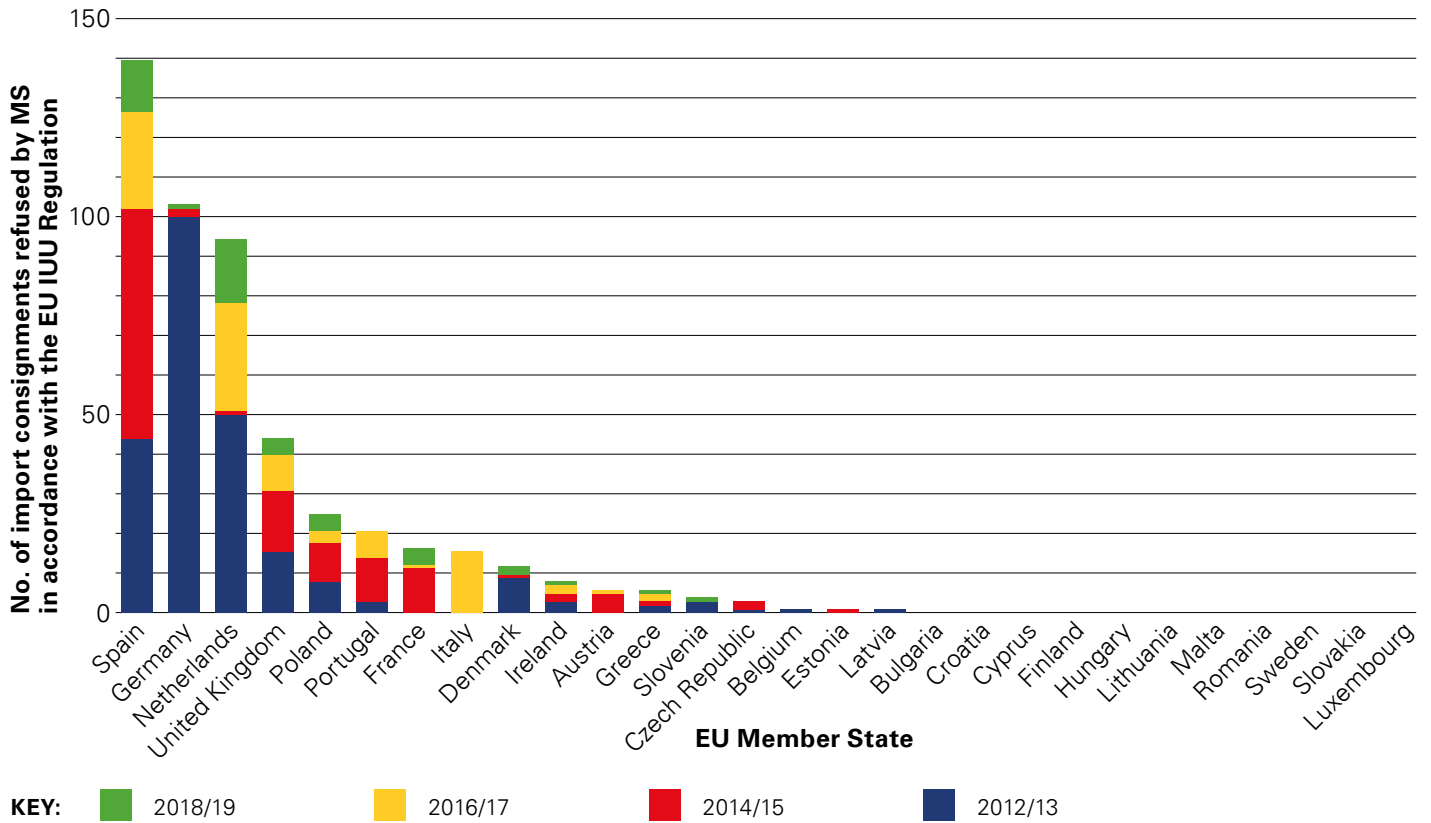
- Member States are required to submit biennial reports to the European Commission no later than 30th of April in the calendar year following the reporting period. Based on these submissions, the Commission produces a report to be submitted to the European Parliament and to the Council every 3 years.
- Although MS reserve the right to withhold information from the public, the information provided to the EU IUU Fishing Coalition has generally improved over time.
- 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.
- There are also a number of identified improvements which could be made to the reporting template of the biennial reports as some non-specific questions result in a lack of consistent responses from MS and differences in the level of detail provided.



