

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

<b>Member State:</b>	Ireland
<b>Organisation:</b>	Sea Fisheries Protection Authority
<b>Date:</b>	21 <sup>st</sup> May 2016
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<b>May the Commission provide a copy of this questionnaire to other Member States?</b>	
<b>Yes:</b>	Yes
<b>Yes except for questions (list):</b>	n/a
<b>No:</b>	n/a

### 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)?

- *Ireland has introduced criminal sanctions for serious infringements in accordance with Art.44 (3) of EU 1005/2008. Ireland introduced Statutory Instrument 3/2014 to implement the point system under EU 1224/2009 and EU 404/201. This was subsequently challenged in the High Court and is under appeal to the Supreme Court. While the decision of the Supreme Court is awaited, in the interim Statutory Instrument 125/2016 has been introduced to implement the point system.*
- *A review of all guidance notes and documentation that is provided for the industry is conducted by this office periodically.*

### 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.)?

- *Verification – The SFPA conducts verifications on imports from the IUU office based in the HQ of the organisation; from here liaisons are conducted with respective authorities in notified countries. Importers provide documentation pertaining to the import via standard and electronic mail; these documents are reviewed and once they*

*are deemed in order an annex, bilaterally agreed on, is forwarded to the Border Inspection Post to indicate that the pending import is deemed compliant from a traceability perspective. Following provision of this document the importer can book the container in for a veterinary inspection. Once the veterinary inspection has been conducted the import is presented to Revenue for Customs procedures.*

- a) internal co-operation (between local/regional Fisheries authorities and head-quarter);
  - *The IUU office in Clonakilty co-ordinates procedures and policies that are mandatory as per legislative requirements, and is the central point of contact if information is required from either the industry or SFPA port staff queries. SFPA port offices (7 of) deal directly with industry in regard to validating catch certificates; inspecting consignments and processing re-export certificates. The majority of catch certificates and re-export certificates are conducted in Killybegs; this is an IUU and NEAFC designated port, this port handles the majority of exports and re-exports conducted in Ireland.*
- 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.);
  - *In general the SFPA works unilaterally in regard to the implementation of the IUU legislation*
  - *Border Inspection Post – Close working relationship, directing importers to the IUU Office to resolve IUU/Import issues and queries, this authority is responsible for veterinary requirements associated with imports once they have been cleared following IUU/Traceability checks.*
  - *Naval Service – The navy is the sea going platform for inspections, monitoring and control on vessels fishing within Irelands EEZ and in International waters conducting RFMO assessments.*
- c) How many persons are involved in the implementation of the catch certificate?
  - *IUU Office for verification and co-ordination*                      -                      *1 staff member*
  - *Port Offices for validation*    -                      *7 (one per port)\**

*\* Although there is an associated staff member in each port, some ports have greater tasking than others and the validation might be conducted by alternative individuals, this process allows for leave and shift rotations. In some ports only a small quantity of catch certificates have been validated since the initiation of the legislation, predominantly 2 - 3 ports deal with the majority of all validated certificates from Ireland.*

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

- *Direct landings are conducted in designated ports in Ireland, neither of Irelands two ports have the facility of a BIP. The majority of direct landings are typically Norwegian which has European Free Trade Association status and some Regional Fisheries Management Organisation's (NEAFC) landings. All containerised imports are brought to Dublin port where a BIP is on site; all produce arriving by plane is conducted via Shannon airport, the location of Irelands second BIP. The import verification process is conducted by the Sea Fisheries Protection Authority, following*

*this procedure, the importer and corresponding BIP is informed that the import has met the requisite requirements of the IUU legislation, the import is then booked in for veterinary checks by the importer. Once health checks are completed the produce is presented to Revenue for customs procedures.*

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.

