



DIRECTORATE-GENERAL FOR INTERNAL POLICIES
POLICY DEPARTMENT B
STRUCTURAL AND COHESION POLICIES



COMPLIANCE OF IMPORTS OF FISHERY AND AQUACULTURE PRODUCTS WITH EU LEGISLATION

Presentation to European Parliament
Committee on Fisheries (PECH)
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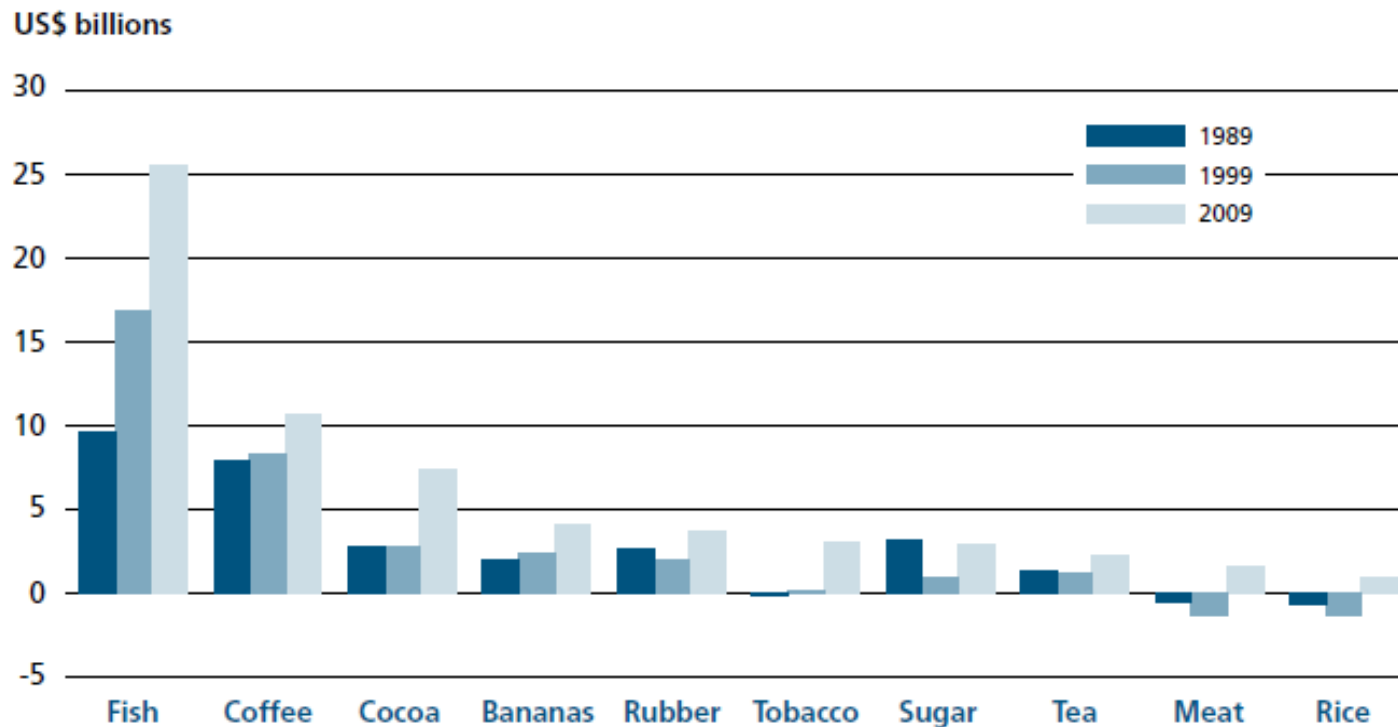
Intention and scope of the Study

- Analyse process of monitoring and control of fishery & aquaculture products (FAPs) with respect to quality & sanitary criteria, & to illegal, unreported & unregulated (IUU) fishing activities
- Investigate extent to which FAP reaching EU market comply with sanitary & IUU legislation
- Identify critical issues & propose recommendations
- *Not* charged with revising the legislation

