

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

Member State:	Estonia
Organisation:	Ministry of the Environment
Date:	March, 2016
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May the Commission provide a copy of this questionnaire to other Member States?	
Yes:	Only text
Yes except for questions (list):	Tables
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)?

If yes, please detail and provide copies.

New Fishing Law was passed and old legal base was rearranged.

<https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/528012016001/consolide>

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-quarters); *Internal co-operation is centralised and there are no local/regional IUU fisheries authorities;*

b) co-operation with other authorities and allocation of tasks for various authorities in the implementation of the IUU Regulation (Health, Customs, Navy, etc.); *According to the Fishing Act the Ministry of the Environment is the competent authority pursuant to Article 16 (3) and Article 39 (4) of the Council Regulation (EC) No. 1005/2008 and the liaison agency pursuant to Article 39 (1) of the Commission Regulation (EC) No. 1010/2009 laying down detailed rules for the application of the Council Regulation (EC) No. 1005/2008 (establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing), (OJ L 280, 27.10.2009, pp. 5-41). According to the Governmental Decree of 10.12.2009 No. 550 (<https://www.riigiteataja.ee/akt/13244107>) the other competent state authorities are as follows: 2 The Estonian Tax and Customs Board is the competent authority pursuant to Article 16 (1), Article 14 and Article 21 of the Council Regulation (EC) No. 1005/2008 and authorised to confirm import and re-*

export catch certificates. The Environmental Inspectorate is the competent authority pursuant to Article 6 and Article 8 of the Council Regulation (EC) No. 1005/2008 and authorised to carry out catch documentation validation at landings. The Ministry of Rural Affairs is the competent authority pursuant to Article 15 (1) of the Council Regulation (EC) No. 1005/2008 and authorised to confirm export catch certificates.

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

In the Estonian Tax and Customs Board, 14 inspectors and 2 officials are involved (part-time) in the process of validating catch certificates. In the Ministry of Rural Affairs, 11 persons are involved (part-time) in the validation of catch certificates since 2013. The circle of persons who are authorised to cross-check and validate catch certificates was enlarged due to the catch certificate requirement introduced in Ukraine from the beginning of 2013. No additional personnel were employed. In the Ministry of Environment, 2 officers are involved in the process of assessment of catch certificates.

If different, please distinguish between direct landings of 3rd 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.

The main legal act regulating environmental supervision is the Environmental Supervision Act. According to § 16 (1) State and local government environmental protection inspectors have the right to inspect natural and legal persons in private or public law, state agencies and local government bodies and agencies and their places of business if the activity of the persons and agencies affects or may affect the environment or endangers or may endanger the life, health or property of persons, or if the persons and agencies collect natural products or conceal or are alleged to be concealing illegally procured natural products. The authorities have undertaken verification of companies when the Commission has asked data regarding request for verification of nationals. The Commission disseminated a list of beneficial owners and of the vessels in question to the representatives of Member States and requested to carry out investigations.

Since the last reporting in companies have been undertaken general supervision verification by Estonian authorities and Commission regarding implementation of IUU and Control Regulation. Commission compiled after mission the report EE-E2-2015-02-A.

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

Muuga Freeport deals with fish import and export (only fish in containers).

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 transshipments 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 transshipments	Comments
Total		--		No any designated ports

* 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? *No any designated ports*

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?

No any designated ports

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 transshipment of fishery products? Was this refusal based on the conditions of the IUU Regulation?

No any designated ports

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.

No any designated ports

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?

No designated ports for third countries' fishing vessels.

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

No designated ports for third countries' fishing vessels.

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?

No designated ports for third countries' fishing vessels.

If yes, please detail.

If no, please explain.

No any designated ports for third countries' fishing vessels.

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? *No*

4.6 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?
No

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.

According to Article 17.8 the competent authority for the checks and verifications of the import catch certificates in accordance with Article 16 is the Estonian Tax and Customs Board. Obligations under paragraphs (1) to (6) of Article 17 are fulfilled by and the competent authorities are the Environmental Inspectorate and the Tax and Customs Board. Verification of re-export catch certificates referred to in accordance with Article 21.3 is the Tax and Customs Board.

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).

Flag State \ Year	2014	2015
AR	13	2
BO	1	
CA	62	16
CN	83	187
DK	12	2
EC	2	2
EE	53	8
ES	9	10
FO	4	1
GB	2	7
ID	6	
IS	25	15
KR	3	3
MA	19	1
NO	50	29
NZ	10	8
PE	25	36
RU	11	23

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
TH	107	165
TW	8	25
US	69	42
UY	1	
VN	26	26
Total	601	608

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

Processing State \ Year	2014	2015
VN	1	2
IS	14	3
CN	9	4
TH	11	22
NO	8	4
UY	1	
BY	1	
TW		1
ES		2
Total	45	38

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

Processing statements referring to the corresponding catch certificates are retained by companies.

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

There has been no need to establish APEOs, because the number of CCs is small and new procedures do not accelerate validation. APEOs can be established when companies are 100% fulfilling the requirements exactly and CCs have been submitted accurately.

