

Warsaw, 14.05.2014

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Ms. Valerie Laine
Head of Unit MARE.A.1
DG MARE
EUROPEAN COMMISSION

Subject: Biennial reporting on the application of the IUU Regulation 2014

Dear Ms. Laine,

With reference to the obligation set up in article 55.1 of the Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (the IUU Regulation) please find attached the report on the application of that Regulation drawn up in accordance with the questionnaire elaborated by the Commission.

Yours sincerely,

DEPARTAMENT RYBOŁÓWSTWA
Tomasz Nowicki

Encl: Report on the application of the IUU Regulation

Cc: Permanent Representation of the Republic of Poland to the European Union

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

Member State: *Poland*

Organisation: *Ministry of Agriculture and Rural Development*

Date: *May 2014*

Name, position and contact details of responsible official:

Anna Rokosz

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

Yes: *yes, if requested and with notification of our office*

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 X NO

If yes, please detail and provide copies.

- 1. Implementing regulation to the Fish Market Organization Act was published on 30.08.2013*
- 2. Fish Market Organization Act has been amended by the Act of 5.04.2013 entering in force on 13.06.2013. In the amending act Art. 1 point 1) letter d) was added indicating the Council Regulation No 1005/2008 on illegal, unreported and unregulated fishing as legal basis for the Polish Fisheries Administration tasks.*
- 3. The Director of The Maritime Office in Szczecin issued an Order of 26.07.2013 "Port Regulations" (for the ports of Szczecin and Świnoujście) containing the definition of third country fishing vessel in accordance with the definition of the Council Regulation No 1005/2008 on illegal, unreported and unregulated fishing and the obligations for notifications of port calls for third country fishing vessels as well as delivery of all relevant data of declared fishery products destined for landing.*

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.)?

The roles and responsibilities of the authorities are as follows:

Fisheries administration:

- *At the policy level: Ministry of Agriculture and Rural Development – Fisheries Department (designated as SLO, receives CC's in case of importation via land border and documented evidence which is then sent to customs electronically, anomalies are noted and reported to other authorities, takes third country actions, validates catch certificates for exports)*
- *At operational level: Regional Sea Fisheries Inspectorates (RSFI) (in Gdynia and Szczecin) are responsible for the validation and verification of catch certificates. They also play a key role in liaison with customs officials with respect to providing guidance and advice to customs on importation of containerised fisheries products coming through Gdańsk and Gdynia ports. RSFIs perform operational monitoring and surveillance of landings and transshipments in designated ports and carry out vessel and quayside inspections. Note: Since 30 May 2012 the obligation of validating export catch certificates has been taken out of the responsibilities of RSFIs and now lies with the Ministry of Agriculture and Rural Development, Fisheries department.*

Customs

- *Supervising control of amount and species entering/exiting Polish border*
- *Customs perform checks on documentation (matching information on catch certificates with that on other documentation including customs declarations) for fishery products*
- *Not designated authority with respect to managing/controlling catch certificates*
- *However, customs plays an important role of document control and identity cross checks of fishery products*

Veterinary and Public Health

- *Document checks but only for identity cross checks*
 - *Dates of production / date of catch*
- *Identity checks*
- *Physical checks*

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

as in previous report

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

Allocation of tasks for various authorities – see the answer to question 2.1 above. Also: According to Fisheries Act fisheries inspectors cooperate with veterinary, customs, police, border guards, food quality authorities and maritime administration (art. 56.2). There are agreements between fisheries, veterinary, customs, police and boarder guard authorities. Fisheries inspectors check catch certificates and inform (by electronic means) the above mentioned institutions on the outcome of their checking. All doubts are explained by telephone with persons designated for that purpose in each institution. As a rule Customs do not allow the imported goods to be covered by customs procedures unless the catch certificate is checked by the fisheries inspectors. Currently more emphasis is put on Customs as enforcement authority finally releasing fish products for free circulation.

The co-operation is summarised as follows:

Gdynia

There is an agreement between RSFI in Gdynia and Customs Chamber and Border Veterinary Inspectorate in Gdynia. The basis of the agreement requires that the RSFI provides verification of information contained and resultant actions that should be taken in relation to catch certificate(s), and overall determine the veracity of catch certificate(s).

Szczecin

A number of agreements are established between the RSFI and other enforcement authorities in order to provide a robust cooperation framework in Szczecin. They are as follows:

- Port Regulations issued by the Director of The Maritime Office in Szczecin;*
- Cooperation Agreement concluded between the Commandant of Marine Division of Border Guards;*
- Agreed Record between RSFI and the Director of The Customs Chamber in Szczecin on the implementation of the EU catch certification scheme.*

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

Ministry of Agriculture and Rural Development: 4

Regional Sea Fisheries Inspectorate in Gdynia: 4

Regional Sea Fisheries Inspectorate in Szczecin: 1, plus customs officers working on shifts, i.e. roughly estimating: 3 customs officers partially engaged in processing e-mailed catch certificates approved by RSFI, precise estimation of their working time is not available.

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

No direct landings from fishing grounds, only cargo previously landed in 3rd country port and cargo stored or processed in 3rd countries is arriving to Poland.

