

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

**Member State:** The Czech Republic

**Organisation:** General Directorate of Customs, Customs Division\*

Ministry of Agriculture of the Czech Republic, Department of the  
Fisheries, Game Management and Beekeeping\*\*

**Date:** 28.4.2014

Name, position and contact details of responsible official:

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

YES

### **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

If yes, please detail and provide copies.

There are two authorities involved in the implementation of the Council Regulation (EC) No 1005/2008 (hereinafter referred to as “the IUU Regulation”) in the Czech Republic, customs authorities and Ministry of Agriculture. Their scope of competences is defined in the **Act No. 17/2012 Coll.**, on the Customs Administration of the Czech Republic, as amended, and **Act no. 99/2004 Coll.**, on Fishpond Management, on Execution of Fishing Right, on Fish Warden, on Protection of Marine Fishery Resources and on Amendments to Certain Related Acts (Fisheries Act), as amended.

Customs authorities are responsible for verification of catch certificates and validation of re-export catch certificates. Ministry of Agriculture imposes sanctions for serious infringements.

In order to ensure a correct implementation of the IUU Regulation, General Directorate of Customs has issued internal guidelines to be followed by customs offices. These internal guidelines explain thoroughly the administrative procedures customs offices must adhere to while delivering decision on authorisation or suspension of the importation of fishery products or making decision on the validation of re-export catch certificates. The guidelines also specify how the verification of catch certificates should be carried out and advise customs offices of requirements pertaining to clearance of fishery products.

## **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 customs organizational structure has undergone a change as of 1.1.2013 which led to the abolishment of customs directorates and the establishment of 16 regional customs offices. All 16 customs offices conduct checks and verifications of catch certificates to authorise or suspend the importation of fishery products.

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

If the importation of fishery products is denied, the Ministry of Agriculture is informed by the General Directorate of Customs. It is the decision of the Ministry of Agriculture to impose a sanction for such infringement.

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

Two workers per customs office have been appointed to carry out catch certificate verifications with the exception of Prague airport where more people needed to be appointed to facilitate catch certificate verification around the clock. One person at the General Directorate of Customs oversees whether the catch certification scheme is applied correctly by customs offices.

At the Ministry of Agriculture two people deal with the implementation of the IUU Regulation.

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

The same procedures apply to the importation of 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.**

We only audit companies which apply for the APEO status.

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

No specific measures have been adopted with regards to the processing of fishery products in free zones. Any activities carried out in free zones shall meet the conditions laid down in Chapter 3, Section 1 of the Council Regulation (EEC) No 2913/1992 establishing the Community Customs Code, as amended.

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

NOT APPLICABLE

Due to being a landlocked country, the Czech Republic does not engage in marine fishing.

*Please list your designated ports:*

**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?**

The question is not relevant for the Czech Republic.

Port name*	No. of landings	Comments	No. of transshipments	Comments
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?**

The question is not relevant for the Czech Republic.

**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.**

The question is not relevant for the Czech Republic.

YES \_\_\_\_\_ NO \_\_\_\_\_

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 transshipment of fishery products? Was this refusal based on the conditions of the regulation?**

The question is not relevant for the Czech Republic

YES \_\_\_\_\_ NO \_\_\_\_\_

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-transshipment provided by the Implementing Regulation 1010/2009 or those used in RFMOs? Please detail, when RFMO forms are used.**

The question is not relevant for the Czech Republic.

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

NOT APPLICABLE

Due to being a landlocked country, the Czech Republic does not engage in marine fishing.

**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 transshipment of fishery products?**

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

<b>Reason for inspection :</b>	<b>Flag State</b>
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?

All the questions 4.1, 4.2, 4.3, 4.4 and 4.5 are not relevant for the Czech Republic.

## **Section 5: Catch certification scheme for importation**

*Please state your notified authorities under articles 17.8 and 21.3:*

Customs Office of Zlín Region, Customs Office of South Bohemian Region, Customs Office of Pilsen Region, Customs Office of Pardubice Region, Customs Office of Olomouc Region, Customs Office of Hradec Králové Region, Customs Office of South Moravian Region, Customs Office of Liberec Region, Customs Office of Karlovy Vary Region, Customs Office of Vysočina Region, Customs Office of Capital City Prague, Customs Office of Central Bohemia Region, Customs Office Prague Ruzyně, Customs Office of Ústí nad Labem Region and Customs Office of Moravian-Silesian Region have been notified as the competent authorities for the checks and verifications of the catch certificates in accordance with Article 16 and 17 of the IUU Regulation as of 1.1.2013 as well as the competent authorities for the validation of re-export catch certificates.