- *Land Based Establishments 2014*

*Risk Type*

*High*                *148*

*Medium*            *136*

*Low*                *77*

- *Freezer and Factory Vessels 2014*

*Risk Type*

*High*                *0*

*Medium*            *4*

*Low*                *33*

- *Land Based Establishments 2015*

*Risk Type*

*High*                *147*

*Medium*            *89*

*Low*                *54*

- *Freezer and Factory Vessels*

*Risk Type*

*High*                *0*

*Medium*            *4*

*Low*                *18*

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

- *No*

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

*Please list your country's designated ports.*

*Killybegs, Donegal & Castletownbere, Cork.*

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
<i>Killybegs (NEAFC)</i>	<i>82</i>	<i>42-2014 &amp; 40-2015</i>	<i>1</i>	<i>EU vessel transhipped to St Kitts &amp; Nevis vessel, produce brought to African nation for human consumption.</i>
<i>Castletownbere</i>	<i>0</i>	<i>Nil</i>	<i>0</i>	<i>Nil</i>
<b>Total</b>	<i>82</i>	<i>--</i>	<i>1</i>	<i>--</i>

*\* 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 landings are maintained under transit procedure, for transportation to another member state, this procedure does not occur in Ireland. Nearly all landings are Norwegian (EFTA) produce which is landed fresh and retrospectively blast frozen in factories in designated ports, catch certificates are supplied at landing. The produce is then typically re-exported to African nations for human consumption.*

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, all landings are conducted on the basis of a prior notification being submitted by the master of the fishing vessel intending to land.*

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*

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.

- *All Norwegian vessels use prior notification pre landing documentation templates from the Implementing Regulation 1010/2009. Infrequently Faroese vessels land NEAFC produce into a designated port using the RFMO Port State Control Form.*

#### **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?

- 82

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

- *82 – The SFPA inspects all non EU vessels entering designated ports in Ireland. The inspection levels have a variance factoring in staffing levels and the number of non EU/MS/Irish vessels landing during pelagic seasons. At a minimum documentation inspection, catch certificate collection/assessment, Prior notification, dipping of RSW tanks is conducted and pending initial assessment, if any discrepancies are noted a full monitor of the landing process will be undertaken. Full monitors are conducted on a minimum of 5% of third country vessel landings/transshipments.*

<b>Reason for inspection :</b>	<b>Flag State</b>
Sighted at sea in activities that may be considered illegal, unreported and unregulated	0
Based on the EU IUU vessel list	0
Other (please detail)	<i>See above</i>

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.

- *Yes, see 4.2 above.*

4.4 Does your country use risk assessment criteria for the port inspections?

- *See 4.2 above*

4.5 Has your country detected any infringements between 1 January 2014 and 31 December 2015?

- *No infringements were detected with any of the landings conducted during the above period.*

## **Section 5: Catch certification scheme for importation for the purpose of the IUU Regulation<sup>1</sup>**

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

- *Sea Fisheries Protection Authority for both Articles 17.8 & 21.3*

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).

<b>Flag State \ Year</b>	<b>2014</b>	<b>2015</b>
<i>Argentina</i>	<i>2</i>	<i>5</i>
<i>Canada</i>	<i>11</i>	<i>5</i>
<i>China</i>	<i>7</i>	<i>8</i>
<i>Ecuador</i>	<i>0</i>	<i>7</i>
<i>France</i>	<i>8</i>	<i>9</i>
<i>Iceland</i>	<i>926</i>	<i>864</i>
<i>Indonesia</i>	<i>5</i>	<i>9</i>
<i>Ireland</i>	<i>3</i>	<i>3</i>
<i>Korea</i>	<i>2</i>	<i>4</i>
<i>Maldives</i>	<i>97</i>	<i>71</i>
<i>Mauritius</i>	<i>0</i>	<i>1</i>
<i>Morocco</i>	<i>0</i>	<i>1</i>
<i>New Zealand</i>	<i>2</i>	<i>7</i>
<i>Norway</i>	<i>1</i>	<i>2</i>
<i>Papua New Guinea</i>	<i>2</i>	<i>3</i>
<i>Philippines</i>	<i>31</i>	<i>65</i>
<i>Seychelles</i>	<i>9</i>	<i>4</i>
<i>Solomon Islands</i>	<i>0</i>	<i>2</i>

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<sup>1</sup> 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"

<b>Flag State \ Year</b>	<b>2014</b>	<b>2015</b>
<i>South Africa</i>	6	22
<i>Spain</i>	26	23
<i>Taiwan</i>	6	9
<i>Thailand</i>	3	5
<i>United Kingdom</i>	2	1
<i>USA</i>	22	21
<i>Vietnam</i>	8	18
<b>Total</b>	<b>1179</b>	<b>1169</b>

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.

