

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

Member State: Ireland
Organisation: Sea Fisheries Protection Authority
Date: 30th 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:

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 S.I. 554 of 2010 & S.I. 367 of 2012- See annex 1

If yes, please detail and provide copies.

- S.I. 554 of 2010 brought IUU Legislation into Irish Law, S.I. of 2012 amended 554 of 2010 allowing for the addition of a second designated port in the Republic of Ireland

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.)?

Verifications

The SFPA conducts verifications of imports in the IUU Office based in Clonakilty Cork; this office conducts the documentary checks and liaises with the flag states associated with the importation of fishery produce. The Department of Agriculture, Food and Marine, veterinary officers employed in the Border Inspection Post complete the veterinary checks on the produce when it arrives into Ireland (Dublin or Shannon). All verified catch certificates and associated documents are stored centrally within the IUU Office in Clonakilty (both paper and electronically).

Validations

The validation of catch certificates is completed by the SFPA port offices (7 of). The IUU Unit has a single point of contact within each port for communicating with the exporting establishments which fall under the remit of its office. Any SFPO within that office can conduct the validation checks to complete a catch certificate. Copies of all validated catch certificates and associated documents are stored centrally within the IUU Office in Clonakilty (both paper and electronically).

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

To facilitate all registered importers/exporters of fishery products, the following guidance documents were drafted for industry;

- Guide for completing the Catch Certificate*
- Guide for Exporters*
- Guide for Exporters in Third Countries*
- Guide for exporters in Third Countries (Weights and Product Codes)*
- Guide for Importers*
- Pre notification document*
- Quick Guide to legislation*

All registered importers/exporters (approx 400) were individually contacted by the IUU Office in Clonakilty Head Office to discuss the legislation and the requirements of same. The majority of these companies are involved in only small quantities of intra-trade produce and they were not affected. Contact details, electronic copies of above documents and website links were provided in case changes of their business profile would bring them under IUU legislation requirements.

For the companies involved directly with importation/exportation with third countries, they were provided with electronic copies of the above documents and website links; a point of contact was created with each associated SFPA port, and with the national IUU Office also.

A website was created for the industry which includes information on the following headings;

Legislation

A brief description of each piece of legislation and hyperlinks for the following documents;

EC Reg 1005/2008

EC Reg 1010/2009

S.I. 554/2010

S.I. 367/2012

EU Reg 202/2011

EU Reg 672/2013

etc

Information for Importers

A general synopsis of the requirements for importation and hyperlinks for the following documents;

IUU Guide for Importers
IUU Guide for Exporters in Third Countries (Weights and Product Codes)
Pre Notification Document
IUU Handbook

Information for Exporters
A general synopsis of the requirements for exportation and hyperlinks for the following documents;

IUU Guide for Exporters
IUU Guide for Exporters in Third Countries
IUU Guide for Exporters in Third Countries (Weights and Product Codes)
Guide for completing Catch Certificates
CN Codes for Fish and Fishery Products
IUU Handbook

Further Information and Links
This includes a full list of all the Guidance documents, downloadable versions of the Catch Certificate, Schedule for Multiple Vessels and Pre notification document. This page also includes hyperlinks for the following documents;

EU IUU Website
List of notified Third Countries
List of known IUU Vessels (672/2013)

IUU Contact us details.
Contact details for IUU Office and each port responsible for the validation of Catch Certificates.

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

- Border Inspection Post (BIP)

The BIP will not permit the booking of an import for veterinary checks containing fishery products unless they receive an Annex 1 or I(A) pre notification document form from the SFPA. The BIP inspect from a veterinary/health perspective only, for imported produce. Irrespective of the source of fishery products whether wild origin or aquaculture the SFPA conducts verification checks on all produce and retrospective of this will notify the BIP on the compliance of the fishery products. The BIP conducts comparison checks on the produce relating to species and quantities, ensuring parity between Health Certificate and intended imports. If there is any variance between these documents the import/container is retained in a customs compound awaiting clearance.

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

- SFPA

<i>IUU Office</i>	<i>– Verification</i>	<i>-</i>	<i>1.25 staff members</i>
<i>Port Offices</i>	<i>– Validation</i>	<i>-</i>	<i>7 staff members (1 per port)</i>

In the IUU Office and Port Offices all individuals conduct other duties and are not whole time equivalents. The SFPAs oversee the documentary aspect of imports, exports and re-exports of produce, covering the verification and validation aspects.