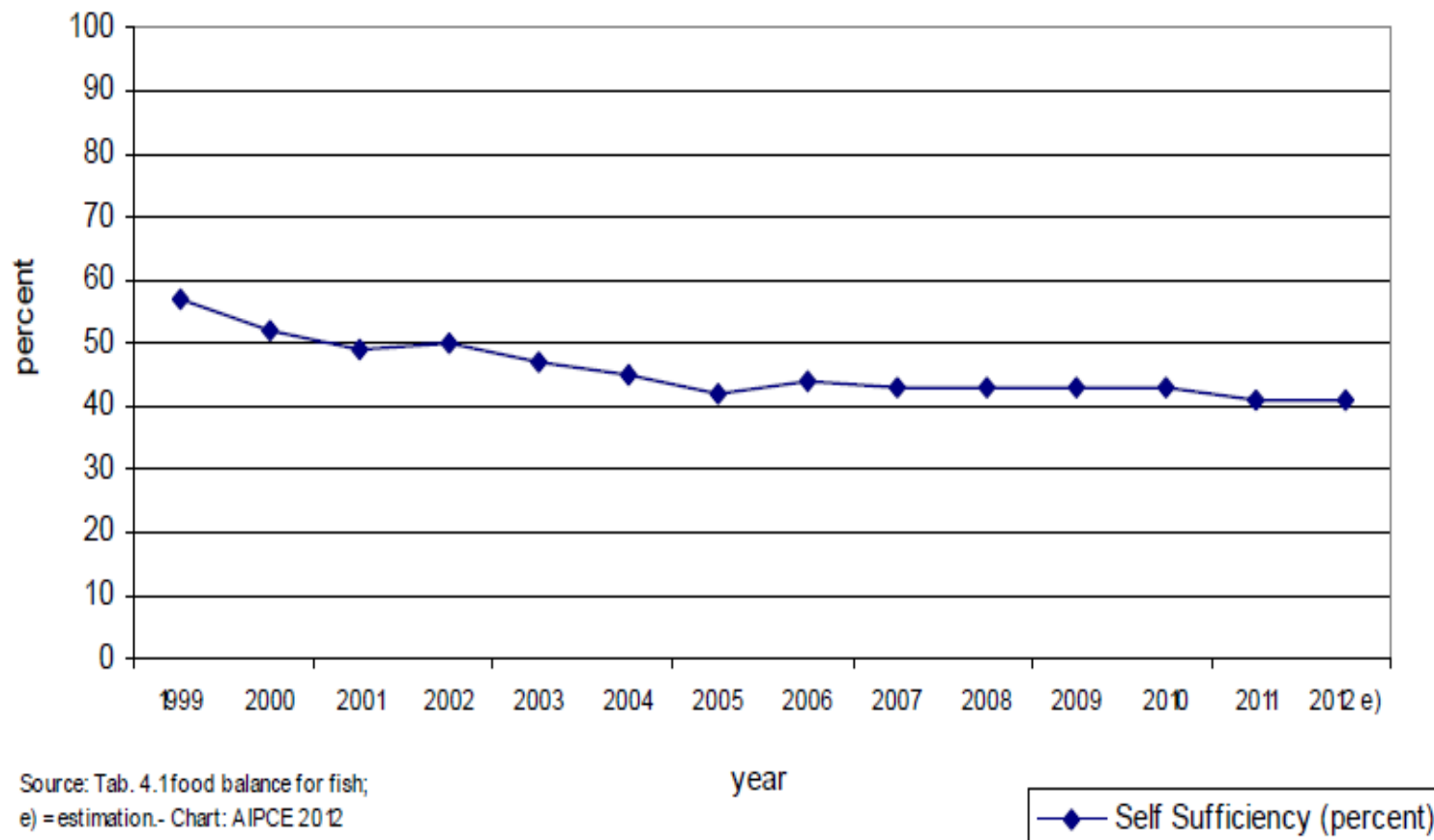
Method

- Statistics for Eurostat & others
- Secondary sources of literature
- Questionnaires to EC & EU MS CAs
- Structures interviews at the EC (DG SANCO (including Food & Veterinary Office); DG MARE; European Fisheries Control Agency; Border Inspection Posts (BIPs) and Competent Authorities (CAs) in France, Germany and Spain