<b>RFMO \ Year</b>	<b>2014</b>	<b>2015</b>
ICCAT BFT	<i>Nil</i>	<i>Nil</i>
Dissostichus spp. (CCAMLR)	<i>Nil</i>	<i>Nil</i>
CCSBT CDS	<i>Nil</i>	<i>Nil</i>
<b>Total</b>	<i>Nil</i>	<i>Nil</i>

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.

<b>Processing State \ Year</b>	<b>2014</b>	<b>2015</b>
<i>Thailand</i>	24	22
<i>Mauritius</i>	10	11
<i>China</i>	5	3
<i>Philippines</i>	2	0
<i>India</i>	0	4
<i>Papua New Guinea</i>	0	8
<i>Vietnam</i>	0	1

Processing State \ Year	2014	2015
<i>Ecuador</i>	<i>0</i>	<i>1</i>
<i>Total</i>	<i>41</i>	<i>48</i>

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

- *The original of the processing statement is maintained on a paper file with the pertaining catch certificate and supporting import documentation. An electronic file is also compiled and entered on a database, the details/record of the Annex IV is included stating validating flag state and certificate number if supplied, these accompany the respective catch certificate.*

5.5 How many requests to authorise APEO<sup>2</sup>s has your country received and how many APEOs have been authorised

- *Ireland has to date received one application for APEO Status, this application was withdrawn, as the applicant was happy with the quantity of documentation it had to supply for the purpose of importation. The company in question imports approximately 15 – 20 containers per annum. Therefore no APEO has been authorised in the Republic of Ireland, in respect of fishery produce.*

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

- *n/a*

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.

- *2014 – 66 Re-exports*
- *2015 – 96 Re-exports*
- *All re-exports were sent to the African continent with approximately 80% to Nigeria and 10% to both Benin and the Ivory Coast.*

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

- *The application process is conducted with provision of a bill of lading, although confirmation of departure from the EU is not monitored.*

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



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?

- *A database is used to store data pertaining to all import documentation; all imports are monitored and recorded. Re-exports are conducted at designated ports cross checks are all manual and there is currently no module for the re-exportation of imported catches. Re-exports are not conducted in the IUU office, these are directed by the designated port staff, where the exporting premises fall under their remit.*

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

- *Place of destination; verification checks are only conducted when the produce is clearing a BIP within Ireland for free trade.*

## Section 6: Catch certification scheme for exportation

*Please state your notified authorities under Article 15.2.*

- *Sea Fisheries Protection Authority*

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

- *Upon receipt of the catch certificate from the exporter, this is checked by port staff to ensure the required sections have been completed correctly. The vessels included on the catch certificate application are checked on the electronic Integrated Fisheries Information System (IFIS) to check licencing periods and authorisation validity for respective species. Additional checks include review of ERS for species quantity checks versus sales notes information and VMS data for positional verification. If not for a direct landing a copy of the bill of lading is requested also. Once the port officer is happy with the accuracy of the documentation provided, the catch certificate will be validated, the original is given to the exporter and a copy is provided to the IUU office. This document is scanned and maintained on a national database.*

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
Thailand	Art 14.2	6	4
Lithuania	Art 15	7	37
Germany	Art 15	9	15

Destination State	IUU Regulation (Art. 14.2 / Art. 15)	Year	
		2014	2015
India	Art 14.2	18	21
UAE	Art 15	1	0
France	Art 15	19	65
Jamaica	Art 15	4	0
Portugal	Art 15	21	1
South Korea	Art 15	0	1
Norway	Art 15	15	31
Russia	Art 15	8	0
Ukraine	Art 15	11	0
China	Art 15	20	2
Denmark	Art 15	0	1
Faroe Islands	Art 15	4	2
Belgium	Art 15	14	0
Jordan	Art 15	1	0
Canada	Art 15	14	4
Egypt	Art 15	5	5
USA	Art 15	0	2
UK	Art 15	1	1
Nigeria	Art 15	3	0
Vietnam	Art 15	0	1
Total	--	181	193

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

- *No, but funding has been requested to construct an electronic system for the validation process.*

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

- *No, but application process involves Bill of Lading provision prior to validation.*

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

If yes, please detail.