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.

as in previous report

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

Yes.

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

Please list your designated ports: as in previous report (Szczecin, Świnoujście, Gdynia, Gdańsk)

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
Szczecin	74	NEAFC designated port	0	
Świnoujście	133	NEAFC designated port	0	
Total	207	--		--

* 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? *less than 1 %*

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.

There were no landings subject to RFMO prior notification scheme. For other landings cargo manifests and bills of lading are used in advance to the vessel arrival together with estimated time of arrival messages. E.T.A. information is also available in the electronic notifications system operated by the maritime administration (PHICS system - accessible by RFSI in Szczecin).

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?
207

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) to fulfil benchmark provided in the Regulation 1005/2008	19

4.3 How many fishing vessels were inspected between 1 January 2012 and 31 December 2013? 19

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

YES ☒ NO ☐

If yes, please detail. As provided by Reg. 1010/2009 Art 4 c), f), g), n), q)

The risk based inspections management system in our ports takes into account the fact that port visits by 3rd country fishing vessels are repeatedly related to the transport of fish products between non-EU and Polish ports which is the last link in the chain. IUU fishing related risks have place during earlier stage - at catch and processing and first landing links of chain. Such risks management is the responsibility of the relevant port state where first landing had place. Therefore for this kind of port calls we do not apply special system for inspection planning and simply avoid of inspecting the same vessel too frequently. For the vessels engaged directly in fishing at sea and arriving at our ports we have a risk of undeclared catches onboard. Such risk is very low as such vessels arrive for repairs and for technological reasons the holds or tanks have to be empty. For inspections management purposes the system taking into account from where above mentioned type vessel arrives is used: if it is a RFMO regulatory area (NEAFC for example) then we give more priority, if it is 3rd country or EU port then we assign less priority.

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:

Ministry of Agriculture and Rural Development – Fisheries Department (for importation via land border and for re-export)

Regional Sea Fisheries Inspectorate in Gdynia (for importation via sea border and for re-export)

Regional Sea Fisheries Inspectorate in Szczecin (for importation via sea border and for re-export)

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
FS 1		
FS 2		
FS x		
Total	4713	5574

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	19 (imports of Xiphias gladius from SRI LANKA)
Dissostichus spp. (CCAMLR)	0	0
CCSBT CDS	0	0
Total	0	19

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
China	314	432
Thailand	152	236
Mauritius	17	23
Indonesia	8	0
Papua New Guinea	6	6
Ecuador	4	0
The Philippines	3	1
Panama	2	0
Vietnam	1	3
Morocco	0	1
Russia	133	187
New Zealand	2	6
USA	1	7
Norway	0	18
Other	1	1
Total	644	921

As regards RSFI in Szczecin: this is not recorded separately - no details available. However, the number of processing statements does not correspond to the number of catch certificates enclosed to them, as in many cases the copy of the same catch certificate accompanies imports covered by different processing statements. It is not possible to check at the level of Member State the total amounts of fishery products originating from the catch certificate

and imported in frame of Art 14.2 as the same copies of catch certificates may be presented in different Member States. A centrally operated EU data base of all catch certificates and processing statements would be needed.

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

The information is retained. Part of the data from the PS (concerning masses) is stored in an excel file.

5.5 How many requests to authorise APEOs have you received and how many APEOs have you authorised? 0

*So far fisheries authorities have not granted APEO status to any importer.
Ministry of Finance (which is responsible for customs) grants AEO status to importers.*

5.6 Please explain briefly the administrative rules referring to the management and control of APEO. *No administrative rules have been created*

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. *Approx. 100, all to Norway*

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

Custom officers are checking the presence of validated by RSFI Szczecin re-export certificate for all amounts declared for re-export.

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? *As in the previous report.*

Section 6: Catch certification scheme for exportation

Please state your notified authorities under article 15.2:

Ministry of Agriculture and Rural Development – Fisheries Department

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

YES__X_____ NO_____

If yes, please explain briefly the established procedure.

- *Exporter fills in the form of certificate and sends it to the Fisheries Department in the Ministry of Agriculture and Rural Development*
- *Before the catch certificate is validated, Fisheries Department consults the Fisheries Monitoring Centre which checks and confirms the catch data presented in the catch certificate*
- *After receiving a positive opinion from FMC Fisheries Department validates the catch certificate*

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	--	7	4

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

YES _____ NO X _____

We check the catch data presented in the catch certificate and then after validation we retain the paper copies of the catch certificates. We did not establish any IT tool to monitor the catch certificates validated for exports.

If yes, please detail.

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

No

If yes, please detail.

6.5. Have you ever refused the validation of a catch certificate? *No*

If yes, please detail.

Section 7: Verifications of catch certificates for importation

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

YES X _____ NO _____

If yes, please detail

The CCs are first checked against their accordance with the rules of the IUU regulation and against conformity with the templates. Then, their content is being checked and compared with other accompanying documents to verify if the data correlate. Should any uncertainty arise the additional information/explanations and/or additional documents are being asked from the importer/3C competent authority. In the verification request sent, there is a deadline

for answering indicated, yet if no reaction is received within a week a reminder is sent followed by another 2-3 days before the deadline. The latter one reminds also that in case there is no answer to the verification request, the products related to the verified document shall not be allowed for importation into EU. After receiving the new material the data are being analysed and compared with the previous ones and either (should there be such necessity) the importers/3C competent authorities are being asked for additional explanations/information/documents or the final decision (allowing or denying the importation) is being made.

