

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

Member State: Estonia

Organisation: Ministry of the Environment

Date: April 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: *Y*

Yes except for questions (list): Y

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__Y____ NO_____

If yes, please detail and provide copies.

Fishing Act and § 19 (1¹),(1²), § 19², § 20²(1), § 23⁴, § 25(4),(6) thereof.

<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X40096K9&keel=en&pg=1&ptyyp=RT&tyyp=X&query=kalap%FC%FCgis&adus>

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-quarters);

Internal co-operation is centralised and there are no local/regional IUU fisheries authorities;

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

According to the Fishing Act the Ministry of the Environment is the competent authority pursuant to Article 16 (3) and Article 39 (4) of the Council Regulation (EC) No. 1005/2008 and the liaison agency pursuant to Article 39 (1) of the Commission Regulation (EC) No. 1010/2009 laying down detailed rules for the application of the Council Regulation (EC) No. 1005/2008 (establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing), (OJ L 280, 27.10.2009, pp. 5-41). According to the Governmental Decree of 10.12.2009 No. 550 (<https://www.riigiteataja.ee/akt/13244107>) the other competent state authorities are as follows:

The Estonian Tax and Customs Board is the competent authority pursuant to Article 16 (1), Article 14 and Article 21 of the Council Regulation (EC) No. 1005/2008 and authorised to confirm import and re-export catch certificates.

The Environmental Inspectorate is the competent authority pursuant to Article 6 and Article 8 of the Council Regulation (EC) No. 1005/2008 and authorised to carry out catch documentation validation at landings.

The Ministry of Agriculture is the competent authority pursuant to Article 15 (1) of the Council Regulation (EC) No. 1005/2008 and authorised to confirm export catch certificates.

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

In the Estonian Tax and Customs Board, 14 inspectors and 2 officials are involved (part-time) in the process of validating catch certificates.

In the Ministry of Agriculture, 11 persons are involved (part-time) in the validation of catch certificates since 2013, compared to 1-2 persons in the previous years. The circle of persons who are authorised to cross-check and validate catch certificates was enlarged due to the catch certificate requirement introduced in Ukraine from the beginning of 2013. No additional personnel were employed.

In the Ministry of Environment, 1 senior officer is involved in the process of assessment of catch certificates.

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 main legal act regulating environmental supervision is the Environmental Supervision Act. According to § 16 (1) State and local government environmental protection inspectors have the right to inspect natural and legal persons in private or public law, state agencies and local government bodies and agencies and their places of business if the activity of the persons and agencies affects or may affect the environment or endangers or may endanger the life, health or property of persons, or if the persons and agencies collect natural products or conceal or are alleged to be concealing illegally procured natural products.

The authorities have undertaken verification of companies when the Commission has asked data regarding request for verification of nationals. The Commission disseminated a list of beneficial owners and of the vessels in question to the representatives of Member States and requested to carry out investigations.

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

Muuga Freeport deals with fish import and export (only fish in containers).

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

Please list your designated ports:

Estonia has not designated ports for third countries' vessels.

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 transhipments	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?

No any designated ports

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.

Not relevant

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?
No designated ports for third countries' fishing vessels.

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

No designated ports for third countries' fishing vessels.

Reason for inspection :	Flag State
Sighted at sea in activities that may be considered illegal, unreported and unregulated	no
Based on the EU IUU vessel list	no
Other (please detail)	no

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

None. Article 9 of Section 2 of the IUU Regulation No.1005/2008 is not applicable.

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:

According to Article 17.8 the competent authority for the checks and verifications of the import catch certificates in accordance with Article 16 is the Estonian Tax and Customs Board. Obligations under paragraphs (1) to (6) of Article 17 are fulfilled by and the competent authorities are the Environmental Inspectorate and the Tax and Customs Board. Verification of re-export catch certificates referred to in accordance with Article 23.3 is the Tax and Customs Board.

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.

Flag State \ Year	2012	2013
IS	20	29
SB	0	3
US	45	64
CL	9	4
MA	66	79
PE	68	47
NO	25	47
CA	12	17
GR	1	

NZ	7	6
GB	2	3
DK	1	6
AR	14	5
UY	1	
VN	3	7
EE	33	28
CN	5	19
TH	9	41
RU	5	2
TW	4	
PH	1	
KR	1	17
ID	0	9
FO	9	
	341	433

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.

RFMO \ Year	2012	2013
ICCAT BFT		1
Dissostichus spp. (CCAMLR)		
CCSBT CDS		
Total		1

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.

Processing State \ Year	2012	2013
IS	4	4
CN		6
TH	1	8
BY	1	
RU	1	
VN		1
NO	1	
Total	8	19

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

Files are recorded as pdf.

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

There has been no need to establish APEOs, because the number of CCs is small and new procedures do not accelerate validation. APEOs can be established when companies are 100% fulfilling the requirements exactly and CCs have been submitted accurately.

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

NO rules have been established.

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?

No re-export CCs have been submitted.

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__X__ NO_____

No. CCs and processing statements are recorded as pdf files. As the number of CCs is small there is no need to establish a module for re-export of imported catches (1 CC per day).