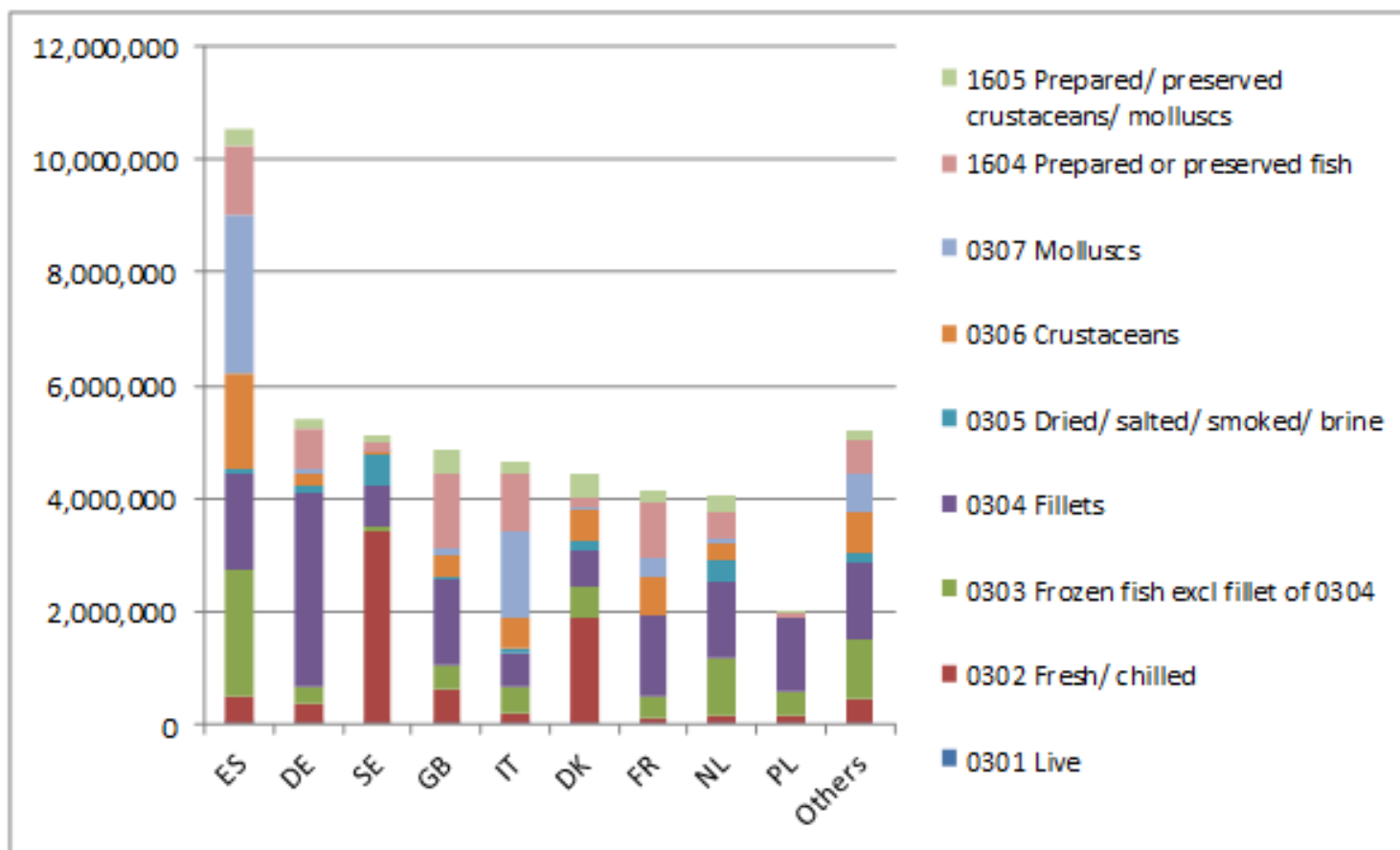
Exports of fish products increasingly important for developing countries (FAO)



