

Implementing the new IUU regulation in the UK

Background

Illegal, Unreported and Unregulated fishing (IUU) encompasses unauthorised fishing and all fishing activities that are a serious breach of national, regional or international rules. IUU fishing remains the biggest global threat to the sustainable management of fish stocks.

A recent UK study estimated that IUU fishing costs a minimum of \$10 billion, and a maximum of \$24 billion, across the world each year – equivalent to nearly 20% of the worldwide reported value of catches.

The EU has therefore introduced a new regulation to prevent, deter and eliminate the import of IUU fishery products into the Community, which is due to come into force on 1 January 2010. Regulation No 1005/2008 will create new requirements on fish and fisheries products entering the EU market from third countries (non-EU).

All importers will need to take steps to ensure the goods they import have been legally caught. As a minimum, the importer will need to ascertain that his export partner is able to provide the validated catch certificate for every consignment.

This Seafish guidance note highlights the main provisions of the new IUU regulation and its implementation in the UK. It draws on a new Defra guidance note on the implementation of the new regulation, as well as advice issued by the Commission.

Main provisions of the new Regulation

- Catch certification scheme.
- Provisions on port state control measures.
- A Community alert system.
- A Community IUU vessels list.
- A list of non co-operating third countries.
- A harmonised system of proportionate and dissuasive sanctions for serious infringements.

For further information:

Defra website

<http://www.defra.gov.uk/foodfarm/fisheries/marine/conservation/iuu-regulation.htm>

EU website

http://ec.europa.eu/fisheries/cfp/external_relations/illegal_fishing_en.htm

EU regulation <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:286:0001:0032:EN:PDF>

EU implementing regulation <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:280:0005:0041:EN:PDF>

Seafish IUU page

<http://www.seafish.org/b2b/subject.asp?p=349>

Seafish Guide to IUU

http://www.seafish.org/pdf.pl?file=seafish/Documents/SeafishGuidetoIUU_200905.pdf

Catch certification

A catch certification scheme to improve traceability of all fishery products that are traded is an essential part of the Regulation.

All imported fishery products must be accompanied by a catch certificate. These certificates, to show that fish are caught legally, must be issued by the flag state of the catching vessel. In effect, this means that the catches have been taken in accordance with laws, regulations and international fisheries conservation and management measures applicable to that vessel.

Catch certificates must accompany the fishery product throughout the supply chain, and will be required on entry into the EU. Imports that are not accompanied by a validated catch certificate will be refused entry to the UK.

The following applies under the new catch certification system:

- The catch certification scheme will apply to all unprocessed or processed catches, except for aquaculture products obtained from fry or larvae, freshwater fish, ornamental fish or certain molluscs. The list of excluded products is at Annex I of the Regulation. This list is likely to be updated, to include specific customs codes of excluded products.
- In addition to the IUU catch certificates a simplified catch certificate will be available for certain third country (non-EU) fishing vessels (for small scale artisanal fisheries) and certain Regional Fisheries Management Organisation (RFMO) catch documentation schemes will be accepted.
- All third countries will need to provide formal notification to the European Commission of their national arrangements to control and enforce fisheries laws. A list of those countries that have made this notification will be published by the Commission. Without this imports will be refused.
- In certain cases, mainly where imports are routed through or processed in another third country the importer will be required to provide additional documentation.
- In some cases catch certificates will be required to accompany exports of fishery products from the UK, mainly where EU fishery products are exported to a third country for processing and subsequently re-enter the EU, or where a third country requires an EU catch certificate to accompany imports of fishery products
- Importers will be able to apply for Approved Economic Operator (APEO) status if they satisfy good traceability and record-keeping criteria. APEO status will convey added flexibility when submitting catch certificates. Further details will be made available in the autumn.
- It is expected that Port Health Authorities will carry out checks on imports of fishery products at Border Inspection Posts. Once the catch certificate has been checked by Port Health and all other conditions have been met, the consignment will be

passed to HM Revenue and Customs for clearance. Port Health Authorities will charge for checking IUU catch certificates on a cost-recovery basis. The level of charges has yet to be set and will be announced in the autumn.

