

**QUESTIONNAIRE to be used for biannual reporting
on the application of the IUU Regulation
2012 - 2013**

Member State: BELGIUM

Organisation: Dienst Zeevisserij – Vrijhavenstraat 5 8400 OOSTENDE

Date: 07 April 2014

Name, position and contact details of responsible official:

ir. J-Fr VERHEGGHEN, head of inspection

May the Commission provide a copy of this questionnaire to other Member States?

Yes: Yes

Yes except for questions (list):

No:

Section 1: Legal framework

1.1 Has your country transposed into national law or issued any administrative guides for the application of Council Regulation (EC) No 1005/2008 on illegal, unreported and unregulated fishing (IUU Regulation)?

YES_____ NO___X___

If yes, please detail and provide copies.

Section 2: Administrative Organisation

2.1 How has your country organised its services to deal with the implementation of the IUU Regulation (verification of catch certificates, validation of catch certificates for own vessels, etc.)?

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

The seafisheries office was designated competent authority.

The inspectorate within this office do the actual verification/validation of CC.

There are only a limited number of personnel involved.

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

The (federal) health services do not intervene in the implementation of the IUU regulation.

The customs do the actual inspection by importation of goods. The presence of a CC with the import declaration is checked. Denials of imports are done by customs.

An administrative guideline for customs officials was issued. The SFO was asked to provide for an input when the document was drafted. The SFO contact details are cross referenced in the guideline.

Within the customs administration we have a single contact point. Via that person denials of imports can be instructed. Basic customs statistics are also obtained via her.

c) how many persons are involved in the implementation of the catch certificate?

Three persons deal with the administrative part of the CC scheme at SFO level

If different, please distinguish between direct landings of 3rd country fishing vessels and other imports (processed products)

2.2 Do the authorities of your country have the possibility to audit/verify a company for the purposes laid down in the IUU Regulation? If yes, have they undertaken such audits/verifications yet? Please detail.

The officials of the inspectorate have their power described in the general decree on agriculture and fisheries (Decreet 28 juni 2013, before 1 January 2014: Wet 28 maart 1975). They can audit and verify a company if needed.

To date they didn't undertake such verification/audit in the framework of the IUU regulation.

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

NO

Section 3: Direct landings of third country fishing vessels (only applicable if designated ports)

Please list your designated ports:

ZEEBRUGGE

OOSTENDE

3.1 How many landings and transshipments of third country vessels have been recorded by your country since 1 January 2012 until 31 December 2013?

Port name*	No. of landings	Comments	No. of transshipments	Comments
ZEEBRUGGE	None		None	
OOSTENDE	None		None	
Total		--		--

** If the port is designated also for an RFMO, please indicate which RFMO in brackets.*

3.2 Approximately, what percentage of the third country fishing vessel landings arrives in transit in your country?

None

3.3 Has your country had any problems with third country fishing vessels when implementing Articles 6 (prior notice) and 7 (authorisation) of the IUU Regulation.

YES _____ NO X _____

If yes, please detail:

a) in which ports;

- b) the nature of problem;
- c) vessel details (name, flag, master, etc.);

3.4 Since January 2012, have you refused access to your port services to a fishing vessel for activities of landing or transhipment of fishery products? Was this refusal based on the conditions of the regulation?

YES_____ NO___X_____

If yes, please detail:

- a) in which ports;
- b) the nature of problem;
- c) vessel details (name, flag, master, etc.);

3.5 Do third country fishing vessels accessing your ports use the templates for prior notifications and pre-landing/pre-transhipment provided by the Implementing Regulation 1010/2009 or those used in RFMOs? Please detail, when RFMO forms are used.

Section 4: Port inspections in accordance with Section 2 of the IUU Regulation

4.1 Between 1 January 2012 and 31 December 2013, how many fishing vessels of third countries had access to the designated ports for landing or transhipment of fishery products? None_____

4.2 How many fishing vessels were inspected between 1 January 2012 and 31 December 2013?

Reason for inspection :	Flag State
Sighted at sea in activities that may be considered illegal, unreported and unregulated	
Based on the EU IUU vessel list	
Other (please detail)	

4.3 How many fishing vessels were inspected between 1 January 2012 and 31 December 2013?

4.4 Does your country use risk assessment criteria for the port inspections?

YES_____ NO_____

If yes, please detail.

4.5 Has your country detected any infringements?

YES_____ NO_____

- If yes, how many and of what nature? Please specify.
- If yes, did your country apply the procedure in case of infringements as foreseen in article 11?

Section 5: Catch certification scheme for importation

Please state your notified authorities under articles 17.8 and 21.3:

Dienst ZEEVISSERIJ

5.1 How many catch certificates were presented to the authorities of your country from 1 January 2012 until 31 December 2013?