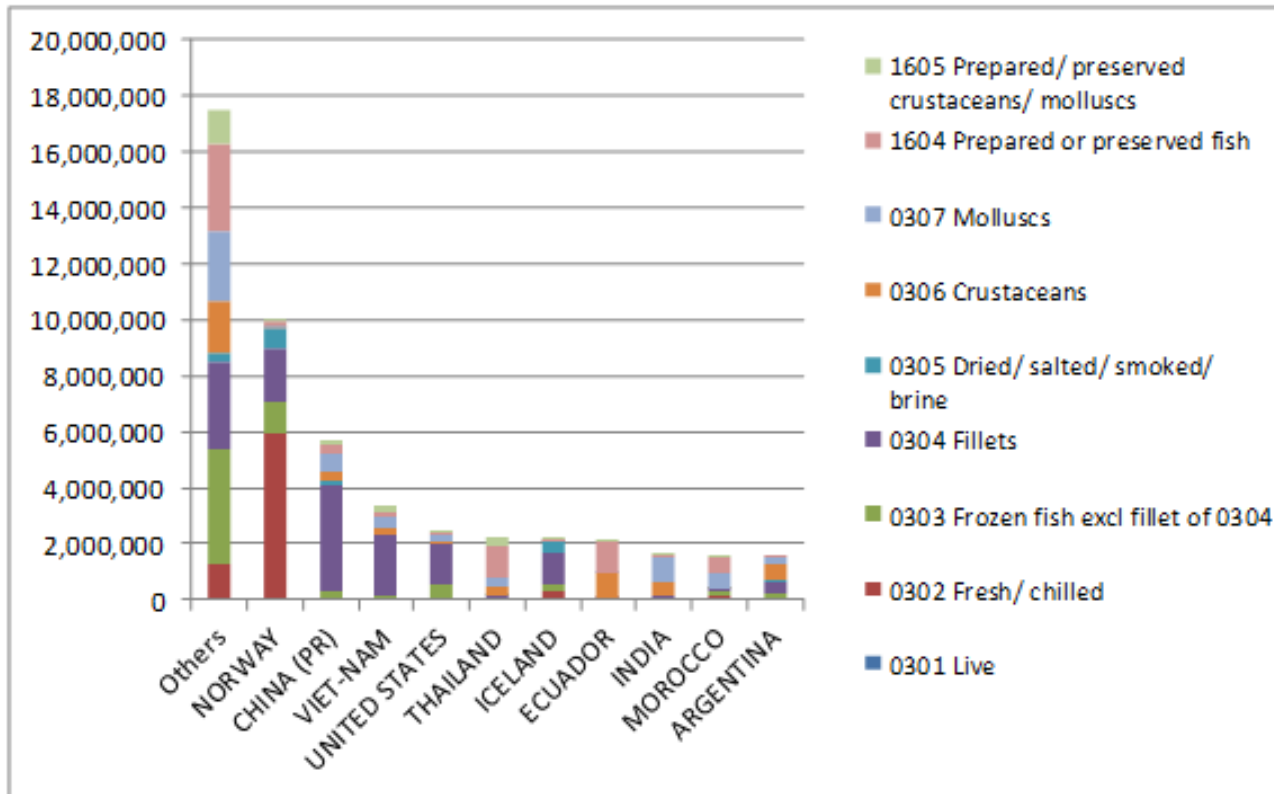
Reduced EU self-sufficiency (AIPCE-CEP), particularly high % imports tuna, shrimps, cod



EU MS imports varied (Eurostat '00kg)



Sources of imports diverse (Eurostat '00kg); 90% prepared or preserved: implications for traceability, hygiene and IUU sourcing



Compliance with safety & quality legislation: key findings (1)

- EU legislation provides a robust framework for MS, & third countries wishing to export to the EU
- FVO audits flexible & risk-based
- Both the United States & Japan have comprehensive, risk-based approach systems to ensure the safety of imported FAP
- Overall system of imports controls in EU MS provides assurances that consignments of FAP accepted into the EU market comply with hygiene requirements
- Comparison of EU MS & 3rd countries' sanitary systems reveals similar standards applied in both groups