The regulation applies to catches made from 1 January 2010. Fish caught prior to 2010, but imported after 1 January 2010 will not require catch certificates.

Other key provisions

Port state control measures

- Prior notification and declaration of landings and transhipments is required for all third country fishing vessels. Vessels will have to land at designated ports and will need to submit a declaration prior to landing of fishery products by species, date and place of catch. Transhipments can only take place in designated ports.
- Outside Community waters, EU fishing vessels may only tranship at sea from third country vessels if those vessels are registered as carrier vessels under a Regional Fisheries Management Organisation (RFMO).
- Inspections will be carried out by UK fisheries authorities on at least 5% of landings and transhipments by third country vessels.
- If an inspection shows that a vessel has been engaged in IUU activity it will not be authorised to land or tranship its catch in UK ports.

Community Alert System

- The Commission will publish an alert notice on its website and in its Official

Journal where there are well founded doubts over the compliance of particular fishing vessels or fishery products from third countries. UK authorities will be required to check past, current and future imports, and where necessary prevent their entry, where they are subject to these alerts.

Community IUU vessel list

- The Commission will establish an IUU vessel list. This will include the vessel lists adopted by RFMOs. Any vessels on this list, including EU vessels, will be subject to restrictive measures.

UK Nationals

- It will be prohibited for UK nationals to engage in, or support, directly or indirectly, IUU activities.

List of non co-operating third countries

- The regulation includes powers to identify third countries that do not co-operate in the fight against IUU fishing and take action against them. A list of any such countries will be published on the Commission's website and in the Official Journal.

Proportionate and dissuasive sanctions

- The Regulation consists of a system of effective, proportionate and dissuasive sanctions for any serious infringements to deter operators from engaging in or supporting IUU fishing.
- Member States will impose a maximum sanction of at least five times the value of the fishery products for committing serious infringements, and eight times for a repeated infringement within a five year period. Criminal sanctions can also be applied.

Timeline for IUU Regulation implementation

	Implementation of new IUU Regulation
2002	Adoption of Commission's IUU Action Plan. This was inspired by the FAOs International Plan of Action to prevent, deter and eliminate IUU fishing (2001).
Oct 2007	The Commission launched a public consultation. This resulted in a Proposal for an IUU Regulation 'to prevent, deter and eliminate IUU fishing.' This was adopted by the European Commission in October 2007.
24 June 2008	The Proposal reached a unanimous political agreement on the Regulation.
29 Sept 2008	The Council Regulation (EC) No 1005/2008 was adopted by the Council.
July 2009	Publication of Defra information note on the implementation of the Regulation with accompanying online material.
Oct 2009	The original Council Regulation supplemented by a detailed implementing regulation that provides more detail on some of the requirements, including: <ul style="list-style-type: none"> - Landings, transshipments and inspections of third country fishing vessels - Catch certificate for small scale fisheries - Regional Fisheries management Organisation (RFMO) catch certificate schemes - Deadline for submission of catch certificates (for products imported by air, road and rail) - Approved Economic Operators - Verifications of catch certificates - Administrative cooperation with third countries - Sightings - Mutual Assistance - Excluded products
Oct 2009	EU Commission publishes a guidance 'handbook' giving practical information on the operation of the new rules for importers, exporters, processors, vessel operators and authorities in third countries and EU Member States.
Nov 2009	Further Defra information note setting out key elements contained in the implementing rules and the handbook.
Nov 2009	UK seminars organised by Seafish and Defra on implementation of the new rules.
1 Jan 2010	Entry into force of IUU Regulation No 1005/2008.

For further information contact Malcolm Large at Seafish on 0787 603 5729 E: m_large@seafish.co.uk or email IUU@defra.gsi.gov.uk

18 Logie Mill, Logie Green Road, Edinburgh EH7 4HS

t: 0131 558 3331 f: 0131 558 1442

e: seafish@seafish.co.uk w: www.seafish.org SIN: <http://sin.seafood.org>

supporting the seafood industry for a sustainable, profitable future