

Biennial report on the application of the IUU Regulation

Member State:	<i>LATVIA</i>
Organisation:	<i>Ministry of Agriculture</i>
Date:	
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May the Commission provide a copy of this questionnaire to other Member States?	
Yes:	x
Yes except for questions (list):	<i>no restrictions</i>
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.

Since 2009 provisions set by the Regulation 1005/2008 as regards control and surveillance of the imported fish outside the port territory are implemented in Latvia by the Rules of the Cabinet. On 24.03.2015 the renewed Rules of the Cabinet No 141 "Regulations on Monitoring Fish Landings and Inspection of Fish Marketing and Transport Facilities, Warehouses and Processing Premises" (<http://likumi.lv/ta/id/273190>) has entered into force. These rules set out competences and order of cooperation between state institutions in the case of import and export, describe requirements regarding fisheries and marine aquaculture product traceability procedures, as well as provide format for traceability certificate, but leaving out the setting of responsibilities to master of the third country vessel.

For better cooperation between supervising institutions, the bilateral agreement is in place since 2009 on cooperation between the Customs authority and the State Environmental Service (SES) which has overall responsibility for fisheries control in Latvia. New bilateral agreement entered into force in 2016. Since 2015 the Customs authority has an access to the Ministry of Agriculture (MoA) information system "Latvian Fisheries Integrated Control and Information System" (LFICIS), this allows to check import certificate validated by SES.

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);

- Regarding catch certificates for the Latvian fishing vessels - only MoA can validate certificates. During the validation process each catch certificate is examined for a variety of criteria - does the potential exporter or respective fishing company hold the valid licence and quota for relevant species, % of its exhaustion etc. In case where there are no problems, the certificate is validated.

- Regarding catch certificates issued by the third countries - authorities also in this case only one institution - SES Fisheries Control Department (Central office) has the power to validate the catch certificate to allow the import into or re-export of the fish production via Latvia. The catch certificate is verified by obtaining necessary information - is the catch obtained or not by the vessel included in the IUU vessels list, crosschecked with the information submitted within the mutual assistance system, etc.

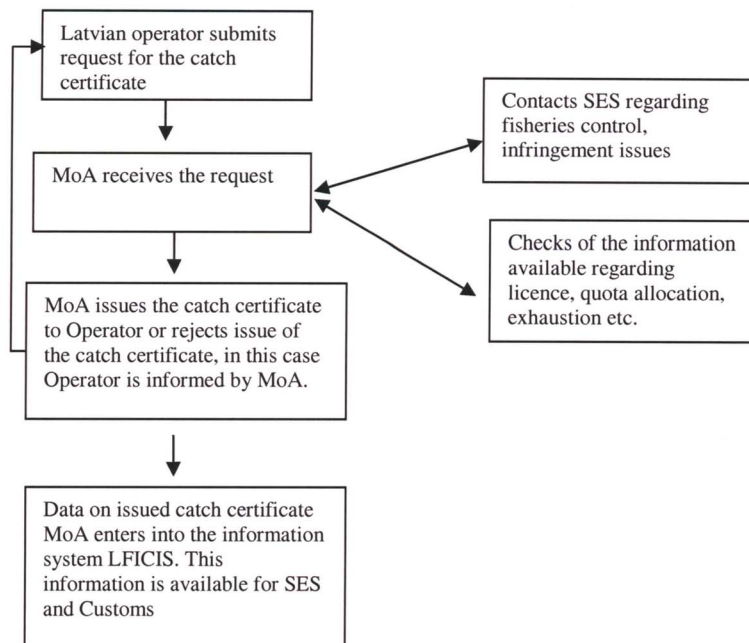
- Internal cooperation between the Central office and sub-quarters of SES is needed only where physical checks for fishing vessels flying the flag of third countries is required. According to the Council Regulation 1005/2008 Article 6, third country vessels inform the competent authority- SES on intend to land the products in relevant designated port of Latvia (designated in National Rules of the Cabinet of 02.05.2007 No 296 "Regulations regarding Commercial Fishing in Territorial Waters and Economic Zone Waters"). This information is received in the Central office, verified by checking information and further permission or rejection for vessel entry into port is provided. In the port the physical verification of the landing, on the basis of decision made by the Central office is performed by the sub- quarter of SES located in the designated port.