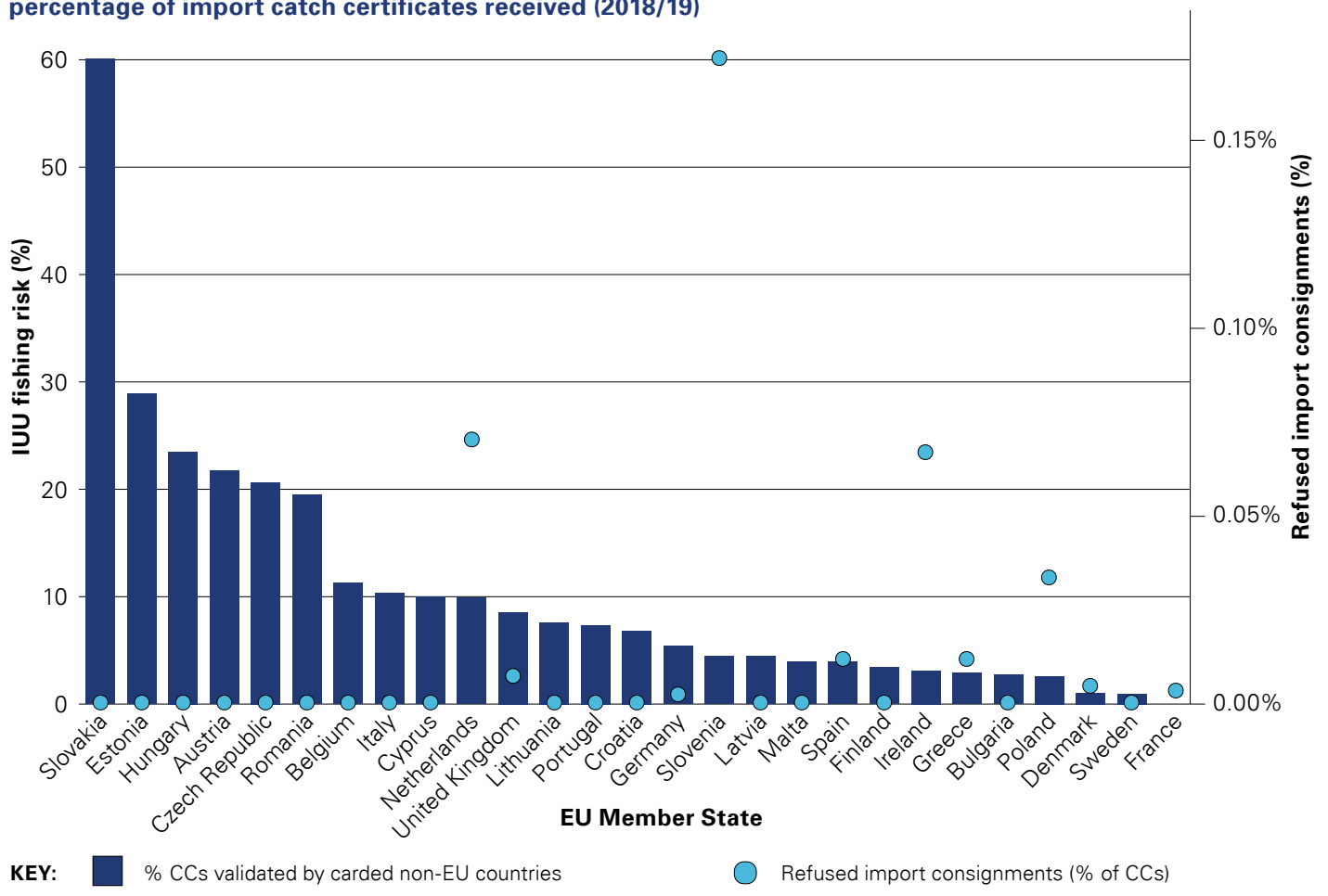
**Over the 2018/19 period, only 47 import consignments were rejected by Member States**

<sup>8</sup> Note: Slovakia only received 552 import CCs from non-EU countries in 2018/19 – a relatively low trade volume when compared to other MS.

**Figure 3 – Number of import consignments refused by Member States in accordance with the EU IUU Regulation (2012-2019)**



**Figure 4 – 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 a percentage of import catch certificates received (2018/19)**



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

Design by Kat Price

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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)  
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## EU IUU FISHING COALITION



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