Compliance with safety & quality legislation : key findings (2)

- EU MS controls not fully harmonised & TRACES not fully developed
- Products of EU flagged vessels fishing in non-EU waters are not subject to inspection at BIPs, leading to variable controls
- There are weaknesses in EU MS oversight of long-distance fleet
- Food control systems functioning adequately and in line with EU requirements in exporting countries despite some issues

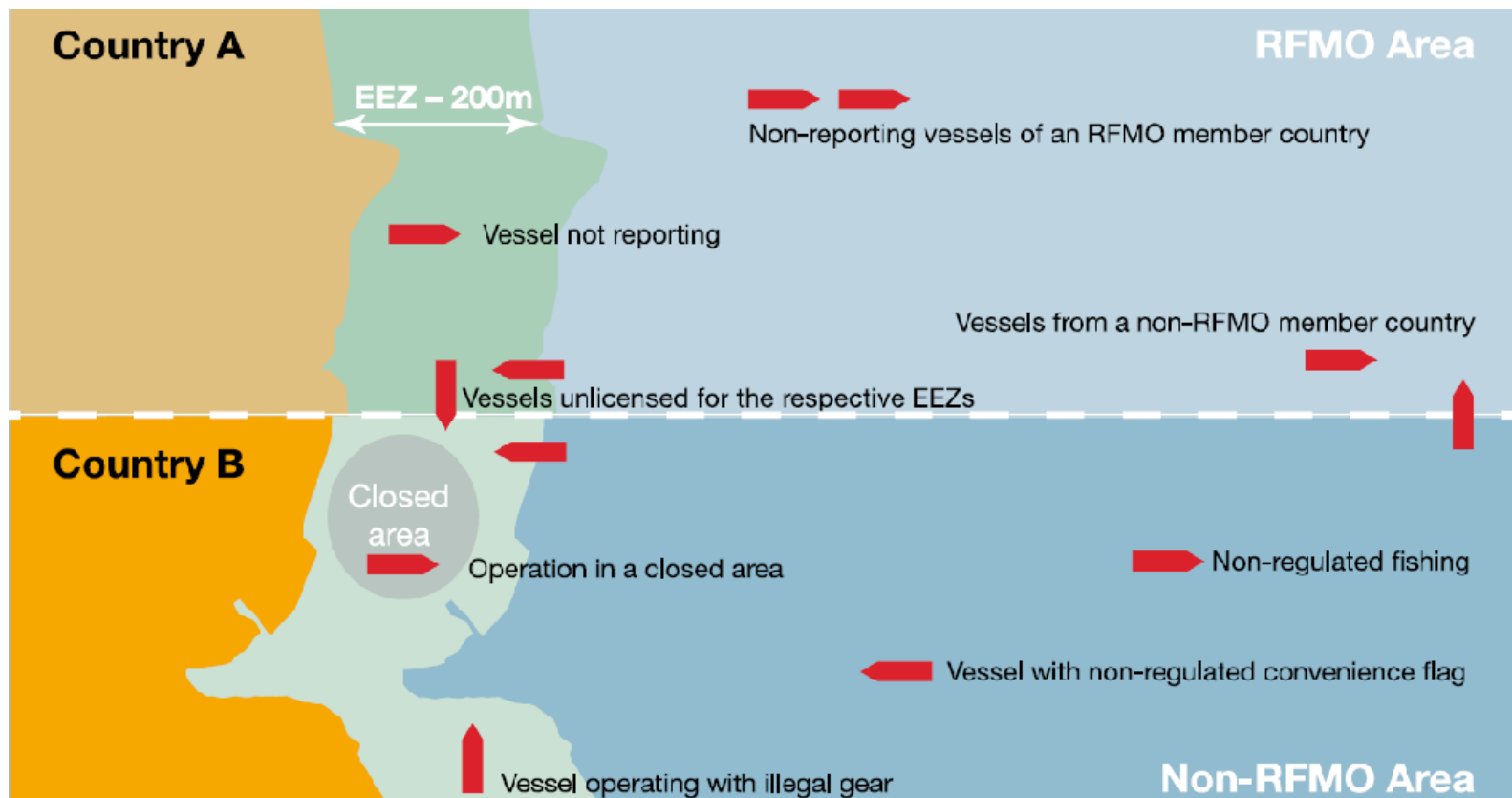
Compliance with safety & quality legislation : key findings (3)