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.);

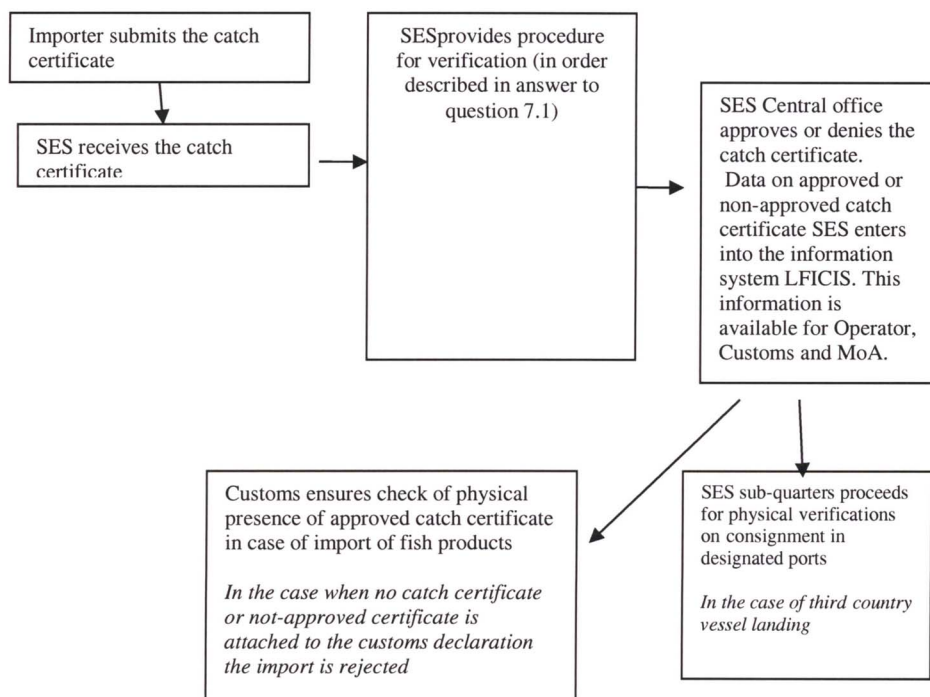
The interinstitutional cooperation has been set in the Rules of the Cabinet as well as in the bilateral agreement between the Customs authorities and SES.

To improve cooperation in 2015 the Customs authority was granted access to MoA information system "Latvian Fisheries Integrated Control and Information System" (LFICIS), this allows to check import certificate validated by SES.

Scheme of cooperation in the case of export of fisheries products from Latvian vessels is as follows:



Scheme of cooperation in the case of import/ re-export of fisheries products from third countries



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

For the export catch certificates for Latvian vessels 4 persons in MoA are involved.

For the import and re-export catch certificate verification (formalities and procedures) - 3 persons in SES are involved. Regarding the physical control and verification - it depends on the situation - at least 2 persons in SES and Customs authority should be added to this number for implementation of the scheme. Total - at least 5 persons.

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

In the case of physical control of third country vessel landing in the designated port at least one more official person should be added to the import control number. In this case total numbers for landing control are 6 officials.

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.

According to the Fishery Law and National Rules of the Cabinet No 141 "Regulations on Monitoring Fish Landings and Inspection of Fish Marketing and Transport Facilities, Warehouses and Processing Premises" mentioned above, officials of the SES have the power to carry out verification of the transport, storage and production facilities in order to combat with IUU fishing. There were no any suspicions of illegal activities during the routine inspection within the period from 01.01.2014- 31.12.2015. There was no information regarding the necessity to carry out more specific inspections (no import of IUU catch etc.). However, random verifications were carried (in total 420) where compliance with the Control regulation 1224/2009 was checked and that included monitoring for potential activities under the IUU Regulation.

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

There are 2 ports in Latvia in which relevant activities to freeport rules are authorised.

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

Please list your country's designated ports.

Rīga, Ventspils.

3.1 How many landings and transhipments 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 transhipments	Comments
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Port name*	No. of landings	Comments	No. of transhipments	Comments
Rīga	0		0	
Ventspils	0		0	
Total	0	--	0	--

* 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?

There has been no third country fishing vessel landings. Transit through Latvia from third country landings in other EU Member States is not specifically analysed, due to the large volume of trade transactions through ports and land based points of entry and taking into account specifics of the Schengen Area.

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

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

No

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-transhipment provided by the Implementing Regulation 1010/2009 or those used in RFMOs? Please detail, when RFMO forms are used.

Not relevant, no landings

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 transhipment of fishery products?

None

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

None

Reason for inspection :	Flag State
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)	0

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 transhipment operations by third country fishing vessels each year?

If yes, please detail.

If no, please explain.

Taking into account that none of third country fishing vessels has made landings or transhipments into Latvian designated ports, respective inspections were not carried out.

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

If yes, please detail.