*Yes – An exporting company had catch certificates refused due to errors found on log sheet quantities versus sales records, or missing sales records. This process ended in a court hearing being conducted; see section 12 of this document for further information. Temporary refusals have also occurred, relating to typos, missing or incorrect information supplied at application process, during the validation process these problems were resolved and certificates were retrospectively validated.*

## **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.

- *Upon provision of import documentation; catch certificate, annex IV, health certificate, bill of lading, certificate of origin, packing list, commercial invoice, etc. These documents will be reviewed and crosschecked so information contained within is at parity and in order such as fishing periods versus validation dates, transshipments, exporters, transport details etc. The competent authorities responsible for the catch certificate and Annex IV will be notified requesting verification, this process is typically done by e-mail for traceability purposes, this process confirms that it has not been altered since validation hence its authenticity, convenient with produce that has been processed (Art 14.2). The IUU vessel list will be checked and if the vessel has been fishing in an RFMO such as WCPFC or IOTC, the databases of these organisations will be reviewed to check licensing and authorisation. If they are not included the flag state and RFMO would be contacted for clarity. When possible container and Bill of Lading numbers are checked with track and trace, to substantiate validity versus other documentation pertaining to the import. The Specimen Management System (SMS) will also be reviewed to substantiate signatures and stamps; these are also confirmed via liaising with flag state authorities during verification. The SANTE list of establishment list is checked also when uncommon/unknown processing plants are encountered. Upon receipt of the verification request from the flag state/s the BIP will be notified by this office to inform them that the import is compliant. The import can then be booked in for a veterinary check to be conducted on the produce. The importation documents are stored within a database in the IUU Office.*

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

- *2014 – 253*
- *2015 – 305*

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

- *No, due to the low levels of imports 1179 in 2014 with 926 from Iceland and 1169 in 2015, with 864 from Iceland, verifications were conducted on 253(2014) & 305(2015). Due to Iceland's trade agreement with the EU, these do not pass through a BIP (Green Routed) and all of this produce arrives via air flight out of business hours. Only intermittent verifications are conducted on this flag states produce.*

7.4 Does your country also physically verify the consignments?

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

- *No, this is the responsibility of the Border Inspection Post, whilst conducting a veterinary inspection on the produce.*

## **Section 8: Verification requests to flag States**

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

- *2014 253*
- *2015 305*

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.

- *To reduce the risk of importing illegally caught fish, verification is sought on all catch certificates with the exception of Icelandic produce and all processing statements. In Ireland there is far less trade in comparison to other Member States and this permits a level of verification to be conducted on all imports. This is deemed to be favourable in reducing potential associated risk, confirmation that the documentation supplied by the importer emanated within the respective flag state/s authorities is a good starting point for verification checks. As this is a process that is routine in Ireland the required networking has been long since done. There are typically two alternative verification requests made formal and informal, both conducted via email. The formal request is made via letter format, stipulating that a 15 day period has been initiated, indicating legislative requirements and request details; these needs are typically far greater than the informal format which is sent via a standard email request.*

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?

- *All formal requests were replied to, and on time, one extension was requested by the authorities in South Korea, reminders are always sent to the respective authorities, indicating remaining time frame before the end of deadline periods.*
- *There were some issues associated with South Africa and Thailand replying to informal requests prior to the clearance of the produce, in most cases these flag states replied, but after the product had cleared the Border Inspection Post. This was not considered to be problematic as the import documentation review did not require the verification to be elevated to a formal procedure and there was nothing evidently wrong, the process was conducted to confirm authenticity of supplied catch documentation.*

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

- *In respect to the majority of formal verification requests the answers were deemed to be suitable, and no further correspondence was required to be conducted, the respective authorities provided all of the information requested from them. A formal verification was made in 2014 with the authorities in Indonesia in respect to what was discussed in Section 12 of this document. This process required continuous discussions, telephone calls, and emails. The Indonesian flag state authority was far from forthcoming with the information requested; this matter has been raised at ad-hoc meetings previously.*
- *On some occasions with informal verifications, reminders might need to be sent to the respective authority, but in general a good working relationship has been set up with the notified countries that trade with Ireland on a regular basis.*

## 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.	Indonesia/Ireland, see Section 12	1	Indonesia/Ireland, see Section 12	1
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 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?