If possible, please provide details per flag State.

CC LANDEN	2010	2011
ARGENTINIE	19	20
AUSTRALIE	1	0
BAHAMAS	15	13
BANGLADESH		0
BRAZILIE	5	2
CANADA	72	77
CHILI	19	11
CHINA	508	521
COLOMBIA	4	4
ECUADOR	61	70
GAMBIA	0	0
GHANA	10	4
GUYANA	5	39
ICELAND	86	65
INDIA	617	574
INDONESIE	82	93
IVOORKUST	0	2
KENIA	1	0
KOREA	9	25
MADAGASCAR	3	0
MAROKKO	20	39
MAURETANIE	2	7
MAURITIUS	15	13
MEXICO	0	0
MYANMAR	0	0
NAMIBIE	0	0
NICARAGUA	20	31
NIEUW GUINEA	0	0
NIEUW ZEELAND	7	7
NOORWEGEN	0	1
NIGERIA	2	24
OMAN	1	0
PAKISTAN	0	1
PANAMA	6	2

PERU	17	6
PHILIPPIJNEN	8	15
RUSLAND	30	42
SALOMON EILANDEN	0	0
SENEGAL	68	46
SEYCHELLEN	3	0
SPANJE	0	3
SRI LANKA	1	8
SURINAME	5	25
TAHITI	0	0
TAIWAN	0	2
TANZANIA	0	1
THAILAND	56	48
TURKIJE	0	0
URUGUAY	13	12
V.S.	68	64
VIETNAM	226	179
YEMEN	19	42
ZUID AFRIKA	0	3
totaal getelde cc	2114	2140

5.2 From the number above, how many recognised RFMO catch certificates accompanied imports into your country? Please detail per type of RFMO certificate and year.

The details are not available. The number of RFMO certificates is limited however (less than a dozen).

RFMO \ Year	2012	2013
ICCAT BFT		
Dissostichus spp. (CCAMLR)		
CCSBT CDS		
Total		

5.3 How many processing statements under Article 14.2 accompanied imports into your country?

If possible, please provide details per year and per processing country.

The details are not available. Most Chinese CC are processing statements.

Processing State \ Year	2012	2013
PS 1		
PS 2		
PS x		
Total	215	323

5.4 Please explain if the information in processing statements referring to the corresponding catch certificates is retained and recorded.

The statistics in 5.1. above concern a mixture of CC and processing statements.

5.5 How many requests to authorise APEOs have you received and how many APEOs have you authorised?

None

5.6 Please explain briefly the administrative rules referring to the management and control of APEO.

5.7 How many re-export certificates were validated by your country for imported products from 1 January 2012 until 31 December 2013? Please detail per year and, if possible, per destination country.

None

5.8 Do you monitor if the catches for which you validated a re-export certificate actually leave the EU?

5.9 Has your country established any IT tools to monitor the catch certificates and processing statements accompanying imports? Does it include a module for re-exportation of imported catches?

YES _____ NO ☒ X _____

If yes, please detail.

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

Point of entry

Section 6: Catch certification scheme for exportation

Please state your notified authorities under article 15.2:

Dienst ZEEVISSERIJ

6.1 Has your country established a procedure for validation of catch certificates for exportation of catches from own vessels?

YES ☒ X _____ NO _____

If yes, please explain briefly the established procedure.

The procedure is described at <http://lv.vlaanderen.be/nlapps/docs/default.asp?fid=312>

If possible procedure is done electronically but paper forms are also available.

Exporters are asked to submit their demands (electronic form) together with logbook details by email/fax. The information in the forms is verified and the documents validated. Each page of the document is numbered by stamp. The document is returned by digitally signed e-mail.

The auctions are authorized to submit documents for the exporters. For the auction of Nieuwpoort a specific procedure was developed in the past for the validation of documents concerning exportation of brown shrimps

6.2 If yes: How many catch certificates did your country validate from 1 January 2012 to 31 December 2013? If possible, please provide details per requesting country/country of destination in the following table.

Destination State	IUU Regulation	Year	
	(art. 14.2 / art. 15)	2012	2013
		25	0
Third Country 2			
Third Country 3			
Third Country x			
Total	--	25	0

6.3 Has your country establish any IT tool to monitor the catch certificates validated for exports stemming from own vessels?

YES_____ NO__X____

If yes, please detail.

6.4. Do you monitor that the catches for which you validated Catch Certificates actually leave the EU?

No, consignments of brown shrimps are grouped in the Netherlands and exported from there.

If yes, please detail.

6.5. Have you ever refused the validation of a catch certificate?

No

If yes, please detail.