- Border Inspection Post (BIP)

Dublin Port - 1 Veterinary Inspector, 1 Higher Executive Officer & 5 Port Inspectors

Shannon Airport - 1 Veterinary Inspector & 3 Port Inspectors

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

Direct landings are conducted via the designated ports of Killybegs and Castletownbere, processed products and frozen produce from non EEA countries are routed through Border Inspection Posts in Dublin sea port and Shannon airport.

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.

2012 & 2013 Audits

2012

Land based Establishments

Risk Type

High 70

Medium 53

Low 36

Total 159

Freezer and Factory Vessels

Risk Type

Medium 1

Low 13

Total 14

2013

Land based Establishments

Risk Type

<i>High</i>	<i>70</i>
<i>Medium</i>	<i>53</i>
<i>Low</i>	<i>41</i>
<i>Total</i>	<i>164</i>

Freezer and Factory Vessels

Risk Type

<i>Medium</i>	<i>1</i>
<i>Low</i>	<i>19</i>
<i>Total</i>	<i>20</i>

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

- *No, there are no free ports or free zones within ports in Ireland.*

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

Please list your designated ports:

Killybegs Co. Donegal and Castletownbere in Co. Cork.

3.1 How many landings and transhipments 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
Killybegs (NEAFC)	174	115-2012 & 59-2013	0	
Castletownbere	0		0	
Total	174			--

** 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?

- *During the period 1st Jan 2012 – 31st Dec 2013 all only a small percentage/negligible quantity of produce was held in temporary storage at the Border Inspection Post in Dublin.*

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.

- No, there have been no issues with prior notification with Norwegian vessels during the associated period.

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?

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

- As all landings are from Norwegian vessels these use the simplified version details as catch certificates are supplied. As these vessels are now using ERS this information is sent to the FMC in the Naval Base as a PNO Hail message containing the information required is sent to all fishery officers in the designated ports.

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?

174

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	0
Based on the EU IUU vessel list	0
Other (please detail)	174

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

- 174, all vessels that landed were inspected, inspections are conducted on all vessels and vary from a minimum of documentation inspection and an assessment of onboard catches by 'dips' being conducted. Some of these inspections would be routinely elevated to a full monitor. If there were any discrepancies between the assessed and stated catch onboard encountered, the inspection would be escalated to where a full monitor is then conducted automatically. This would include weighing and sampling of all produce onboard, continuous presence in the factory of weighing, accompanying tankers between landing and factory, cross checking of weight documentation from tankers etc.

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

NO, all vessels intending to land are met and inspected as per 4.3

If yes, please detail.

4.5 Has your country detected any infringements?

- No infringements were detected with the Norwegian vessels landing into Irelands designated ports during the said period.

- 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:

Sea Fisheries Protection Authority (SFPA)

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
Argentina	1	0
Australia	2	0
Canada	31	28
China	7	9
Ecuador	2	3
Faroe Islands	0	2
France	4	28
Iceland	977	864
Indonesia	2	13
Japan	0	1
Korea	2	7
Maldives	59	70

Morocco	0	1
Mozambique	4	0
Netherlands	0	1
New Zealand	3	7
Norway	2 via BIP/115 via direct landings	0 via BIP/59 via direct landings
Panama	1	3
Papua New Guinea	1	9
Peru	6	0
Philippines	36	45
Portugal	1	0
Russia	2	9
Seychelles	11	11
Solomon Islands	0	4
South Africa	34	11
Spain	8	39
Taiwan	4	7
Thailand	33	20
United Kingdom	3	1
USA	35	23
Vietnam	17	14
Total	1403	1289

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	0	0
Dissostichus spp. (CCAMLR)	0	0
CCSBT CDS	0	0
Total	0	0

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
PS Thailand	50	48
PS South Africa	2	0
PS China	3	9
PS Mauritius	6	5
PS Philippines	2	7
PS Ecuador	1	1
PS Papua New Guinea	4	5
PS USA	0	2
PS Solomon Islands	0	2
PS Seychelles	0	8
Total	68	87

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

- All original versions of the processing statements are retained for a three year period; electronic copies will be retained for a seven year period. As part of the verification process the flag states responsible for the processing statements are contacted to confirm validity of the annex IV, prior to clearance being granted at the Border Inspection Post.