7.2 How many catch certificates have been verified from 1 January 2012 until 31 December 2013? *Documentary control covers 100 % of catch certificates*

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

YES ☒ NO ☐

If yes, please detail.

Based on the analysis of mutual assistance communications.

As regards RSFI in Gdynia- It is only in a way a risk assessment, being a list of "points of interest" with no quantitative values given for particular "threats".

First point is to check if there has been a CC from a particular country in our records. If not, then whether there are doubts or not, the document is subjected to a verification process.

Second point of interest is the Flag State / Processing State – their subjective "trustworthiness" and "import history".

The third point of interest is the exporting company and its "history".

And finally, the importing company (especially if located in another MS) and its "import history".

There may be some other points arousing in particular cases but the above are the "fixed" ones.

7.4 Does your country also physically verify the consignments?

YES ☒ NO ☐

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

Randomly selected pallets of frozen fish are checked for actual content and weight during vessels inspections in port. All products arriving in containers from third countries (except of Norway, Iceland and Faroe Islands) are physically inspected by the veterinary services and in case of discrepancy with the catch certificate copy provided to the veterinary services an alert to RSFI is sent.

Section 8: Verification requests to flag States

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

Around 75 requests

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 main reasons were:

- 1) art. 17.4 (a)
- 2) art. 17.6
- 3) art. 17.4 (b)

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?

3 requests were not answered, and yes, the reminders were sent in those situations.

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

Yes, in most cases.

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	Ukraine	1		
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))	USA	1	USA/ CHINA x 2/ ARGENTINA/ RUSSIA/ BELIZE	6

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

They were sent back to the exporting country according to will of the importer, since national law does not foresee other effective way of treating the products not allowed for importation into EU.

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

YES_____ NO__X__

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.

We did not note any change of imports of fishery products 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?
All

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

YES__X__ NO_____

If yes, please detail.

We had some doubts concerning particular documents (whether or not they were in line with the rules of the IUU regulation).

Section 12: Nationals

Please state your notified authorities under Article 39.4: none

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?

Fisheries inspectors, Border Guards and Police are empowered to check ID of persons assumed to breach the Fisheries Act of 2004 either on board of fishing vessel either ashore. Customs officers may do the same in view of prevention of illegal turnover of imported fish products without catch certificate clearance.

We also identify nationals supporting or engaging in IUU fishing on the basis of information received from other countries. So far there was only one such case – we received information from Spanish SLO concerning Polish vessel which was suspected of fishing without a fishing license.

According to the national regulation (ROZPORZĄDZENIE MINISTRA ROLNICTWA I ROZWOJU WSI z dnia 26 czerwca 2009 r. w sprawie szczegółowych warunków i trybu przyznawania, wypłaty i zwracania pomocy finansowej na realizację środków objętych osią priorytetową 1 - Środki na rzecz dostosowania floty rybackiej, zawartą w programie operacyjnym "Zrównoważony rozwój sektora rybołówstwa i nadbrzeżnych obszarów rybackich 2007-2013") operators who committed serious infringement within the meaning of the IUU regulation are not allowed to receive public aid.

Regional Sea Fisheries Inspectorates check the IUU vessel list. If the vessel is on the list inspectors inform the maritime administration – Director of Maritime Office who refuses access to the port.

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

As in previous report

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 in previous report

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? ____0____

Please detail.

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

Currently the highest administrative fine that we can impose amounts to 110 000 PLN. A maximum sanction of at least eight times the value of the fishery products will be implemented in the New Fisheries Act.

13.3 How many sighting reports were issued by your country from 1 January 2012 until 31 December 2013? ____0____

Please detail.

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

YES__X____ NO_____

If yes, please detail. 1 report from Spain, case not resolved yet.

14. General

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

Lack of concrete interpretations of laws existing on EU level.

The interpretations of some laws/issues were received by MS only in oral form – this does not make them binding for third countries.

Lack of national laws which would unify the local situation and adapt it to the requirements of the IUU regulation.

Delay in SMS data base availability to the fisheries control authorities in Poland.

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

Add a template of a table annexed to the simplified CC since there is none at the moment and the amount and quality of data provided in such tables by third countries differ quite significantly among States.

At least gradually unify the scheme, taking out all the exceptions and also agreed records, to finally receive one template of CC/PS with the same amount of data in it for every State, whether or not having its own traceability system.

15. Any other comments

The proposed and discussed European database for counting off the amounts of fish from CC coming to EU would be very helpful and highly appreciated.

If the scheme is ever going to be electronic, it is time to start working on it, since the process will take some time and in this case the later we start the worse for everybody (MS, EU and third countries).

Thank you for your cooperation!

INPEKTOR
DEPARTAMENT WYKONSTWA
[Signature]
Tomasz Maciejowski