- Developing countries face particular challenges in complying with the EU sanitary package related to: lack of qualified CA and laboratory staff; unhygienic conditions in artisanal fisheries; operation of laboratories; traceability of raw materials
- Problems being addressed by donor programmes, training, technical assistance & investments

Compliance with safety & quality legislation: key findings (4)

- Rapid Alert System for Food and Feed shows EU consumer's health not threatened by FAP imports; RASFF robust & effective, but its use by EU MS is not systematic
- EC decisions to restrict imports from a particular country can sometimes seem arbitrary
- Where FVO audits in EU MS & 3rd countries have identified problems, follow up is sometimes patchy

Compliance with IUU legislation: IUU fishing takes many forms



Compliance with IUU legislation: key findings (1)

- IUU fishing undermines stock estimates & conservation & management regimes, as well as having wider social, economic & environmental effects
- EU imports seriously affected by IUU sourced products (EUR1bn per year)
- Poorer 3rd countries with low scores on governance vulnerable to internal & external IUU threats
- Subsidies can increase IUU fishing
- Some EU MS are subject to poor flag State performance and are involved in IUU activities

Compliance with IUU legislation: key findings (2)

- EU IUU Regulation consistent with international principles, many of which still need to be applied
- Many of the EC's notes related to the IUU Regulation are poorly drafted, undated & unreferenced
- EU MS CAs are critical of the system; little evidence of oversight at Community level, training patchy, paper based system, etc.
- Risk assessment & practices vary widely between EU MS, leading to a variable « common » border open to exploitation

Compliance with IUU legislation: key findings (3)

- Paper based system; impossible to monitor issuance or use of Catch Certificates (CC) & Processing Statements & authenticity of the documents; opportunities for laundering
- Destiny of rejected consignments varies between EU MS
- Controls on re-exports (& therefore re-imports) weak and variable; problems with split consignments

Compliance with IUU legislation: key findings (4)

- Reports on EC's activities, EU MS & 3rd country findings are not publicly available
- Unclear if EC audits undertaken in third countries address full range of flag, coastal, port & market State measures & controls
- Training and support to EU MS & third country CAs has been erratic & incomplete
- Traceability is key to an effective IUU Regulation and CC Scheme, & this is compromised by differences in controls in third countries from landing to export, particularly for indirect imports & processed products

Compliance with IUU legislation: key findings (5)

- MCS measures, including NPOA-IUUs, ratification of international conventions, flag state measures, port state measures, coastal state measures & market state measures are all applied to varying degrees in third countries exporting to the EU
- With the introduction of the IUU Regulation, many countries have introduced new measures to reinforce their traceability system
- In many developing countries MCS & traceability measures are not sufficient to ensure the legality of the FAP imported in the EU

Compliance with IUU legislation: key findings (6)

- Transit from a customs perspective has undermined IUU controls outside & within EU; IUU controls are not carried out at every handling & exceptions are made for transit to EU MS
- Confusion & lack of clarity on the designation of CA for validation of CC, of transhipments at sea and in port and of the Processing Statements. Also no objective criteria for nomination of CAs for listed functions
- Indirect imports of unprocessed products can enter under a 3rd country CC, without proof of coastal & port State checks

Compliance with IUU legislation: key findings (7)

- Split consignments are poorly controlled
- EU vessels loading and unloading their captures into containers in 3rd countries' ports (using a T2M form) are not subjected to coastal & port State controls; this undermines the fight against IUU as captures are caught on high seas and in third countries' EEZ but not subject to a CC regime

CONCLUSION

- The study presents
 - 11 recommendations regarding compliance with hygiene matters; and
 - 23 recommendations regarding compliance with IUU matters.
- Thank you.