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

- Ireland has to date received one application for APEO Status, this application was withdrawn, and currently Ireland has no APEO's.

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

- n/a

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.

- 2012 – 206 re-export certificates, predominantly African nations.

- 2013 – 96 re-export certificates, predominantly African nations.

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

- No.

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?

- Databases are used to retain information, there is currently no module for the re-exportation of produce, and this is managed manually and stored on a separate database.

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

- Entry for produce into Ireland is only conducted via a Border Inspection Post, verification checks are conducted on the produce prior to free trade authorisation being granted.

Section 6: Catch certification scheme for exportation

Please state your notified authorities under article 15.2: Sea Fisheries Protection Authority (SFPA)

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

- Yes

Upon receipt of catch certificate from the exporter, this is checked to see if the sections they are responsible for are completed correctly. If so the vessel/s that are included are checked to see if they are licensed and have an authorisation to fish the respective species. Additional checks include a review of log-sheets, sales notes for quantity confirmation, and VMS data for positional verification, commercial invoices to confirm quantities versus log-sheets and hail messages if applicable. Once the officer responsible for the validation is happy with the information the catch certificate is stamped and signed. The original is given to the exporter and a copy is forwarded to the IUU Office, this document is scanned and stored in a database with all supporting documents used as part of the validation process.

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
		174	155
Total	--	174	155

Approximately 80 - 85% of catch certificates are generated for African nations for human consumption and direct landings into Norway for processing and retrospective sale; with the latter a final destination is not known, the catch certificate is provided under Article 15 1005/2005. Approximately 15 – 20 percent is for Nephrops norvegicus which is for processing in a flag state prior to returning to the EU.

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

- No

If yes, please detail.

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

If yes, please detail.

For produce leaving the EU for processing prior to return to the EU process is monitored as it usually returns to the EU via a Border Inspection Post in Ireland. The majority of produce travels to African nations for human consumption, there are also considerable quantities of produce landed directly into Norway where the catch certificate is provided at time of landing.

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

If yes, please detail.

Temporary refusals were made for the validation of some catch certificates, where the associated documents were returned to exporters for correction/resubmitting, these would have been validated once the SFPA were happy with corrections.

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

Upon receipt of import documents such as catch certificate, annex IV, health certificate, bill of lading, certificate of origin, packing list, commercial invoice, certificate of origin etc. These documents will be reviewed and crosschecked so weights are at parity on each document and that all information contained within is in order. The competent authorities responsible for the catch certificate and Annex IV, will be notified requesting verification, this process is typically done by e-mail for traceability purposes, the importer, BIP and others will be kept in the loop of messages so they are aware of the process at any stage. The IUU vessel list will be checked. If the vessel has been fishing in an RFMO such as WCPFC or IOTC, the databases of these organisations will be reviewed to check licensing and authorisation. If they are not included the flag state and RFMO would be contacted for clarity. When possible container and Bill of Lading numbers are checked with track and trace, to substantiate validity versus other documentation pertaining to the import. The Specimen Management System (SMS) will also be reviewed to substantiate signatures and stamps, these are confirmed via liaising with flag state authorities via verification. SANCO list of establishment list is checked also when uncommon/unknown processing plants are encountered. Upon receipt of the verification request from the flag state/s the BIP will be notified by this office to inform them that the import is compliant. The importer can then be booked in for a veterinary check to be conducted on the produce. The importation documents are then scanned and stored in a database in the IUU Office.

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

- 2012 – 235

- 2013 – 302

These verifications would have a degree of variance, where the request could be as simple as a documentation validity confirmation to a formal verification request. The latter could include request for copies of catch certificates, certified/stamped copies of logbooks, copies of flag state fishing authorisations, transshipment verification, VMS data, etc.

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

No, due to the low levels of imports 1403 in 2012, 977 from Iceland and 1289 in 2013, 864 from Iceland, verifications were conducted on 235(2012) & 302(2013). Due to Iceland's trade agreement with the EU, none of this produce is required to pass through a BIP and all of this produce arrives via air flight, only sporadic verifications are conducted on this flag states produce.

7.4 Does your country also physically verify the consignments?

Yes

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

- This process is completed by the BIP Veterinary staff, there is approximately 20% of all fishery import containers fully checked, including veterinary checks, species/weight check, documentary, container and seal, these are picked at random. 100% of all imports pass through the BIP staff and at a minimum receive seal, container and documentary checks.