- See Section 12 – Cooperation with third countries

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

If yes, please detail.

- See Section 12 – Cooperation with third countries

## **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.

- *Ireland received exports from 20 notified countries in 2014 and 22 in 2015. Trade levels were down in 2015 and equated to just 94% of import numbers of 2014. In contrast to this import weight increased in 2015 by 4.1%. The reduction in trade numbers stemmed from Icelandic imports which were only 93% of 2014 volumes. There was also a decrease in levels of *Katsuwonus pelamis* from the Maldives, 2015 quantities were only 62% of 2014, there was also small reductions in exports from Thailand. The substitution of Maldivian trade and the overall 4% increase emanated from a new trade supply of processed *Katsuwonus pelamis* from Ecuador in addition to slight increases from the Philippines. Export increases were identified from New Zealand and Norway but in general no significant increases were acknowledged. 2015 also seen a new trade pattern of processed *Katsuwonus pelamis* being exported from India, there were only negligible quantities received from the latter flag state.*

## **Section 11: Mutual Assistance**

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

- *All mutual assistance requests received by the Sea Fisheries Protection Authority in Ireland were responded to, by the Sea Fisheries Protection Authority.*

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

- *No*

## **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).

If yes, please detail.

*In 2014 & 2015 Ireland was dealing with the flag state authority in Indonesia, in regard to an Irish company that was routing processed crab via an alternative Member State, the product was listed as pre 2010 product and thus exempt from IUU provisions and the requirement to provide supporting documentation. The Member State in question released the product for free trade on the basis that it was exempt from IUU obligation. The MS was not afforded the opportunity to conduct verification checks on the produce, accepting the status of the product as being identified by the importer as pre 2010 produce. This product was then in the process of being dispatched to the Republic of Ireland. An investigation was conducted by the SFPA and it was decided that the product had entered the EU under false declaration. Therefore we felt obliged to use the powers available to us under 1005/2008 Art.18 (3) & S.I. 554 of 2010 and issue an import refusal notice, with the intention of destruction following an initial false declaration at point of entry in the EU. This was appealed to the District Court and subsequently the Circuit Court, where in each case the import refusal was upheld. The Circuit Court sought legal argument on whether the product could be exported back to Indonesia rather than being destroyed. The hearing resulted in an agreed solution to the re-export of the product to Indonesia, where the Irish company gave the court an assurance that the product would not be returned to the EU with agreed costs of €10,000.*

### **Section 13: Nationals**

*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?

- *Ireland has not introduced administrative sanctions for serious infringements and applies criminal sanctions in accordance with Art.44(3) of EU 1005/2008. In addition to possible criminal prosecution of the Master, the licence holder may be subject to points for serious infringements. Ireland introduced Statutory Instrument 3/2014 to implement the point system under EU 1224/2009 and EU 404/2011. This was subsequently challenged in the High Court and is under appeal to the Supreme Court. While the decision of the Supreme Court is awaited, in the interim Statutory Instrument 125/2016 has been introduced to implement the point system.*

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

- *Nil.*

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.

- *If an Irish registered vessel is being transferred outside of the state and either remaining on the Irish Ship Register or deleted from the register, Ministerial approval is required under Section 62 of the Mercantile Marine Act of 1955, before sale can proceed. The following vessels have been deleted from the Irish register following sale.*

- |                  |                  |          |
|------------------|------------------|----------|
| ○ Celtic Cross   | Malta            | Jan 2015 |
| ○ Western Viking | Northern Ireland | Mar 2015 |

- |                         |                         |                 |
|-------------------------|-------------------------|-----------------|
| ○ <i>Bonnie Lass II</i> | <i>United Kingdom</i>   | <i>Mar 2015</i> |
| ○ <i>Playa de Tuya</i>  | <i>France</i>           | <i>Apr 2015</i> |
| ○ <i>Creadan Lady</i>   | <i>Netherlands</i>      | <i>Jun 2015</i> |
| ○ <i>Colmcille</i>      | <i>Finland</i>          | <i>Sep 2015</i> |
| ○ <i>Mater Dei</i>      | <i>Northern Ireland</i> | <i>Nov 2015</i> |
| ○ <i>Westward Isle</i>  | <i>Norway</i>           | <i>Nov 2015</i> |
| ○ <i>Atlas</i>          | <i>United Kingdom</i>   | <i>Nov 2015</i> |

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

- *n/a*

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.

