

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

Member State:	Republic of Slovenia
Organisation:	Financial Administration of RS Ministry of Agriculture, Forestry and Food
Date:	25 April 2016
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May the Commission provide a copy of this questionnaire to other Member States?	
Yes:	YES
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)?

The national Decree on the implementation of the Regulation (EC) establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing is in the process of being amended.

If yes, please detail and provide copies.

The copy of the afore-mentioned national decree will be enclosed to the next report, after its adoption.

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, Forestry and Food (MKGP) competent for fisheries has its headquarters in Ljubljana and the Inspectorate of the RS for Agriculture, Forestry, Hunting and Fisheries (IRSAE) has headquarters also in Ljubljana – however, the inspectors who deal directly with control of marine fisheries are located at the Slovenian coast, in the city of Koper. IRSAE is a body within the Ministry of Agriculture, Forestry and Food; the co-operation therefore takes places smoothly, also due to the smallness of the Slovenian fishery sector and administration.

The Financial Administration of RS (FURS) - Customs Department deals with issues related to import, export and re-export of fisheries products; it is also the single liaison office in term of Article 39 of Commission Regulation No 1010/2009. It is managed centrally from Customs Department. On the operational level, these tasks are implemented by its organizational units – 8 regional customs offices. All 8 customs offices conduct checks and verification of catch certificates to authorise or suspend the importation of fishery products.

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.);

Three authorities are involved in the implementation of the IUU Regulation: Financial Administration of RS, Customs Department – FURS (body within the Ministry of Finance); Inspectorate of the RS for Agriculture, Forestry, Hunting and Fisheries – IRSAE (body within the Ministry of Agriculture, Forestry and Food) and Ministry of Agriculture, Forestry and Food. Their scope of competences is defined in the national law – the national Decree on the implementation of the Regulation (EC) establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing is in the process of being amended.

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

For the implementation of the catch certificate scheme, the FURS are responsible. It is managed centrally from General Financial Directorate – Customs Department. On the operational level, these tasks are implemented by its organizational units – the customs offices. At the General Financial Directorate – Customs Department, there are two persons dealing with implementation of the catch certificate and whether the catch certification scheme is applied correctly by customs offices. This department is also appointment as the Slovenian Single Liaison Office. On the operational level, we notified 8 customs offices. Within each office, there are 1 customs inspectors dealing with the catch certificates (but they also have other duties related to the custom clearance of goods)

with the exception of the Financial office Koper where more inspectors needed to be appointed to facilitate catch certificate verification.

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

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

We are in the process of inspecting three companies for the period 2015.

- 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)

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

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?

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 is not applicable.

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.

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"

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
Argentina	22	16
Canada	/	8
China	9	14
Ecuador	/	2
Spain	7	14
France	3	1
United Kingdom	/	2
Indonesia	27	1
India	7	11
Island	/	1
Maldives	/	2
Mozambique	/	5
Korea	11	8
Morocco	5	7
New Zealand	/	6
Panama	/	2
Peru	3	1
Philippines	38	51
Russia	27	35
Seychelles	/	1
South Africa	/	17
Thailand	8	5
Taiwan	7	6

Flag State \ Year	2014	2015
United States of America	16	15
Vietnam	12	6
Total	202	237

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	/	/
Dissostichus spp. (CCAMLR)	/	/
CCSBT CDS	/	/
Total	/	/

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
Albania	1	/
Bosnia and Herzegovina	2	22
China	49	62
Ecuador	/	10
Mauritius	3	3
Malaysia	/	1
Papua New Guinea	2	3
Philippines		3
Thailand	17	11
Vietnam	/	1
Total	74	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 together with catch certificate and also recorded.

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

None.

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

The FURS 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.

- 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.

Re-export certificate Destination country\ Year	2014	2015
Bosnia and Herzegovina	/	4

- 5.8 Does your country monitor if the catches for which your country has 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?

If yes, please detail.

We have established an application that contains the data of submitted catch certificates, processing plant statements 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 in according Article 17/6 IUU Regulation. For submitted catch certificates and processing plant statements, where at the point of entry into Slovenia, fishery products are placed under a transit procedure and transported to another Member State, we collect data in the form of an Excel table.

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

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 Article 16 of IUU Regulation at the point of entry and Article 17 and 18 of IUU Regulation at the place of final destination.