Section 8: Verification requests to flag States

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

- 2012 – 235
- 2013 – 302

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.

- To reduce the risk of importing illegally caught fish verification is sought on all catch certificates, with the exception of Icelandic produce and all processing statements. The reduced volume of trade in comparison to other Member States permits this process to be conducted. This is deemed most beneficial in reducing associated risk. To date the requisite networking has been conducted with the competent authorities and this speeds the process up. Some verification requests would be formal and require a greater volume of information from the flag state in question. Under article 17 (6, the flag state is always offered the initial 15 day period and is normally emailed on a regular basis during the said period. The competent authority will also be notified that the period is due to expire so they can be granted a further 15 days to complete the verification process, if so required.

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?

- In 2013, the Distant Water Division in Korea had not responded to a formal verification request until a subsequent reminder was sent, as indicated in 8.1 the competent authority were informed of the approaching cut off point and asked if they required another 15 days, they submitted a request for additional time and provided the requested information in the allotted timeframe.

With informal requests reminders are sent on a daily basis until a sufficient response is received from the responsible flag state authority. Most flag states will answer within the required 3 day period.

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

Yes, - in 2013 there was an intended import of John West tuna from Ghana/Belize a formal verification was made to the flag state authorities. Due to the delay and demurrage charges

building on the produce, John West moved all of this produce to the UK as they had a quantity awaiting verification clearance in Felixstowe. John West indicated that for logistical reasons it would be easier to manage their stock in one location.

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.			Australia	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))	Maldives	1		
	Canada	1		

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

- *The skipjack tuna from the Maldives was returned to the flag state, it was refused entry as the seal of the container was damaged.*
- *The import from Canada was for Homarus americanus, but the importer brought it into an airport with no BIP, entry was refused produce destroyed. The importer were permitted the opportunity to fly the produce to an alternative airport but declined.*
- *The Australian exporter was unable to provide catch certificate for the produce, the importation was refused and the produce was destroyed.*

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.

- Ireland has not noticed any alterations in trade since the last quarter of 2010 and the first quarter of 2011. Since then Ireland typically deals with the same 20 – 24 notified countries. Ireland receives the largest volume of produce from the Maldives consisting of Skipjack tuna only and the highest number of imports from Iceland which consist of fresh white/flat fish species for daily markets.

Section 11: Mutual Assistance

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

All mutual assistance requests supplied by the Commission were responded to by this office.

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

Yes a request for assistance has been made to the commission regarding an Indonesian processing plant which is processing produce for an Irish company currently under investigation.

Section 12: Nationals

Please state your notified authorities under Article 39.4: Sea Fisheries Protection Authority

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?

- Sea Fisheries and Maritime Jurisdiction Act 2006*
- S.I. 554 of 2010*
- S.I. 490 of 2011*

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

- This office spoke with industry in relation to a previously issued mutual assistance request made by the Commission and submitted a report on same, this information was provided as part of the last biennial report. Ref. Ares (2011)101851

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.

- As per 12.2

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?

- *Between 1st Jan 2012 – 31st Dec 2013 Ireland has recorded 336 offences against all nationalities including Irish vessels. These offences include some of the following headings;*
Illegal fishing
Log book infringements
Failure to facilitate inspection
VMS
AIS
Licence conditions
Sales notes
High Grading
Technical measures
Hails and port entry
Transport documents
Vessel markings
Quota
Etc!

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

- *Ireland does not have a system of administrative sanctions.*

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

- *Nil.*

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

- *No.*

If yes, please detail.

14. General

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

- *Ireland has no additional comments since the last biennial report entry.*

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

- As previously discussed and presented at an ad-hoc meeting in Brussels a central database that all catch certificates have to be uploaded to by the notified countries involved. This is more applicable to catch certificates where fish is landed in an alternative country to flag state and is retrospectively processed so expenditure from landed values can be monitored, a tolerance would obviously need to be factored in to this process, if the recorded value on the catch certificate is an estimated value. This process could potentially prevent catch certificates being used in excess of their declared values.

This is a process that would assist all MS that are verifying catch certificates from indirect landings retrospectively processed before arriving in the EU. I am aware the Commission are working on this as a project.

15. Any other comments

Nil

Thank you for your cooperation!