Section 7: Verifications of catch certificates for importation

7.1 Has your country established a procedure for verification of catch certificates for importation?

YES__X____ NO_____

If yes, please detail

The procedure is described at <http://lv.vlaanderen.be/nlapps/docs/default.asp?fid=312>

Importers of frozen fish products are requested to present three days before the arrival of a consignment the CC to the office, together with supporting documents (HC and B/L) preferably by e-mail.

The information contained in the documents is checked and if proved satisfactory the CC is stamped and scanned.

The scanned document is returned to the sender by digitally signed e-mail and can be presented to customs.

7.2 How many catch certificates have been verified from 1 January 2012 until 31 December 2013?

See statistics under 5.2.

All CC presented to the SFO are actually checked.

7.3 Does your country use a risk assessment approach for verification of catch certificates?

YES _____ NO ☒ X _____

If yes, please detail.

7.4 Does your country also physically verify the consignments?

YES _____ NO ☒ X _____

If yes, please detail (reason, method of selection, number, etc.).

Section 8: Verification requests to flag States

8.1 How many requests for verifications have been sent to third country authorities?

Three

What were the main reasons for these requests? Please specify by using the reasons provided in articles 17.4 and 17.6 of the IUU Regulation.

Art. 17.4. a. in all cases

8.2 How many requests for verification were not replied to by the third country authorities within the deadline provided in article 17.6 of the IUU Regulation? Does your country in these situations send a reminder to the third country authorities?

The major problem was to identify the person/service actually in charge of IUU in the third country administration. Exact contact details were not always available.

8.3. Was the quality of the answers provided overall sufficient and satisfactory enough to satisfy the request?

The replies were satisfactory

Section 9: Refusal of Importations

9.1 Has your country refused any imports from 1 January 2012 until 31 December 2013? If yes, please provide details in the table below:

Reason for refusal of importation	2012		2013	
	Flag State	No.	Flag State	No.
Non-submission of a catch certificate for products to be imported.	YEMEN	1		
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 Community IUU vessel list or in the IUU vessel lists referred to in Article 30.				
Further to the request for verification (Article 18(2))				

Importation of a reefer container from YEMEN containing IOTC species. The accompanying CC was refused by SFO and customs both in Belgium and in NLD were informed of the denial.

Belgian customs authorized the importer to send container back to country of origin. Misunderstanding of the rules has probably to be seen in the context of procedures in other regulations (health rules).

9.2 If the answer to 9.1 is yes, what did your country do with the fishery products?

9.3 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 10: Trade flows

10.1 Did you note a change of imports of fishery products since the introduction of the IUU regulation? Please provide information, deriving from your statistical data, concerning change of trade patterns in imports into your country of fishery products.

No, nor were we informed by operators of changes or other MS applying the rules more strictly or less strictly than ourselves

Section 11: Mutual Assistance

11.1 How many mutual assistance messages of the Commission has your country replied to?

Most messages from the EC were replied to. They mainly concern the demand of documents/CC received from a certain third country in order to prepare a mission/visit/demand of explanation to that country.

11.2 Has your country sent any mutual assistance message to the Commission/other Member States?

YES_____ NO____X____

If yes, please detail.

Informal contacts with NL, FR and UK

Section 12: Nationals

Please state your notified authorities under Article 39.4:

Dienst ZEEVISSERIJ

12.1 What measures has your country implemented since 1 January 2012 or already had in place on 1 January 2012 to ensure that your country can take appropriate action with regards to nationals involved in IUU fishing?

none

12.2 What measures has your country taken to encourage nationals to notify any information on interests in third country vessels (Article 40.1)

None

12.3 Has your country endeavoured to obtain information on arrangements between nationals and third countries allowing reflagging of their vessels? If yes, please list of vessels.

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

13.1 How many infringements did your country record from 1 January 2012 until 31 December 2013? _____

Please detail.

In 2012 a total of 24 infringements on fisheries laws were reported to court (with a PV)
In 2013 a total of 42 infringements on fisheries laws were reported to court (with a PV)

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

Administrative sanctions are not applied as a general rule for infringements concerning sea fisheries. The level (min/max) of administrative penalties is linked to the level of possible penalties imposed by a judge. Economic benefits can be seized.

13.3 How many sighting reports were issued by your country from 1 January 2012 until 31 December 2013? none_____

Please detail.

P.S. The observation of fishing vessel at sea during surveillance flights is not counted here.

13.4 Has your country received any sighting reports for its own vessels from other competent authorities?

YES_____ NO___X___

If yes, please detail.

14. General

14.1 What have been the main difficulties that you have encountered in implementing the catch certification scheme?

See previous report.

14.2 What changes would you suggest to the regulation that would make implementation smoother?

See previous report.

15. Any other comments

Thank you for your cooperation!