

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

Member State: Republic of Slovenia

Organisation: Customs Administration of RS

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

YES ☒

Section 1: Legal framework

1.1 *Has your country transposed into national law or issued any administrative guides for the application of Council Regulation (EC) No 1005/2008 on illegal, unreported and unregulated fishing (IUU Regulation)?*

YES ☒

If yes, please detail and provide copies.

Slovenia has implemented the IUU Regulation into national law - the national Regulation for the implementation of Council Regulation establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing and it's implementing (see Annex 1) The Customs Administration of RS issued instructions and information notes regarding the catch certification scheme for importation and exportation of fishery products (see Annex 2) and instruction for granting APEO (see Annex 3).

Brief instructions for the operators are also available on the customs website:

http://intranet.curs.sigov.si/si/carinski_postopki/uvoz/ribiski_proizvodi/sistem_potrdil_o_ulovu_za_uvoz_in_izvoz_ribiskih_proizvodov/

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)

With regard to fisheries, the implementation of IUU Regulation is managed centrally, since there are no regions in Slovenia. The Ministry of Agriculture and Environment competent for fisheries has its headquarters in Ljubljana and the Inspectorate of the Republic of Slovenia for Agriculture and the Environment (IRSAE) has its headquarters also in Ljubljana – however, the inspectors who deal directly with the control of marine fisheries are located at the Slovenian coast, in the city of Koper. IRSAE is a body within the Ministry of Agriculture and the Environment; the co-operation therefore takes place smoothly, also due to the smallness of the Slovenian fishery sector and administration.

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

Three authorities are involved in the implementation of IUU Regulation – Customs Authority of Slovenia - CURS (under the Ministry of Finance), Inspectorate of the Republic of Slovenia for and the Environment - IRSAE (a body within the Ministry of Agriculture and Environment), and Ministry of Agriculture and the Environment - MAE.

CURS deals with issues related to import, export, and re-export of fisheries products; it is also the single liaison office in terms of Article 39 of Commission Regulation No 1010/2009. The IRSAE deals with issues related to the fisheries control. The MAE monitors the implementation of the IUU Regulation with respect to its competences related to fisheries.

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

For the implementation of the catch certificate scheme, the Customs Administration is responsible. It is managed centrally from General Customs Directorate. On the operational level, these tasks are implemented by its organizational units – the customs offices. At the General Custom Directorate, there are two persons dealing with implementation of the catch certificate. On the operational level, we notified 11¹ customs offices, after the Croatian accession to the EU notified 8² customs offices. Within each office, there are 1-3 customs inspectors (depending on the quantity of import/export of fishery product) dealing with the catch certificates (but they also have other duties related to the custom clearance of goods).

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

In Slovenia, there are no direct landings of third country fishing vessels.

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 Customs Administration has the possibility to audit/verify a company in accordance with the customs legislation (related import, export) and also IUU Regulation.

¹ 1.1.2010

² 1.7.2013

We carried out post clearance audit in one company in the year 2012 and in five companies in the year 2013. In respect of IUU Regulation, we did not find any infringement for the periods concerned.

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

Slovenia has one free zone: Luka Koper (the Port of Koper). Non-Community goods may undergo the usual forms of handling listed in Annex 72 Commission Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code.

So far, there has been no authorised processing of fishery products.

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

Please list your designated ports:

Republic of Slovenia did not designate ports under Article 5 of the IUU Regulation; therefore Section 3 does not apply.

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

As mentioned in the previous section, Slovenia has not designated ports, therefore, fishing vessels flagged to a third country do not enter the only Slovenian port (Port of Koper) and we do not have any practical case on port inspection of fishing vessels. Only cargo vessels loaded with fish products accompanied by catch certificates are allowed to enter the port.

Section 4 does not apply.

Section 5: Catch certification scheme for importation

Please state your notified authorities under articles 17.8 and 21.3:

The Customs Administration of the Republic of Slovenia is the notified authority under articles 17.8 and 21.3 of IUU Regulation. On the operational level, the tasks are implemented by customs offices.

