

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

Member State: MALTA
Organisation: Department of Fisheries and Aquaculture
Date: 10/04/2014
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May the Commission provide a copy of this questionnaire to other Member States?

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 _____

If yes, please detail and provide copies.

Council Regulation (EC) No 1005/2008 on illegal, unreported and unregulated fishing has been transposed into the Maltese law under the Subsidiary Legislation 425.08, Enforcement of Sea Fishing Conventions Order (LN 209/11) which provides a range of fines depending on the gravity of the infringement, and whether there was a catch or not related to the criminal facts.

Copy of the legislation in reference is being submitted in a seperate PDF document as per Annex 1.

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);
N/A

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

Maltese authorities, through the Single Liaison Authority, which is the Department of Fisheries and Aquaculture, organised the implementation of this Regulation through

cooperation with the Customs Department. The main exportation that takes place is that of BFT for which bluefin tuna catch documents are validated.

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

Malta has 5 Fisheries Protection Officers dedicated to the implementation of the Catch Certificates.

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

There are no differences.

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.

Yes the authorities have the possibility to audit/verify a company. However no such audits have been undertaken

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

Malta has one Freeport related to the importation or transit of fishery products but this facility does not carry out processing of fish.

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

Please list your designated ports: Valletta port

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
Valletta (ICCAT)	0	2012	1	2012
Valletta (ICCAT)	0	2013	1	2013
Total	0		2	

** 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?

Malta does not have any landings by third country fishing vessels.

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.

All third country vessels entering Maltese ports need to abide by all notification requirements as laid down by Council Regulation (EC) 1010/2009 or ICCAT pre-notification forms for reefers carrying Bluefin tuna. ICCAT forms are used when vessels are carrying any BFT or any ICCAT regulated species.

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?

All the vessels mentioned above in section 3.1, any third country fishing vessel entering port for services and all vessels transiting BFT were inspected. In total the Maltese authorities inspected 23 vessels in 2012 and 30 vessels in 2013.

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

Reason for inspection :	
Sighted at sea in activities that may be considered illegal, unreported and unregulated	nil
Based on the IUU vessel list	nil
Other (please detail) Vessels entering port for services and landing products in transit procedure	53

4.3 How many fishing vessels were inspected between 1 January 2012 and 31 December 2011?

In total the Maltese authorities inspected 23 third country fishing vessels in 2012 and 30 third country fishing vessels in 2013.

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

YES _____ NO X _____

All third country fishing vessels entering port are inspected.

If yes, please detail.

4.5 Has your country detected any infringements?

YES _____ NO X _____

- If yes, how many and of what nature? Please specify.

N/A

- If yes, did your country apply the procedure in case of infringements as foreseen in article 11?

N/A

Section 5: Catch certification scheme for importation

Please state your notified authorities under articles 17.8 and 21.3

The Department of Fisheries and Aquaculture.

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
AR	1	0
CA	5	3
CN	30	8
EC	9	9
EG	2	1
ID	4	5
IN	10	2
KE	6	3
KR	0	10
KR	0	10
MA	78	76
MU	5	15
NZ	0	1

OM	80	63
PG	5	3
PH	8	8
SC	7	7
SN	80	146
TH	77	53
TZ	3	1
US	29	19
VN	4	10
Total	443	453

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 below table refers to ICCAT Blue fin Tuna Catch Documents (BCDs) used for the transfers of BFT for cagings in Maltese flagged BFT farms. These BCDs are not included in table 5.1.

RFMO \ Year	2012	2013
ICCAT BFT	50	38
Dissostichus spp. (CCAMLR)	nil	nil
CCSBT CDS	nil	nil
Total	50	38

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
TH	40	26
SC	0	0
PH	3	1
EC	0	0
Total	43	27

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

The Maltese authorities retain all Annex IV statements with corresponding copies of Catch Certificates. These statements are now being recorded for audit purposes of the accompanying copies of Catch Certificates.

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

The Maltese authorities did not approve any APEO as no requests were made.

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.

The Maltese authorities did not approve any re-export certificates in the context of Council Regulation (EC) 1005/2008.

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

N/A

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?

No.

Section 6: Catch certification scheme for exportation

Please state your notified authorities under article 15.2.

Department of Fisheries and Aquaculture

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

YES _____ NO ___X___

If yes, please explain briefly the established procedure.

