

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

<b>Member State:</b>	Austria
<b>Organisation:</b>	Federal Office for Food Safety
<b>Date:</b>	04/04/2016
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<b>May the Commission provide a copy of this questionnaire to other Member States?</b>	
<b>Yes:</b>	X
<b>Yes except for questions (list):</b>	
<b>No:</b>	

### Section 1: Legal framework

Since the last reporting exercise in 2014, has your country modified national law or any administrative guides for the application of Council Regulation (EC) No 1005/2008 on illegal, unreported and unregulated fishing (IUU Regulation)?

If yes, please detail and provide copies. No, there was no modification of national law.

**Section 2, 3, 4, 6 and 14 are not relevant for Austria (Landlocked country).**

### 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);
- b) co-operation with other authorities and allocation of tasks for various authorities in the implementation of the IUU Regulation (Health, Customs, Coast Guard, Navy, etc.);
- c) how many persons are involved in the implementation of the catch certificate?

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

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, which audits/verifications have they undertaken since the last reporting exercise in 2014? Please detail.

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

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

*Please list your country's designated ports.*

3.1 How many landings and transhipments of third country vessels have been recorded by your country between 1 January 2014 until 31 December 2015?

Port name*	No. of landings	Comments	No. of transhipments	Comments
<b>Total</b>		--		--

*\* 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?

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?

If yes, please detail:

- a) in which ports;
- b) the nature of problem;
- c) vessel details (name, flag, master, etc.).

3.4 Since January 2014, has your country refused access to its port services to a fishing vessel for activities of landing or transhipment of fishery products? Was this refusal based on the conditions of the IUU Regulation?

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 country's ports use the templates for prior notifications and pre-landing/pre-transshipment provided by the Implementing Regulation 1010/2009 or those used in RFMOs? Please detail, when RFMO forms are used.

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

- 4.1 Between 1 January 2014 and 31 December 2015, how many fishing vessels of third countries had access to the designated ports for landing or transshipment of fishery products?
- 4.2 How many fishing vessels were inspected between 1 January 2014 and 31 December 2015?

<b>Reason for inspection :</b>	<b>Flag State</b>
Sighted at sea in activities that may be considered illegal, unreported and unregulated	
Based on the EU IUU vessel list	
Other (please detail)	

- 4.3 In accordance with Article 9.1, has your country carried out inspections in its designated ports of at least 5% of landing and transshipment operations by third country fishing vessels each year?

If yes, please detail.

If no, please explain.

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

If yes, please detail.

- 4.5 Has your country detected any infringements between 1 January 2014 and 31 December 2015? If yes,

- how many and of what nature? Please specify.
- did your country apply the procedure in case of infringements as foreseen in Article 11?

#### **Section 5: Catch certification scheme for importation for the purpose of the IUU Regulation<sup>1</sup>**

*Please state your country's notified authorities under Articles 17.8 and 21.3.*

- 5.1 How many catch certificates were presented to the authorities of your country from 1 January 2014 until 31 December 2015?

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<sup>1</sup> Article 2.11 of the IUU Regulation – "importation means the introduction of fishery products into the territory of the Union, including for transshipment purposes at ports in its territory"

If possible, please provide details per flag State (FS).

Flag State \ Year	2014	2015
Philippines	97	73
Indonesia	93	58
Turkey	44	29
Vietnam	31	23
South Korea	30	22
Taiwan	29	7
USA	19	11
Morocco	18	24
India	16	9
Thailand	15	19
China	14	7
PNG	11	2
Spain	6	2
France	5	0
Seychelles	4	0
New Zealand	4	0
Chile	3	2
Russia	3	2
Norway	2	7
Solomon Islands	2	0
Maldives	0	3
Canada	0	1
Senegal	0	1

Flag State \ Year	2014	2015
South Africa	0	1
<b>Total</b>	<b>446</b>	<b>302</b>

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	2014	2015
ICCAT BFT	0	0
Dissostichus spp. (CCAMLR)	0	0
CCSBT CDS	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

5.3 How many processing statements under Article 14.2 accompanied imports into your country?

At this time there is no IT tool for recording this information.

If possible, please provide details per year and per processing country.

Processing State \ Year	2014	2015
PS 1		
PS 2		
PS x		
Total		

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

At this time there is no IT possibility to record information indicated on processing statement in relation to corresponding Catch certificates.

5.5 How many requests to authorise APEO<sup>2</sup>s has your country received and how many APEOs have been authorised?

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<sup>2</sup> Approved Economic Operators – IUU Regulation, Article 16 and Implementing Regulation (EC) 1010/2009, Chapter II

During 2014 and 2015 there was just one request, but without official application for APEO.

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

Since 2010 there is only one company authorised and about 10 % of their Imports are supervised by the Federal office for Food Safety and also audits are carried out every second year.

The APEO certified Company in Austria has to report each import to the Austrian authorities.

- 5.7 How many re-export certificates were validated by your country for imported products from 1 January 2014 until 31 December 2015? Please detail per year and, if possible, per destination country.

2014: 76 to Switzerland

2015: 40 to Switzerland

- 5.8 Does your country monitor if the catches for which your country has validated a re-export certificate actually leave the EU?

The re-exports can be monitored in cooperation with our customs.

- 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?

