

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

Member State:	Lithuania
Organisation:	<p>Fisheries Service under the Ministry of Agriculture of the Republic of Lithuania</p> <p>Customs Department under the ministry of Finance of the Republic of Lithuania</p>
Date:	26/04/2016
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May the Commission provide a copy of this questionnaire to other Member States?	
Yes:	
Yes except for questions (list):	Yes except for questions 13, 14.
No:	

Section 1: Legal framework

1.1 Since the last reporting exercise in 2014, has your country transposed into national law or issued any administrative guides for the application of Council Regulation (EC) No 1005/2008 on illegal, unreported and unregulated fishing (IUU Regulation)?

No.

If yes, please detail and provide copies.

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);

Ministry of Agriculture of Lithuania elaborates national policy on fisheries, coordinates its implementation as well as coordinates the implementation of European fisheries policy.

The Fisheries Service is a designated competent authority which performs functions of enforcement of the fisheries policy, assigned to it by the Lithuanian Law on Fisheries. It is responsible for receiving of the third country fishing vessels' prior notifications, control of the landings and transshipments of the third country's fishing vessels, validation of catch certificates for fishing vessels flying the flag of the Republic of Lithuania, statistical documents issued for the fisheries products in order to export them to the third countries from Lithuania, approving of economic operators, coordinating exchange of the information on IUU activities

Customs Department is designated competent authority responsible for verification of catch certificates, validation of re-export certificates

Cooperation between regional Customs authorities and headquarters is foreseen in the Recommendations for customs officials on the Enforcement of the IUU Regulation

b) co-operation with other authorities and allocation of tasks for various authorities in the implementation of the IUU Regulation (Health, Customs, Navy, etc.):

- (1) 06/09/2006 Agreement on cooperation No 8-14 / 17 with the State Border Guard Service at the Ministry of Interior of the Republic of Lithuania**
- (2) 03/11/2010 Agreement on cooperation No F11-57 / 11/3-204 with the Customs Department under the Ministry of Finance of the Republic of Lithuania**
- (3) 23/03/2012 Agreement on cooperation No F11-98 / T2-70 with the State Food and Veterinary Service**
- (4) 28/06/2013 Data Supply Agreement No F11-221 with the Lithuanian Navy**

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

Fisheries Service – 2 (Fisheries Monitoring and Control Division);

For the Customs Department it is not possible to estimate the number of persons involved in the implementation of catch certificate scheme as customs officials perform customs controls of all kinds of goods. There were no additional customs officials employed for the reasons of enforcement of the IUU regulation.

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

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.

Fisheries Service has the possibility to verify a company for the purposes laid down in the IUU Regulation. However, Fisheries Service has not undertaken such verifications yet.

Customs authorities have the possibility to audit companies according to customs legislation. During the period of 2014-2015 no audits of companies were performed.

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.

3.1 How many landings and transshipments of third country vessels have been recorded by your country since 1 January 2014 until 31 December 2015?

Port name*	No. of landings	Comments	No. of transshipments	Comments
Klaipėda State Seaport	145	Only reefers ships	0	--
Total	145	Only reefers ships	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?

60%

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, have you refused access to your 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.

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 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.

No.

Third country fishing vessels landing in port of Klaipeda are always general cargo (reefer) vessels, which ship fish products shore to shore. Their agents provide all the relevant data (cargo manifests, catch certificates) prior of the vessel's entry to the port of Klaipeda.

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?

No third country fishing vessel had access to the designated port of Klaipeda, except those which are mentioned in point 3.1.

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

2014 – 4*

2015 – 3*

**Third country reefers only*

Reason for inspection :	Flag State
Sighted at sea in activities that may be considered illegal, unreported and unregulated	-
Based on the EU IUU vessel list	-
Other (please detail): Vessels inspected under the provisions of the Article 9 of the IUU Regulation No 1005/2008	2014 – Kingdom of Norway (2); Commonwealth of the Bahamas (1); Antigua and Barbuda (1 vessel);

	2015 – Kingdom of Norway (1); Dominican Republic (1); Liberian Republic (1)
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4.3 In accordance with Article 9.1, has your country carried out inspections in its designated ports of at least 5 percent of landing and transshipment operations by third country fishing vessels each year.

Yes.

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

Yes.

The risk assessment criteria for the port inspections are established in the 29/09/2009 Order of the Director General of the Fisheries Department under the Ministry of Agriculture of the Republic of Lithuania No V1-67 „Regarding the Approval of the Rules on landings of fisheries products from fishing vessels of third countries“ (with the amendments done in 2012). The criteria for the risk assessment for landings and transshipments of the third country fishing vessels were provided.

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

No

- If yes, how many and of what nature? Please specify.
- If yes, did your country apply the procedure in case of infringements as foreseen in article 11?