N/A

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	n/a	n/a	n/a
Third Country 2	n/a	n/a	n/a
Third Country 3	n/a	n/a	n/a
	n/a	n/a	n/a
	n/a	n/a	n/a

Third Country x	n/a	n/a	n/a
Total	N/A	N/A	N/A

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

YES _____ NO _____ N/A _____

If yes, please detail.

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

Any catches of BFT intended to leave the EU are monitored till point of export.

If yes, please detail.

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

N/A

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

Maltese authorities carry out a 100% administrative verification on Catch Certificates for importation.

The importing operators request the Catch Certificates from the third country exporter and submit the documents to the Department of Fisheries and Aquaculture for verification. At this stage, importers are permitted to submit electronic copies or present originals depending on the arrival of the documents. These copies or originals are checked in the permitted periods as per Commission Regulation (EC) 1010/2009. When verifications of documents are concluded by officers within the Department of Fisheries and Aquaculture, originals of Catch Certificates from importers (if not already presented) are stamped by the officer and the consignment is released.

Through cooperative arrangements with the Customs Department, no consignments of fishery products (except those excluded by Annex XIII of Commission Regulation (EC) 1010/2009) will be released by Customs unless the documentation is stamped and authorised by the designated officers within the Department of Fisheries and Aquaculture.

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

The Maltese authorities have verified 443 Catch Certificates for 2012 and 453 Catch Certificates for 2013. (See table 5.1)

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

YES _____ NO X _____

The Maltese authorities carry out a 100% administrative verification on Catch Certificates for importation.

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.).

The Maltese authorities carry out an inspection on all fishery products arriving by air freight and randomly selected consignments of processed fishery products.

Section 8: Verification requests to flag States

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

Nil

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.

N/A

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?

N/A

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

N/A

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:

Maltese authorities did not refuse any importations between 1 January 2012 and 31 December 2013.

Reason for refusal of importation	2012		2013	
	Flag State	No.	Flag State	No.
Non-submission of a catch certificate for products to be imported.	n/a	n/a	n/a	n/a
The products intended for importation are not the same as those mentioned in the catch certificate.	n/a	n/a	n/a	n/a
The catch certificate is not validated by the notified public authority of the flag State	n/a	n/a	n/a	n/a
The catch certificate does not indicate all the required information.	n/a	n/a	n/a	n/a
The importer is not in a position to prove that the fishery products comply with the conditions of Article 14(1) or (2).	n/a	n/a	n/a	n/a
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.	n/a	n/a	n/a	n/a
Further to the request for verification (Article 18(2))	n/a	n/a	n/a	n/a

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

N/A

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

YES _____ NO __ N/A _____

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.

The Maltese authorities did not note any changes in trade patterns or number of imports since the introduction of the IUU Regulation.

Section 11: Mutual Assistance

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

The Maltese authorities replied to all Mutual Assistance requests that were sent by the Commission.

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

YES _____ NO ☒ X _____

If yes, please detail.

Section 12: Nationals

Please state your notified authorities under Article 39.4:

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?

Malta has adopted ACT 425 ([Fisheries Conservation and Management Act](#)) well before 1 January 2010 and Subsidiary Legislation 425.08 [L.N. 425.08](#) after the introduction of the IUU Regulation.

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

Malta has adopted ACT 425 subsidiary legislation 425.8 ([Enforcement of Sea Fishing Conventions Order](#)).

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.

The Maltese authorities have no information on arrangements between nationals and third countries allowing reflagging of their 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?

The Maltese authorities have proceeded against 5 serious infringements directly related with the Council Regulation (EC) 1005/2008. All such cases are currently being heard in the Courts of Justice where they are subject to criminal proceedings.

Please detail.

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

The Maltese authorities apply all sanctions as per Chapter 425 of the Laws of Malta ([Fisheries Conservation and Management Act](#)) and subsidiary legislation. It is to be noted that serious infringements are in most cases sanctioned through criminal proceedings.

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

Maltese authorities did not issue any sighting report from 1 January 2012 until 31 December 2013.

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?

At the initial stages, the Maltese authorities encountered difficulties due to the added administrative burden. This has been partially overcome due to the setup of a team of Fisheries Protection Officers to assist in the day to day running of the Control Unit.

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

The proposed creation of an IUU database that will include all verified contact E-mails of notified third countries authorities and an audit of annex IV statements received by all MS.

15. Any other comments

Thank you for your cooperation!