There are the risk assessment criteria elaborated by SES for the port inspections to control the Latvian vessels as well as EU Member State vessels landings. The criteria are set taking into account landing amount of species under the recovery plan, proportion of the fleet using this particular port etc., as well behaviour of the certain vessels (penalty points, included/not included in IUU "black list" etc.). This risk assessment has been included in the state information system "Latvian Fisheries Integrated Control and Information System" LFICIS, therefore surveillance of the most risky areas has become more efficient. As there were no landings from the third countries vessels, no problems were identified and specific criteria have not been adjusted for the port inspections for third countries fishing vessels.

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

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.:

State Environmental Service (SES).

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
USA	23	17
Argentina	6	7
Denmark	14	11
South Korea	6	7
Faroe Islands	11	18
France	32	3
Greenland	2	0
Iceland	73	63
Canada	17	22
Russia	15	10
China	47	32
United Kingdom	23	30
Morocco	118	29
Mauritius	1	0
Norway	236	200
Papua New Guinea	1	0
Peru	2	3
Ireland	3	6
Seychelles	25	10

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
Spain	31	6
Taiwan	13	14
Thailand	2	2
Ukraine	4	14
Vietnam	11	11
Philippines	0	5
Sweden	0	1
Senegal	0	4
Total	716	525

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
China	69	45
Seychelles	11	4
Iceland	3	5
Thailand	13	25
Peru	0	1

Processing State \ Year	2014	2015
Total	96	80

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

As the processing certificates are considered to be a part of catch/re-export certificate, all these documents are retained by the competent authorities in accordance with the national legislation.

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 number of imports of fish products in Latvia is too small to make an additional system for importers - approved economic operators. Also there has been no requests or intention expressed by importers side to receive such status.

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.

None

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

No

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.

In Latvian Fisheries Integrated Control and Information System (LFICIS) the information about catch certificates – CC number, Species, Weights, either direct or indirect import, information about importer etc. is collected. LFICIS is still being updated with necessary improvements, such as adding processing statement information. Re-export module is already included in the LFICIS.

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?

Yes, these provisions are in place.

Section 6: Catch certification scheme for exportation

Please state your notified authorities under Article 15.2.:

Ministry of Agriculture (MoA)

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

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

Entrepreneur (fishing company) submits to the MoA the catch certificate with necessary data entered and signed by the master of the vessel. Officials of the MoA check the licence No, quota and its' exhaustion level, landings and other relevant information, communicates, if necessary, with the SES on control and infringement matters, and then proceeds for signing of catch certificate. The scanned signed catch certificate is sent via email to the relevant entrepreneur (fishing company), as well as placed to the information system LFICIS.

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
Ukraine		1206	397
Norway		9	29
Panama		1	
USA			1
Korea			6
Japan			1
China			2
Total	--	1216	436

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

Yes.

If yes, please detail.

Information on the export of the catches obtained by Latvian vessels is collected in the information system LFICIS. Data are stored and validated in several levels in accordance with provisions set out in the Article 109 of the Council Regulation 1224/2009. In addition, compliance of the certificate with the relevant logbook (individual situation), amounts noted in certificates should not exceed amounts caught (summing up several export cases with reference to one fishing trip) are validated. As the exporters mainly are fishers and producers, then also this part is included in the risk analysis.

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

Yes.

If yes, please detail.

Data obtained from the catch certificates are compared to the information received from the Customs and Central Statistical Bureau.

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

No.

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.

There is an internal order of the SES regarding procedure for verification. It prescribes the order of the circulation of the documents, as well actions of officers in verification process.

Importer submits documents prescribed by the Council Regulation 1005/2008, as well shows the originals of invoice and if necessary veterinary certificate or packaging documents.

Procedure of verification:

- *SES verifies the state of origin of cargo - crosscheck of information mentioned in the documents (invoice, certificates etc.), compliance of the catch certificate with the sample and also information regarding fishing vessel, catch origin (fishing area).*
- *If necessary SES communicates with the administration of state of origin, communicates via IUU mutual assistance.*
- *Registration and signing of the documents according to the national regulations and SES internal orders;*
- *SES confirms/denies relevant catch certificate and in the first case gives an official reference to the legality of production;*

- SES scans relevant documents and placed scanned document into the information system LFICIS, if necessary SES sends scanned document via email to the relevant importer.
- The Custom has the access to the information system LFICIS and checks documents verified by SES.

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

Every certificate has been verified as described in the point 7.1. above, i.e. 1241 certificates in total.

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

Yes.

If yes, please detail.