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

2060 catch certificates were presented from 1 January 2012 until 31 December 2013.

If possible, please provide details per flag State.

<b>Flag State \ Year</b>	<b>2012</b>	<b>2013</b>
Argentina	8	14
Canada	69	18
Chile	0	1
China	41	40
Ecuador	38	35
Spain	10	31
Faroe Islands	5	0
France	4	2
United Kingdom	0	2
Ghana	1	0
Indonesia	2	37
India	2	0
Iceland	8	3
South Korea	27	51
Sri Lanka	150	328
Morocco	26	24
Maldives	9	0
Mexico	1	0

Norway	5	1
New Zealand	3	7
Panama	4	6
Peru	65	49
Philippines	82	22
Russia	126	131
Solomon Islands	1	8
Seychelles	8	4
El Salvador	6	0
Thailand	63	51
Taiwan	24	40
United States of America	119	188
Vietnam	37	23
<b>Total</b>	<b>944</b>	<b>1116</b>

**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.**

<b>RFMO \ Year</b>	<b>2012</b>	<b>2013</b>
ICCAT BFT	0	0
Dissostichus spp. (CCAMLR)	0	0
CCSBT CDS	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

**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.**

391 processing statements were presented from 1 January 2012 until 31 December 2013.

<b>Processing State \ Year</b>	<b>2012</b>	<b>2013</b>
China	114	68
Papua New Guinea	9	0
Philippines	1	0
Thailand	70	83
Turkey	0	1
United States of America	0	1
Vietnam	2	14
Ecuador	5	4
South Korea	4	4

Mauritius	6	5
Total	211	180

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

In order to monitor the number of submitted catch certificates a simple electronic database has been developed. The catch certificate's data is recorded in the database along with the information contained in the processing statement, if applicable. The copies of original documents are also uploaded in the database.

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

We have not received any request for granting the APEO status to date.

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

The body within the Customs Administration designated to grant the APEO status is the Customs Office of South Bohemian Region which is also responsible for granting the AEO status.

The applicant will be awarded the APEO status if they fulfil all the conditions laid down by the Commission Regulation (EC) No 1010/2009. After the APEO status has been granted, the Customs Directorate in České Budějovice will continue to monitor the compliance of the conditions. The APEO holder is waived from having to submit a catch certificate, they only have to inform the respective customs office about the arrival of fishery products and provide a copy of the catch certificate. The customs office will then check if the catch certificate has been validated by a non-notified flag state, the fishing vessel is included in the Community IUU vessel list or the validating flag state has been identified as a non-cooperating country. If none of these problems are identified the importation can proceed as planned.

**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.**

No re-export certificates for imported fishery products were validated in the period from 1 January 2012 until 31 December 2013.

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

No specific procedures have been set up to monitor whether the products for which the re-export catch certificate was validated actually leave the EU territory. If such information is required, it can be easily obtained from the Export Control System (ECS).

**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

**If yes, please detail.**

In order to monitor the number of submitted catch certificates a simple electronic database has been developed. The catch certificate's data is recorded in the database along with the information contained in the processing statement, if applicable. The copies of original documents are also uploaded in the database.

The database does not include a module for re-exportation of imported catches.

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

We implement the provisions of Articles 16, 17 and 18 of the IUU Regulation at the place of destination.

**Section 6: Catch certification scheme for exportation**

NOT APPLICABLE

**Due to being a landlocked country, the Czech Republic does not engage in marine fishing.**

*Please state your notified authorities under article 15.2:*

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

YES\_\_\_\_\_ NO\_\_\_\_\_

If yes, please explain briefly the established procedure.

**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
Third Country 1			
Third Country 2			
Third Country 3			
Third Country x			
Total			

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

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please detail.

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

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please detail.

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

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please detail.

All the questions 6.1, 6.2, 6.3, 6.4, and 6.5 are not relevant for the Czech Republic.

## **Section 7: Verifications of catch certificates for importation**

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

YES

**If yes, please detail**

Due to the relatively low number of catch certificates presented it is feasible for customs offices to carry out 100 % checks and verifications. As a result, we do not employ the risk assessment based on the EU criteria nor the national criteria.

The internal guidelines instruct customs offices that every catch certificate must come under scrutiny. Such a scrutiny must include the following steps. Firstly, customs offices have to check whether the authority which has validated the catch certificate is the competent authority notified to the Commission.