At these time, we are using only excel Sheets.

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?

Yes, at the point of entry.

## Section 6: Catch certification scheme for exportation

*Please state your notified authorities under Article 15.2.*

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

If yes, please explain briefly the established procedure and answer questions 6.2 to 6.5.

- 6.2 How many catch certificates did your country validate from 1 January 2014 to 31 December 2015? If possible, please provide details per requesting country/country of destination in the following table.

Destination State	IUU Regulation	Year
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	(Art. 14.2 / Art. 15)	2014	2015
Third Country 1			
Third Country 2			
Third Country 3			
Third Country x			
Total	--		

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

If yes, please detail.

6.4 Does your country monitor that the catches for which your country has validated Catch Certificates actually leave the EU?

If yes, please detail.

6.5 Has your country refused the validation of a catch certificate between 1 January 2014 and 31 December 2015?

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.

At the moment, we check all CCs in accordance to the IUU Regulation. There is a written procedure that has to be followed.

7.2 How many catch certificates have been verified from 1 January 2014 until 31 December 2015?

Please see Point 5.1.

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

If yes, please detail. At the moment, we check all CCs in accordance to the IUU Regulation.

7.4 Does your country also physically verify the consignments? Yes.

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

We have physically verified about 20% of all consignments per year. Reason and method of selection depends a. o. from alerts we are receiving from the European Commission (“yellow card” for example) and other Member States of the EU.

## Section 8: Verification requests to flag States

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

About 18 request during 2014 and 2015.

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.

Reasons for requests were as follows:  
17.4. a and 17.4 b of the IUU Regulation.

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?

Replies were on time, just in 2 cases we have sent reminder and in one case the Authority of the third country asked for additional 15 days.

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

Yes.

## Section 9: Refusal of Importations

9.1 Has your country refused any imports from 1 January 2014 until 31 December 2015?

If yes, please provide details in the table below:

Reason for refusal of importation	2014		2015	
	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.			Mozambique	3
The catch certificate is not validated by the notified public authority of the flag State	PNG	1		
The catch certificate does not indicate all the required information.	Korea	1		
The importer is not in a position to prove that the fishery products comply with the conditions of Article 14.1 or 2.				



Reason for refusal of importation	2014		2015	
	Flag State	No.	Flag State	No.
A fishing vessel figuring on the catch certificate as vessel of origin of the catches is included in the Community IUU vessel list or in the IUU vessel lists referred to in Article 30.				
Further to the request for verification (Article 18.2)				

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

The fishery products were refused because physically they were in port of Hamburg not on Austrian Border.

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

Did your country note a change of imports of fishery products since the last reporting exercise in 2014? Please provide information, deriving from your country's statistical data, concerning change of trade patterns in imports of fishery products into your country.

There was no significant change of trade patterns.

## Section 11: Mutual Assistance

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

Each mutual assistance message was replied.

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

Yes.

If yes, please detail.

In case of re-export, but also in case of import.

## Section 12: Cooperation with third countries

Apart from verifications and refusals under Articles 17 and 18, has your country had information exchange with third countries on issues related to the implementation of the IUU

Regulation, such as follow-up of cases concerning nationals, consignments, trade flows, operators, private fishing licencing, as well as the investigation of criminal activities and serious infringements (Article 42).

If yes, please detail.

On the end of 2015, there was TAIEX Visit from Serbia in relation with practical IUU-control for import and re-export.

### **Section 13: Nationals**

*Please state your country's notified authorities under Article 39.4.*

According to the national regulation BGBl. II Nr. 382/2009 Federal Office for Food Safety is in charge for the implementation of the IUU regulation.

13.1 Since the last reporting exercise in 2014, has your country implemented or modified existing measures to ensure that your country can take appropriate action with regards to nationals involved in IUU fishing?

There was no modification.

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

13.3 Has your country endeavoured to obtain information on arrangements between nationals and third countries allowing reflagging of their vessels? If yes, please list vessels.

13.4 If yes to any of the above, how many cases has your country dealt with and which administrative or penal follow-up was given?

13.5 Has your country made use of Article 40.3 and removed public aid under national aid regimes or under Union funds to operators involved in the operation, management or ownership of fishing vessels included in the Union IUU vessel list? If yes, please detail.

### **Section 14: Infringements (Chapter IX of the IUU Regulation) and Sightings (Chapter X of the IUU Regulation)**

14.1 How many infringements did your country record from 1 January 2014 until 31 December 2015? Please detail.

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

14.3 How many sighting reports were issued by your country from 1 January 2014 until 31 December 2015?

Please detail.

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

If yes, please detail.

## **Section 15: General**

15.1 What have been the main difficulties that your country has encountered in implementing the catch certification scheme?

- Implementation of an international Database to avoid situations of double submitting of CCs.
- CC No. should be obligated for each page of CC (including transport details).

15.2 What improvements would your country suggest to the Regulation that would make implementation smoother?

Beside products which fall under Chapter 03 and Tariff headings 1604 and 1605 of the Combined Nomenclature established by Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, in order to prevent, deter and eliminate illegal, unreported and unregulated fishing on all fields, it is important to include also chapter 5 of Harmonized Commodity description and Coding System (HS) into the IUU Regulation.

## **Section 16: Any other comments**

**Thank you for your cooperation!**