Section 6: Catch certification scheme for exportation

Please state your notified authorities under Article 15.2.

Notified authority under Article 15.2 IUU Regulation is FURS, Financial Office Koper.

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

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 so far, there have been no cases of need for validation of catch certificates for exportation of catches from Slovenian vessels to third countries.

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

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

The authority in the Republic of Slovenia competent for validating catch certificates for catches made from fishing vessels flying the flag of the Republic of Slovenia is Financial Office Koper. The established procedure is as follow:

The exporter of fishery products caught from fishing vessels flying the flag of the Republic of Slovenia requests Financial Office Koper for validation of a catch certificate which must contain the information required in Sections 2 to 8, Section 10 (Appendix I) and in Sections 6 and 7 of the catch certificate, where appropriate.

Where a customs authority does not doubt the accuracy of the information contained in the catch certificate and the information is consistent with the measures adopted for conservation and management, the following sections are to be completed:

- Section 1 (document number and validating authority) and
- Section 9 (Flag State authority validation);
- the following data format is proposed for numbering catch certificates:
16SI006036IUU0001.

A catch certificate is thus validated and can be returned to the exporter. A customs authority validating a catch certificate keeps a copy of the certificate and the accompanying documentation on the basis of which a catch certificate has been validated for the period of at least three years following the validation.

A customs authority checking the information on the fishing vessel, the catch certificate, the fishing grounds and the measures adopted for conservation and management cooperates with the Hunting and Fisheries Sector at the Ministry for Agriculture.

When a customs authority receives for validation a catch certificate which is considered not to contain all the elements ensuring the reliability of the information specified in the catch certificate or which contains information not complying with the measures adopted for conservation and management, the customs authority may perform any kind of control or verification which it finds relevant to reach a decision regarding a catch certificate.

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.

None.

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?

No.

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?

Not applicable.

If yes, please detail.

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

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 at the last reporting in 2014.

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

Due to the relatively low number of catch certificates presented, the customs 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.

Where at the point of entry into Slovenia, fishery products are placed under transit procedure and transported to another Member State, we carry out control in accordance with Article 16 of IUU Regulation.

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?

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?

In total 45 requests for assistance was sent to third country 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.

The requests for assistance were sent to third countries on the following grounds:

- Reference to expired licence;
- Doubts over the compliance with RFMOs conservation and management measures;
- Vessel name missing, only registration number;
- Confirmation of validity;
- Instead of vessel name is the name of the company;
- Signature and name of the competent person is not in SMS database;
- CC is invalid in the US database;
- Clarification of the weight.

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 for assistance were not answered to within stipulated deadline, therefore we sent a remainder and after that we got reply. One request was not answered at all, but importer submitted required documents.

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

Yes, the overall quality of the answers can be regarded as sufficient and satisfactory.

Section 9: Refusal of Importations

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

No.

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				
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				

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

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.

Compering the last reporting in 2014 and reporting in 2016 it is observed a significant drop in the number of submitted catch certificate in Slovenia. This is due to the Croatian accession to the EU. The Croatian catch certificate was represented 90% of the entire catch certificate submitted in Slovenia in period 2013 and 2014.

Section 11: Mutual Assistance

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

We believe that Slovenia 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?

Yes.

If yes, please detail.

We sent two pieces of information without prior request, according to Article 41 Regulation 1010/2009 to Hungary.

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

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

The FURS is the notified authority under Article 39.4 of 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?

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.

13.2 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.

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.

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

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

13.4 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.

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.

No infringements of IUU Regulation were recorded in this period.

14.2 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.

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

No sighting reports were issued by Slovenia in this period.

Please detail.

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

No reports were received.

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?

The same as we have reported in the previous report.

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

Our suggestions:

- Common EU IUU IT System as soon as possible;
- Each processing plant statement (annex IV) should be numbered with a unique number by the processing third country;
- Slovenia doesn't find any benefits of the re-export control as regards the fight against IUU. Consignments are checked already at the time of entry and are approved for free circulation, whether for direct consumption, for processing, within EU or re-export to the third country without processing. The re-export approval does not add any guaranties to the third country of destination, which are not already given by the import approval.
- When the Commission signs agreements with third countries about electronically CCs, the agreements should include MS access to information in their databases. It will make the work on verifying the authenticity of the CC easier.

Section 16: Any other comments

No other comments.

Thank you for your cooperation!