An important part of the verification process is the identification of fishery products falling within the scope of the mutual assistance letters. To make this part of verification as easy as possible we have designed a simple application called Risk Areas. The information provided under mutual assistance is fed into the application and can be accessed by entering the vessel's name, country of exportation, species, exporter's name or importer's name in the respective search fields.

Furthermore, customs offices have to check whether the fishing vessel is included in the Community IUU vessel list or the validating flag state has been identified as a non-cooperating

country. The last step includes verification of completeness and correctness of the information provided in the catch certificate. For example we scrutinised the following information:

- the catch date and the validity period of the fishing licence,
- catch area and respective conservation and management measures - consideration of RFMO rules if the catch was made on high seas, rules pertaining to catches obtained within national waters of another coastal state,
- conditions of transshipment,
- transport details from a flag state to a third country of processing.

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

All catch certificates presented were subject to checks and verifications.

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

NO

The selection of catch certificates for verification is not carried out on the basis of risk assessment as customs offices perform 100 % checks and verifications.

## **7.4 Does your country also physically verify the consignments?**

NO

In general, physical examination of goods is not part of the verification procedure. We are looking into the possibility of employing DNA-based method for species identification. We have analysed one sample of Alaska pollock using this method to date which confirmed that the species was the same as declared on the catch certificate.

## **Section 8: Verification requests to flag States**

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

In total 27 requests for assistance were sent to third countries from 1 January 2012 until 31 December 2013.

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.

The requests for assistance were sent to third countries on the following grounds:

- no transport details in Appendix covering the transportation from a flag state to a third country of processing,
- catch made beyond the validity period of a fishing licence,
- catch certificate's validation date in box 9 preceded the date of submission by the exporter given in box 8,
- doubts over the compliance with RFMO's conservation and management measures.

**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?**

19 requests for assistance were not answered to within the stipulated deadline, 14 of which were responded to after the deadline had expired while 5 requests were not replied to at all.

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

The overall quality of the answers can be regarded as sufficient and satisfactory. If the reply did not provide all the necessary information, the third country was asked to clarify the remaining doubts.

**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.				
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	New Zealand	NZL2011/FEL271/711700		
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))				

In the period from 1 January 2012 until 31 December 2013 we refused importation of a consignment of fishery products coming from New Zealand as the catch certificate was validated

by New Zealand authorities for vessels flying the flag of South Korea. This procedure was not in compliance with Article 12 (3) of the IUU Regulation which stipulates that a catch certificate can be only validated by a flag state.

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

The fishery products were denied the release for free circulation and re-exported from the EU territory.

**9.3 In case of refusal of importation, did the operators contest the decision of the authorities of your country?**

NO

**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.**

The introduction of the IUU Regulation has not resulted in a dramatic change of trade patterns with regard to the importation of fishery products. Based on the comparison of the available data before and after the introduction of IUU Regulation it can be concluded that there has been an insignificant change of trade patterns.

**Section 11: Mutual Assistance**

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

We believe that Czech Republic has replied to all of the mutual assistance messages.

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

NO

**Section 12: Nationals**

*Please state your notified authorities under Article 39.4:*

*The Czech Republic does not engage in sea fishing.*

*The Czech Republic does not own any fishing vessels engaging in sea fishing.*

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?

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

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.

All the questions 12.1, 12.2 and 12.3 are not relevant for the Czech Republic due to being a landlocked country.

### **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?**

No infringements were recorded from 1 January 2012 until 31 December 2013.

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

The fish farming industry within the Czech Republic is regulated by Act No. 99/2004 Coll., on Fishpond Management, on Execution of Fishing Right, on Fish Warden, on Protection of Marine Fishery Resources and on Amendments to Certain Related Acts (the Fisheries Act), which came into effect on 1 April 2004, as amended by Act No. 444/2005 Coll., Act No. 267/2006 Coll., Act No. 124/2008 Coll. and Act No 104/2011 Coll.

The amending Act No 104/2011 Coll. incorporates the provisions of sanctions for infringements laid down in the IUU Regulation (Chapter IX Article 41 - Article 47) into the national legislation.

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

This question is not relevant for the Czech Republic.

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

This question is not relevant for the Czech Republic.

## **14. General**

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

Since the introduction of IUU Regulation we have always found it quite challenging to acquaint ourselves with all the rules pertaining to fishing on high seas and in national waters. Although some progress has been made we feel that more training on this subject provided by EFCA would be of benefit.

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

No suggestions.

## **15. Any other comments**

**Thank you for your cooperation!**