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	16	18
CROATIA	1500	828
CHINA	6	6
CANADA	/	2
FALKLAND ISLAND	/	3
FAROE ISLANDS	8	2
FRANCE	2	/
INDIA	19	12
INDONESIA	/	2

ICELAND	13	/
KOREA	3	5
MAROCO	/	5
NAMIBIA	/	1
NEW ZEALAND	4	/
NORWAY	/	1
PERU	9	3
POLAND	2	1
RUSSIA	6	8
SPAIN	33	23
THAILAND	8	7
TAIWAN	1	2
TUNISIA	/	6
TURKEY	1	/
URUGUAY	/	1
VIETNAM	/	3
UNATED STATES	10	8
Total	1641	947

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	none	none
Dissostichus spp. (CCAMLR)	none	none
CCSBT CDS	none	none
Total	NONE	NONE

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 statements State \ Year	2012	2013
CROATIA	194	95
CHINA	10	16
KOREA	/	1
MAURITIUS	2	/
THAILAND	3	4
Total	209	116

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

Each processing statement (referring to the corresponding catch certificate) submitted at the stage of import (release for free circulation) of fishery products into Slovenia has been retained and recorded.

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

Slovenia has not received any application for the granting APEO certificate.

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

The Customs Administration is responsible for the granting APEO certificates as well as AEO certificates (related to the customs legislation). Therefore administrative rules would be the same as for AEO, with due regard to the provisions of Chapter II of the Regulation 1010/2009. For this purpose, an instruction for the granting of APEO is issued (see Annex 3).

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.

Re-export certificates Destination country \ Year	2012	2013
CROATIA	14	6
Total	14	6

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

YES, the re-export certificate is a part of the export customs declaration (SAD), therefore it has to be attached to the SAD and entered in the box 44 SAD.

5.9 Has your country established any IT tools to monitor the catch certificates and processing statements accompanying imports? Does it include a module for re-exportation of imported catches?

YES ☒

If yes, please detail.

Since 1 January 2012 we have established an application that contains the data of submitted catch certificates, processing plants and re-exports. The database pertains to the documentation submitted at the stage of import (release into free circulation). The applications also contain the data about verification of catch certificates.

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

According to Article 19(2) of IUU Regulation, at the point of entry into the territory of the Slovenia, fishery products are placed under the transit procedure and transported to another place in Slovenia, where they are be placed under another customs procedure (release for free circulation), Slovenia implements the provisions on transit at the place of final destination.

Section 6: Catch certification scheme for exportation

Please state your notified authorities under article 15.2:

Customs Administration of the RS, Customs Directorate Koper, Customs Office Koper

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

YES ☒

If yes, please explain briefly the established procedure.

It is explained in the instructions (see Annex 2), under items 60 to 65. It should be stressed that Slovenia is a small fishing country with a short Adriatic coastline that spans 46.6 km between the Gulf of Trieste and the coast of Croatia. Slovenia does not export fishery products to third countries and there is no validation of the catch certificates for exportation of catches from own vessels, so far.

However, in case of fishery product export, the Customs Directorate Koper would be responsible for validation of the catch certificate in line with Article 15/2 of IUU Regulation.

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.*

None.

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?*

Not applicable.

If yes, please detail.

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

Not applicable.

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 ☒

If yes, please detail

It is shown in the attached flowchart (see Annex 4).

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

We carry out 100 % documentary control of the submitted catch certificate (release for free circulation), namely:

- SMS application (format, validated by the competent authority);
- whether catch certificate is completed, whether there are any inconsistencies, e.g. in dates;
- IUU vessel list;
- obligatory verifications (article 17/4 IUU Regulation);
- Mutual Assistance notes of DG MARE.

Further verification: In case of doubts because of incorrect, incomplete or inconsistent data or because of discrepancies in the catch certificate.

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

NO ☒

If yes, please detail.

7.4 Does your country also physically verify the consignments?

YES ☒

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

Examination of goods is performed in case of doubt that consignment corresponds to the submitted catch certificate (like other customs goods).

