

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

Member State:	Czech Republic
Organisation:	General Directorate of Customs, Ministry of Agriculture
Date:	
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May the Commission provide a copy of this questionnaire to other Member States?	
Yes:	x
Yes except for questions (list):	
No:	

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)?

NO

If yes, please detail and provide copies.

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.)?

There are two authorities involved in the implementation of the IUU Regulation in the Czech Republic: customs authorities and Ministry of Agriculture.

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

b) All 15 customs offices conduct checks and verifications of catch certificates. If doubts arise, the findings are reported to the headquarters. This information is assessed and if necessary a request for assistance is sent to a third country. The outcome of the request for assistance is reported back to the customs office and in view of the information provided in the reply the importation can be denied or authorised.

c) 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.);

Customs authorities are responsible for verification of catch certificates and validation of re-export catch certificates. Ministry of Agriculture imposes sanctions for serious infringements.

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

Two workers per customs office have been assigned to carry out catch certificate verifications with the exception of Prague airport where more people needed to be appointed to facilitate catch certificate verification around the clock. Apart from catch certificate verifications the assigned officers have to carry out other duties.

At the Ministry of Agriculture two people deal with the implementation of the IUU Regulation who are also responsible for other tasks.

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

The same procedures apply to the importation of 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.

We can only audit companies which apply for the APEO status.

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

No specific measures have been adopted with regard to processing of fishery products in free zones. Any activities carried out in free zones shall meet the conditions laid down in Chapter 3, Section 1 of the Council Regulation (EEC) No 2913/1992 establishing the Community Customs Code, as amended.

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

NOT APPLICABLE

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
Total		--		--

** 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-transhipment 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

NOT APPLICABLE

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 transhipment of fishery products?

4.2 How many fishing vessels were inspected between 1 January 2014 and 31 December 2015?

Reason for inspection :	Flag State
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 Regulation¹

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

Customs Office of Zlín Region, Customs Office of South Bohemian Region, Customs Office of Pilsen Region, Customs Office of Pardubice Region, Customs Office of Olomouc Region, Customs Office of Hradec Králové Region, Customs Office of South Moravian Region, Customs Office of Liberec Region, Customs Office of Karlovy Vary Region, Customs Office of Vysočina Region, Customs Office of Capital City Prague, Customs Office of Central Bohemia Region, Customs Office Prague Ruzyně, Customs Office of Ústí nad Labem Region and Customs Office of Moravian-Silesian Region have been notified as the competent authorities for the checks and verifications of the catch certificates as well as the competent authorities for the validation of re-export catch certificates.

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

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

¹ 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"

Flag State \ Year	2014	2015
Argentina	8	10
Brazil	0	1
Canada	23	9
China	63	13
Chile	1	2
Ecuador	38	42
Spain	49	2
Faroe Islands	0	3
France	14	6
India	47	21
Indonesia	68	0
Guatemala	1	0
Iceland	5	2
South Korea	30	50
Sri Lanka	607	9
Morocco	34	94
Mauritius	0	2
Maldives	1	397
Namibia	1	2
Norway	9	6
New Zealand	8	2
Panama	2	20
Peru	44	11
Philippines	24	14
Papua New Guinea	4	0
Pakistan	3	0

Flag State \ Year	2014	2015
Russia	83	76
Solomon Islands	11	0
Seychelles	8	0
Senegal		1
El Salvador	1	0
Thailand	60	9
Taiwan	39	30
UK	4	0
US	209	238
Ukraine	1	0
Vietnam	25	29
Total	1525	1101

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
Total	0	0

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

In total 567 processing statements were presented from 1 January 2014 until 31 December 2015.

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

Processing State \ Year	2014	2015
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Processing State \ Year	2014	2015
Belarus	0	9
China	84	75
Ecuador	10	13
Indonesia	2	0
South Korea	10	9
Sri Lanka	0	28
Mauritius	45	6
Norway	4	0
Thailand	169	93
Vietnam	7	3
Total	331	236

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

In order to keep track of submitted catch certificates a simple electronic database has been developed. The catch certificate's data is recorded in the database along with the information contained in the processing statement. The copies of original documents are also uploaded in the database.

5.5 How many requests to authorise APEO²s has your country received and how many APEOs have been authorised?

No requests to authorise APEO were received from 1.1.2014 until 31.12.2015.

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

The body within the Customs Administration designated to grant the APEO status is the Customs Office of South Bohemian Region which is also responsible for granting the AEO status.

The applicant will be awarded the APEO status if they fulfil all the conditions laid down by the Commission Regulation (EC) No 1010/2009. After the APEO status has been granted, the Customs Directorate in České Budějovice will continue to monitor the compliance of the conditions. The APEO holder is waived from having to submit a catch certificate, they only have to inform the respective customs office about the arrival of

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

fishery products and provide a copy of the catch certificate. The customs office will then check if the catch certificate has been validated by a non-notified flag state, the fishing vessel is included in the Community IUU vessel list or the validating flag state has been identified as a non-cooperating country. If none of these problems are identified the importation can proceed as planned.

- 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.

32 re-export certificates were validated from 1 January 2014 until 31 December 2015.