There is a risk assessment methodology elaborated by SES for catch certificate verification and approval. Methodology covers factors like additional verification regarding state of origin and fishing vessel (fishing activity area, IUU „black lists” etc.), verification of catch certificate validity status (check on risk of falsification). Also „valuable” species like bluefin tuna - if they would be imported - would fall under the more detailed study of documents and consignment. Information received from the Commission and via IUU mutual assistance from the other Member States is also used to identify the countries with the higher risk.

7.4 Does your country also physically verify the consignments?

Yes.

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

If there is any reason to doubts the compliance of consignment with the rules prescribed in the regulations, it is the duty of officials to proceed with the physical verification of products that are to be imported.

Section 8: Verification requests to flag States

8.1 How many requests for verifications 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.

There was only one case during 2014 and none in 2015 when SES in cooperation with MoA requested the additional information regarding catch certificates from the third countries.

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?

One case, Seychelles in 2014.

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

Yes.

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 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.

MoA considers that amount, structure and value of imported fish production is more related to the general economic processes, not to the introduction of IUU control measures. It should be noted that the largest part of the Latvia's fish production – both fish products and canned and processed fish Latvia is exported. Therefore major part of imported fish is used as raw material for diversification of production range in fish processing. There was significant decrease in the export of Latvia's fisheries products in 2014-2015 because of Russian ban for import of fisheries products. It also proportionally affected import of fishery products to Latvia.

Total volume of imported fish production (excluding canned fish) in 2014 (compared to 2013) increased by 6% reaching 64,1 thousand tonne (total import from third countries and EU). From the third countries biggest share in import for a longer period has been Norway (11,6%), Morocco (5,6%), China (1,5%) and Iceland (1%). The imported volumes from other third countries can be considered as not very significant.

However, during the 2015, compared to 2014, total imported volume of the fish production decreased by 11,68 % - 56,6 thousand tonnes. In 2015 the biggest share in import from the third countries was Norway (10,7%) and Morocco (1,5%), Iceland (1,2%), China (1%) and Vietnam (1%).

Section 11: Mutual Assistance

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

Latvian authorities are doing their best to reply to all mutual assistance requests, even if there have been no imports. However, it has not been considered necessary to count the exact number of messages, especially taking into account that this number can include email correspondence.

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).

No

Section 13: Nationals

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

SES has overall responsibility for fisheries control in Latvia and for coordinating the collection and verification of information on activities of Latvian nationals.

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?

Latvia has prepared the amendments to the Fishery Law to ensure that Latvian nationals provide information to SES regarding their activities related to engagement in fisheries operations with the third countries.

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

See answer 13.1 what includes also this notification

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.

See answer 13.1 what includes also this type of information.

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?

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.

Latvia shall act in accordance with the Union funds Regulation, which prohibits support to operators involved in the operation, management or ownership of fishing vessels included in the Union IUU vessel list.

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 2014 were recorded 8 violations of fishing rules in marine waters, but in 2015 – 9.

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

On the basis of the Latvian Administrative Penalty Code in case of violation of the rules of fishing in the territorial waters, the economic zone waters or in international waters physical persons can be fined from 30 EUR up to 350 EUR, and legal persons can be fined from 140 EUR up to 4300 EUR. Also confiscation of fishing gear, and suspension of the fishing license up to one year can be applied. In case of repeated violation of fishing regulations during the year, the physical persons can be fined from 140 EUR up to 700 EUR and legal persons can

be fined from 700 EUR up to 14000. Also confiscation of fishing gear and suspension of the fishing license up to three year can be applied. For fishing without authorization, in prohibited place, or with prohibited gear, physical persons can be fined from 280 EUR up to 700 EUR and legal persons can be fined from 1400 EUR up to 14000 EUR. Also confiscation of fishing gear and suspension of the fishing license up to three year can be applied.

The amount of the fine is determined on the basis of Council Regulation No 1224/ 2009. Article 90.3 of this Regulation provides the Member States shall impose a sanction that is effectively dissuasive and, as appropriate, calculated on the value of the fisheries products obtained by committing a serious infringement.

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

None

Please detail.

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

No

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 main potential problem is that it is possible to make multiple importations of notified amount of fish products using the same catch certificate several times, as it is not possible to communicate every catch certificate with colleagues in other Member States. This makes the system inefficient and easy to avoid. Mutual assistance is a good tool to assist in suspicious cases, but it is not sufficient.

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

Section 16: Any other comments

Better provision of information and improved communication. For example, currently, information regarding the non-cooperating third countries on the European Commission's website can be only accessed by searching through all decisions. To facilitate the search for the information, Latvia proposes to develop an online list of non-cooperating third countries, that is updated immediately after each European Commission's decision. The same suggestion can also be applied to the MS and third countries authorities contact list with up-to-date contact details.