Section 8: Verification requests to flag States

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

Request for verification sent to...	2012	2013
ARGENTINA	/	1
AUSTRIA	/	2
CHINA	/	1
FAROE ISLAND	/	2
FALKLAND ISLAND	1	/
FRANCE	2	/
KOREA	1	2
MAROCO	/	1
NAMIBIA	/	1
NEW ZEALAND	1	/
PERU	9	/
POLAND	/	2
RUSSIA	/	2

SPAIN	11	1
THAILAND	/	6
TAIWAN	/	1
TUNISIA	/	1
UNITED STATES	6	5
Total	31	28

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:

- missing date (transport details, references of applicable conservation and management measures, transshipment date),
- US catch certificate - invalid,
- name and the signature of persons who validated the catch certificates did not correspond to the name and signature that the competent authority notified to the European Commission (SMS application),
- weight on the catch certificate did not correspond to the weight mentioned on the supporting document,
- bad copies of the catch certificate,
- Mutual Assistance message of DG MARE,
- CN code.

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?

Three requests for verification were not replied to (Spain, Thailand 2x). In case of Thailand we sent a reminder and after that we got reply. In case of Spain we did not send a reminder (we carried out subsequent verification and the fishery products were released for free circulation).

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

YES

Section 9: Refusal of Importations

9.1 Has your country refused any imports from 1 January 2012 until 31 December 2013? If yes, please provide details in the table below:

Reason for refusal of importation	2012		2013	
	Flag State	No.	Flag State	No.
Non-submission of a catch certificate for products to be imported.				
The products intended for importation are not the same as those mentioned in the catch certificate.				

The catch certificate is not validated by the notified public authority of the flag State	New Zealand	2		
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))	United State	1		

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

All three consignments of fishery products were refused to enter into Slovenia.

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

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.*

Since the introduction of the IUU regulation we have not observed any significant changes in the trade flow in Slovenia, except after the Croatian accession to the EU. After that we recorded a significant drop in the number of submitted catch certificates in Slovenia. The Croatian catch certificates represented 90 % of the entire catch certificates submitted in Slovenia.

Section 11: Mutual Assistance

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

We have responded to 12 mutual assistance messages.

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

YES ☒

If yes, please detail.

We sent 3 pieces of information without prior request, according to Article 41 Regulation 1010/2009, to Member States (Austria, Hungary and Slovakia), and one request for information to Austria.

Section 12: Nationals

Please state your notified authorities under Article 39.4:

The Customs Administration of the Republic of Slovenia is the notified authority under Article 39.4 of IUU Regulation.

12.1 What measures has your country implemented since 1 January 2012 or already had in place on 1 January 2013 to ensure that your country can take appropriate action with regards to nationals involved in IUU fishing?

No Slovenian national has been found or suspected to be involved in IUU fishing. The national Regulation for the implementation of IUU Regulation contains provisions for actions against nationals involved in IUU fishing.

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

In Slovenia, no difficulties have been observed regarding third country vessels.

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.

In Slovenia, no issues regarding possible reflagging of vessels have been observed.

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?

Please detail.

No infringements of IUU Regulation were recorded in this period.

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

For the implementation of IUU Regulation in Slovenia a national regulation was adopted by the Government. It contains provisions for the levels of administrative sanctions in accordance with Article 44 of IUU Regulation.

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

Please detail.

No sighting reports were issued by Slovenia in this period.

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?*

The main difficulties are, as follows:

- Submission of copies of catch certificates (in case of splitting consignment or processing fishery products in a third country other than the country of catch) and supporting documents.
- Checks and verification of some data on the catch certificate, such as: conservation and management measures, catch area, vessel and transshipment data. In our view, checking these kinds of data on the catch certificate is a matter of the competent authority of a third country (flag state). By confirming the catch certificate, such country (competent authority) also confirms the authenticity of the data on the catch certificate. However, it is the third country that validates the catches in the catch certificate with regard to their conservation and management measures. For this purpose, the Commission may in the IUU Regulation prescribe the minimum percentage of the verification through a request sent for assistance to the third country in case of reasonable doubt about authenticity of the catch certificate.

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

After four years of implementations of the IUU Regulation it would be necessary that the Commission sets up an EU database (IT system) supporting the implementation of the catch certification scheme.

15. Any other comments

SMS application should be made more useful, transparent. A better SMS database with searching option, including contact details in all cases (e.g. e-mail address for sending request for verification) would be appreciated.

Thank you for your cooperation!