- *n/a*

#### **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.

- *In total there were 12 cases, In Ireland, the point system is not an alternative to criminal sanctions. The point system and criminal sanctions are intended to run parallel to and in harmony with each other. For each of these cases where points for serious infringements were applied to the licence, a case file relating to the Master of the vessel will also be sent to the Director of Public Prosecutions for criminal prosecution through the criminal courts.*
- **SFPA 10-2014** *Infringements: Not fulfilling of obligations to record and report catch  
Concealing, tampering or disposal of evidence relating to an investigation  
Fishing in a closed area or during a closed season, without or after attainment of a quota or beyond a closed depth  
12 points assigned*
- **SFPA 15-2014** *Infringements: Not fulfilling of obligations to record and report catch  
Concealing, tampering or disposal of evidence relating to an investigation  
Fishing in a closed area or during a closed season, without or after attainment of a quota or beyond a closed depth  
12 points assigned  
Vessel licence suspended for 2 months.*
- **SFPA 27-2014** *Infringement: Not fulfilling of obligations to record and report catch  
3 points assigned, currently under appeal to the High Court.*



- **SFPA 1-2015** *Infringements: Fishing in a closed area or during a closed season, without or after attainment of a quota or beyond a closed depth x2*  
12 points assigned
- **SFPA 11-2015** *Infringement: Not fulfilling of obligations to record and report catch*  
3 points assigned
- **SFPA 12-2015** *Infringement: Not fulfilling of obligations to record and report catch*  
3 points assigned
- **SFPA 13-2015** *Infringement: Not fulfilling of obligations to record and report catch*  
3 points assigned
- **SFPA 14-2015** *Infringement: Not fulfilling of obligations to record and report catch*  
3 points assigned
- **SFPA 16-2015** *Infringement: Use of prohibited or non-compliant gear*  
4 points assigned
- **SFPA 17-2015** *Infringement: Not fulfilling of obligations to record and report catch*  
3 points assigned
- **SFPA 24-2015** *Infringements: Fishing in a closed area or during a closed season, without or after attainment of a quota or beyond a closed depth x3*  
12 points assigned  
Vessel licence suspended for 2 months.
- **SFPA 25-2015** *Infringements: Fishing in a closed area or during a closed season, without or after attainment of a quota or beyond a closed depth*  
Not fulfilling of obligations to record and report catch  
9 points assigned

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

- *Ireland has not introduced administrative sanctions for serious infringements and instead applies criminal sanctions in accordance with Art.44(3) of EU 1005/2008. In addition to possible criminal prosecution of the Master, the licence holder may be subject to points for serious infringements. Ireland introduced Statutory Instrument 3/2014 to implement the point system under EU 1224/2009 and EU 404/2011. This was subsequently challenged in the High Court and is under appeal to the Supreme Court. While the decision of the Supreme Court is awaited, in the interim Statutory Instrument 125/2016 has been introduced to implement the point system.*

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

Please detail.

- *Nil*

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

If yes, please detail.

- *No*

## **Section 15: General**

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

- *Ireland has no additional comments to add in regard to this matter*

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

- *Notified countries should update details of individuals responsible for the validation of catch certificates including signatures and stamps, no less than once per annum. This process would greatly assist with the verification checks being conducted. If the information is missing from the SMS, a request to all SLO's is the normal procedure, symptomatically permitted verification time frames are reduced as a result of this process. Verification periods are already limited due to the legislative limitations. I do not see this as an exceptional request; Member States are required to submit information on a quarterly basis. This might be an issue initially but once the procedure is in place and a precedent has been set it should run routinely. The SMS would be far more beneficial if it could be searched for individuals also.*
- *Third country catch certificate I.T. Database – Ongoing.*

## **Section 16: Any other comments**

16.1 - *Nil.*

**Thank you for your cooperation!**