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?

No

Section 6: Catch certification scheme for exportation

Please state your notified authorities under article 15.2:

The Ministry of Agriculture (Department of Fishery Economics)

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

YES__x__ NO_____

Catch certificates to be validated are submitted to the Ministry of Agriculture who runs cross-checks of catch certificate data against fleet register, permit data, logbooks, landings, sales notes etc data. Certificates are registered in the electronic document register of the Ministry (some metadata + pdf-files). Catch certificates are numbered in accordance with the suggestions from the Commission (ISO-3 code of Flag State (EST) – Fishing Segment (national segmentation) - Year – Certificate Sequence Number in a given year; e.g. EST-2-2014-213). The Sequence Number is automatically attributed to the certificate by the document register.

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
Total	871	50	821

The notable rise in the number of catch certificates (and the associated administrative burden, see section 2 point 2.1(c)) is due to the catch certificate requirement introduced in Ukraine from the beginning of 2013.

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

YES x NO

If yes, please detail.

All catch certificates submitted for validation are registered in the document register. However, only a certain amount of metadata (name of exporter, name(s) of vessel(s) etc. along with scans (.pdf) of the certificates are recorded. The creation of a more comprehensive IT tool greatly depends on the setting of general standards and data structure by the Commission.

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

The Ministry of Agriculture does not monitor whether catches declared with catch certificates actually leave the EU, but control authorities have the capability to cross-check catch certificates with the customs declarations and transport documents.

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

If yes, please detail.

The Ministry of Agriculture has refused the validation of catch certificates in the case of insufficient data (required fields of the catch certificate are not filled in or are filled in incorrectly) or inconsistencies revealed by the cross-check of data. The Ministry of Agriculture informs the exporter of the discrepancies, who then has the possibility to send corrected catch certificate.

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

Verification is carried out by the Estonian Tax and Customs Board. CN codes of fishery products have been entered into Customs risk assessment tool SELECT, all the consignments are sent into the “yellow channel” for document control. A specially appointed Customs

Division official ensures an active support in CC verifications for “yellow channel” declarations processing customs officers, then collects pdf-files with catch certificates and forwards them to the single liaison officer from the Ministry of the Environment. Ministry of the Environment assists the Customs Board and carries out ex-post evaluation, and analysis by excel sheets is done thereafter.

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

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

YES_____ NO_____

NO. 100% documentary check

If yes, please detail.

7.4 Does your country also physically verify the consignments?

YES_x_____ NO_____

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

If needed consignment can be physically verified, but we would use that method only if there is some information about consignment, documents are falsified, etc.

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?

Approximately 100 request have been sent to third country authorities.

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.

Documents suggesting that the information on the certificate is inaccurate and forwarded in support of a request for assistance.

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?

Some of the requests for verification were not replied to by the third country authorities within the deadline provided in article 17.6 of the IUU Regulation. Yes, reminders to the third country authorities were sent.

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

*Depending on third country authorities the answers provided were sufficient and insufficient.
Good co-operation with: Norway, USA.*

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:

Not

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				
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))				

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

No any refusals according to p 9.1

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.

Import of fishery products has increase in 2013..

Section 11: Mutual Assistance

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

Answers to all messages have been submitted.

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

YES ☒ NO ☐

If yes, please detail.

Messages to ask information regarding addresses and CC assessments.

If yes, please detail.

Section 12: Nationals

Please state your notified authorities under Article 39.4:

The competent authority responsible for coordinating the collection and verification of information on activities of nationals and for reporting to and cooperating with the Commission is the Environmental Inspectorate.

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?

According to § 20 (10) of the Estonian Fishing Act enforced on 23.05.2008 an operator entered in the commercial register of the Republic of Estonia is prohibited to use, upon fishing, a vessel which, based on a Regulation of the Council of the European Union has been included in the list of vessels, which have been identified as having engaged in illegal, unreported or unregulated 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)

According to the Estonian Accounting Act the money flows in third countries' enterprises have to be declared.

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.

No. According to § 13¹ (2) of the Fishing Act a fishing permit of a fishing vessel shall be issued to an entrepreneur registered in the commercial register regarding a fishing vessel in the legal possession thereof for which an Estonian registration certificate of a sea-going

vessel or inland vessel or small craft and a fishing licence have been issued. Pursuant to § 13(13) p 8 entry of fishing vessels in the Fishing Vessel Register shall be refused when in using the fishing vessel, international legislation or legislation of another state regulating fishing activities has been violated, the vessel has been entered in the list of vessels which have engaged in illegal fishing activities and a punishment related to the use of the vessel imposed by another state is in force and does not permit fishing by means of such vessel while the punishment is still in force.

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? none

Please detail.

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

YES

Fishing Act § 25 (6)

13.3 How many sighting reports were issued by your country from 1 January 2012 until 31 December 2013? None

Please detail.

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?

There have been signals from the Estonian companies that some third countries' tax and customs officials have not been sufficiently informed of the IUU regulations.

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

To update information in Internet or via e-mail regarding third countries' authorities e-mail.

15. Any other comments

CC requirement by Ukraine shall be revised.

Thank you for your cooperation!