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

NO rules have been established.

- 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.

1 re-export certificate from Canada.

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

1 re-export CCs has been submitted, did not monitor.

- 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.

No. CCs and processing statements are recorded as pdf files. As the number of CCs is small there is no need to establish a module for re-export of imported catches (less than 2 CC per day).

- 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.

The Ministry of Agriculture (Department of Fisheries Economics). Renamed as Ministry of Rural Affairs.

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

Catch certificates to be validated are submitted to the Ministry of Rural Affairs who runs crosschecks of catch certificate data against fleet register, permit data, logbooks, landings, sales notes etc data. Certificates are registered in the electronic document register of the Ministry (some metadata + pdf-files). Catch certificates are numbered in accordance with the suggestions from the Commission (ISO-3 code of Flag State (EST) – Fishing Segment (national segmentation) - Year – Certificate Sequence Number in a given year; e.g. EST-2-2014-213). The Sequence Number is automatically attributed to the certificate by the document register.

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.

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

Destination State	IUU Regulation (Art. 14.2 / Art. 15)	Year	
		2014	2015
Canada		2	0
Germany		2	3
China		14	10
Iceland		29	21
Norway		4	7
Sweden		0	1
Spain		4	0
Morocco		0	10
Ukraine		576	7
Vietnam		0	1
Total	--	631	60

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

All catch certificates submitted for validation are registered in the document register. However, only a certain amount of metadata (name of exporter, name(s) of vessel(s) etc. along with scans (.pdf) of the certificates are recorded. The creation of a more comprehensive IT tool greatly depends on the setting of general standards and data structure by the Commission.

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

The Ministry of Rural Affairs does not monitor whether catches declared with catch certificates actually leave the EU, but control authorities have the capability to cross-check catch certificates with the customs declarations and transport documents.

6.5. Have you ever refused the validation of a catch certificate? If yes, please detail.

The Ministry of Rural Affairs has refused the validation of catch certificates in the case of insufficient data (required fields of the catch certificate are not filled in or are filled in incorrectly) or inconsistencies revealed by the cross-check of data. The Ministry of Agriculture informs the exporter of the discrepancies, who then has the possibility to send corrected catch certificate.

Section 7: Verifications of catch certificates for importation

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

7.2 *Verification is carried out by the Estonian Tax and Customs Board. CN codes of fishery products have been entered into Customs risk assessment tool SELECT, all the consignments are sent into the "yellow channel" for document control. A specially appointed Customs 8 Division official ensures an active support in CC verifications for "yellow channel" declarations processing customs officers, then collects pdf-files with catch certificates and forwards them to the single liaison officer from the Ministry of the Environment. Ministry of*

the Environment assists the Customs Board and carries out ex-post evaluation, and analysis by excel sheets is done thereafter.

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

No. 100% documentary check

7.4 Does your country also physically verify the consignments?

If needed consignment can be physically verified, but we would use that method only if there is some information about consignment, documents are falsified, etc.

Section 8: Verification requests to flag States

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

Approximately 50 requests have been sent to third country authorities.

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.

Documents suggesting that the information on the certificate is inaccurate and forwarded in support of a request for assistance.

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?

Some of the requests for verification were not replied to by the third country authorities within the deadline provided in article 17.6 of the IUU Regulation. Yes, reminders to the third country authorities were sent.

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

Depending on third country authorities the answers provided were sufficient and insufficient. Good co-operation with: North Countries.

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.	1 Faroes Island	no		
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				

Reason for refusal of importation	2014		2015	
	Flag State	No.	Flag State	No.
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?

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

Pertinent fishery product was destroyed in November 2014 under customs surveillance. The operator didn't contest decision of customs authority and performed destruction at their own cost.

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.

The number of catch certificates have increased and more small consignments.

Section 11: Mutual Assistance

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

Answers to all messages have been submitted.

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

Messages to ask information regarding addresses and CC assessments. Assistance with Poland and UK.

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.

Section 13: Nationals

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

The competent authority responsible for coordinating the collection and verification of information on activities of nationals and for reporting to and cooperating with the Commission is the Environmental Inspectorate.

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?

No

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

According to the Estonian Accounting Act the money flows in third countries' enterprises have to be declared.

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.

No. According to Estonian Fishing Law a fishing permit of a fishing vessel shall be issued to an entrepreneur registered in the commercial register. Entry of fishing vessels in the Fishing Vessel Register shall be refused when in using the fishing vessel, international legislation or legislation of another state regulating fishing activities has been violated, the vessel has been entered in the list of vessels which have engaged in illegal fishing activities and a punishment related to the use of the vessel imposed by another state is in force and does not permit fishing by means of such vessel while the punishment is still in force.

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?

No any.

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.

No any case.

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.

None

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

YES. Fishing Act § 71

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

No

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

No

Section 15: General

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

There have been signals from the Estonian companies that some third countries' tax and customs officials have not been sufficiently informed of the IUU regulations.

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

To update information in Internet or via e-mail regarding third countries' authorities e-mail.

Section 16: Any other comments

Thank you for your cooperation!