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

No specific procedures have been set up to monitor whether the products for which the re-export catch certificate was validated actually leave the EU territory. If such information is required, it can be easily obtained from the Export Control System (ECS).

- 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?

If yes, please detail.

In order to keep track of submitted catch certificates a simple electronic database has been developed. The catch certificate's data is recorded in the database along with the information contained in the processing statement. The copies of original documents are also uploaded in the database. There is no module for re-exportation of imported catches.

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

We implement the provisions of Articles 16, 17 and 18 of the IUU Regulation at the place of destination.

Section 6: Catch certification scheme for exportation

NOT APPLICABLE

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 (Art. 14.2 / Art. 15)	Year	
		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?

If yes, please detail.

As the number of submitted number of catch certificates is not very large, every and each catch certificate is subject to checks and verifications. As a result, we do not deem it necessary to employ the risk assessment based on the EU criteria nor the national criteria.

The internal guidelines instruct customs offices that every catch certificate must come under scrutiny. Such a scrutiny must include the following steps. Firstly, customs offices have to check whether the authority which has validated the catch certificate is the competent authority notified to the Commission. Subsequently, the information contained in the catch certificate is cross-checked with the data provided in the accompanying

documents (invoice, veterinary certificate, transport documents). The compliance with various RFMO's rules is also verified (inclusion on the RFMO vessel list, rules pertaining to transshipment, closure periods). If a third country is pre-identified, each catch certificate validated by this third country has to come under even greater scrutiny, with an emphasis put on the issues identified in the decision on pre-identification.

To make the verification process more effective a simple application called Risk Areas has been designed. The risk information relevant to the catch certificate verification is entered into the application (information on pre-identification, mutual assistance letters, some RFMO's rules) which can be easily accessed by keying in the vessel's name, flag state, species, etc. in the respective search fields.

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

All catch certificates were subject to checks and verifications.

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?

NO

The physical examination is not part of the verification procedure, nevertheless the consignment can be physically examined at the time of customs clearance.

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

Section 8: Verification requests to flag States

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

In total 36 requests for assistance were sent to third countries from 1 January 2014 until 31 December 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.

- Weight discrepancy
- Doubts whether the RFMO's rules have been observed (WCPFC/IOTC/IATTC)
- No authorisation to fish in national waters
- No transshipment mentioned in box 7 of the catch certificate although the transshipment did occur.

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?

15 requests for assistance were not answered to within the stipulated deadline, 14 of which were responded to after the deadline had expired while 1 request was not replied to at all.

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

The overall quality of the answers can be regarded as sufficient and satisfactory. If the reply did not provide all the necessary information, the third country was asked to clarify the remaining doubts.

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.				
The catch certificate is not validated by the notified public authority of the flag State	US	CN.4285.72133.12-CC		
	Pakistan	TEC-10/87/154456/30516		
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)				

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

The importation of fishery products stemming from the US catch certificate was refused following a request for assistance to the US authorities which informed us that the catch certificate had been altered since it was issued and is therefore invalid. The products were sent back to a third country.

The importation of fishery products stemming from the Pakistani catch certificate was refused following a request for assistance to the Pakistani authorities which advised us that the Appendix 1 to the catch certificate had not been issued by their department and shall be considered fraudulent. The products were sent back to a third country.

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

The operator did not contest the decision on denial.

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.

Since Sri Lanka was listed as a non-cooperating country there has been a significant increase in imports from Maldives to replace the suspended supply of fresh tuna from Sri Lanka.

Section 11: Mutual Assistance

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

We believe that Czech Republic has replied to all of the mutual assistance messages.

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

NO

If yes, please detail.

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).

NO

If yes, please detail.

Section 13: Nationals

NOT APPLICABLE

The Czech Republic does not engage in marine fishing.

The Czech Republic does not register any fishing vessels engaging in marine fishing.

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

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?

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.

All the questions 13.1, 13.2, 13.3 and 13.4 are not relevant because the Czech Republic is a landlocked country.

Section 14: Infractions (Chapter IX of the IUU Regulation) and Sightings (Chapter X of the IUU Regulation)

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

No infractions were recorded from 1 January 2014 until 31 December 2015.

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

The fish farming industry within the Czech Republic is regulated by Act No. 99/2004 Coll., on Fishpond Management, on Execution of Fishing Right, on Fish Warden, on Protection of Marine Fishery Resources and on Amendments to Certain Related Acts (the Fisheries Act), which came into effect on 1 April 2004, as amended by Act No. 444/2005 Coll., Act No. 267/2006 Coll., Act No. 124/2008 Coll. and Act No 104/2011 Coll.

The amending Act No 104/2011 Coll. incorporates the provisions of sanctions for infractions laid down in the IUU Regulation (Chapter IX Article 41 - Article 47) into the national legislation.

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

Please detail.

This question is not relevant for the Czech Republic.

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

If yes, please detail.

This question is not relevant for the Czech Republic.

Section 15: General

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

The interpretation of RFMO's rules has been a major issue in the implementation of the IUU Regulation.

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

No suggestions.

Section 16: Any other comments

Thank you for your cooperation!