Section 5: Catch certification scheme for importation

Please state your notified authorities under articles 17.8 and 21.3:

Customs Department under the ministry of Finance

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.

Flag State \ Year	2014	2015
Argentina (AR)	48	37
Brazil (BR)	1	

Flag State \ Year	2014	2015
Belarus (BY)	21	28
Canada (CA)	18	14
Chile (CL)	6	11
China (CN)	100	117
Ecuador (EC)	3	11
Faroe Islands (FO)	24	36
Greenland (GL)	6	6
Indonesia (ID)	1	
India (IN)	51	44
Island (IS)	172	149
Korea (KR)	2	2
Morocco (MA)	29	6
Mauritania (MR)	16	7
Maldives (MV)	1	
Mexica (MX)		3
Norway (NO)	621	545
New Zealand (NZ)	9	13
Peru (PE)	47	70
Philippines (PH)	58	36
Russia (RU)	33	61
Taiwan (TH)	58	36
Ukraine (UA)	2	1
USA (US)	206	128
Uruguay (UY)	28	26
Vietnam (VN)	51	38
Total	1557	1399

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)	1	1
CCSBT CDS		
Total	1	1

5.3 How many processing statements under Article 14.2 accompanied imports into your country?

It is not possible to estimate a number of processing statements as this document does not have a specific code, so it is impossible to perform a search in Customs Electronic database

If possible, please provide details per year and per processing country.

Processing State \ Year	2014	2015
PS 1		
PS 2		
PS x		
Total		

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

Processing statements referring to the corresponding catch certificates are retained with the corresponding catch certificate and customs declaration.

5.5 How many requests to authorise APEOs have you received and how many APEOs have you authorised?

There were no requests in 2014-2015.

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

The Rules for granting, suspension and revocation of the status of approved economic operator were approved by the Order of the Minister of Agriculture of the Republic of Lithuania of 1 February 2011 No. 3D-74. The order establishes rules how Fisheries Service grants, suspends or recalls the status of the approved economic operator (hereinafter referred to as APEO status).

The APEO status is granted if:

- 1) the importer is established on the territory of the Republic of Lithuania;
- 2) an authorised economic operator hold certificate (hereinafter referred to as AEO certificate);
- 3) during the last 12 month operator performed (imported, released for free circulation) not less than 10 import procedures (for fisheries products) and imported not less than 1000 tonnes of fishery products;
- 4) during the last three years has not committed a serious infringement of the rules of the common fisheries policy; has not committed repeated infringements of the rules of the common fisheries policy; has not directly or indirectly participated in or supported activities of vessels or operators engaged in IUU fishing; has not directly or indirectly participated in or supported activities of vessels included in IUU vessel lists adopted by a RFMO;
- 5) operator has operational system for managing commercial, transport and processing records, which enables the appropriate checks and verifications to be carried out for the purposes of the Regulation 1005/2008
- 6) an appropriate record of compliance with the requirements of conservation and management measures;
- 7) operator prevents unauthorised access to storage areas, shipping areas, loading docks and cargo areas; ensure the handling of fishery products including protection against tampering with cargo units The same Order approves rules for issuing or withdrawal of APEO certificate.

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.

It is not possible to estimate a number of re-export certificates as this document does not have a specific code, so it is impossible to perform a search in Customs Electronic database.

5.8 Do you monitor if the catches for which you validated a re-export certificate actually leave the EU?

No specific procedures for monitoring of movement of re-export certificates are foreseen, but according to the customs legislation all kinds of goods are under customs supervision until they are exported from the customs territory of the EU

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?

No

If yes, please detail.

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

Section 6: Catch certification scheme for exportation

Please state your notified authorities under article 15.2:

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 the questions 6.2 to 6.5.

Each issued catch certificate for Lithuanian fishing vessels to export fish products to third countries is verified and validated manually.

6.2 If yes: 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	Year	
	(Art. 14.2 / Art. 15)	2014	2015
Norway	Art. 15	5	4
Iceland	Art. 15	4	1
Requested by the Netherlands	Art. 15	5	1
Requested by the Germany	Art. 15		1
Morocco	Art. 15		2
Total	Art. 15	14	11

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

No. There is no need for IT tools since there is a small amount of catch certificates.

If yes, please detail.

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

Yes. The Fisheries Service cross-checks the catches with port state control form information received from the Coastal State where products are landed.

If yes, please detail.

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

No.

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.

As Customs is a designated authority responsible for verification of catch certificates the Recommendations on the enforcement of the IUU Regulation have been elaborated and distributed to customs officials. According to the Recommendations importers have to submit catch certificates to the customs office of destination. Customs control is based on risk assessment.

If yes, please detail

7.2 How many catch certificates have been verified from 1 January 2012 until 31 December 2013?

Documentary checks according to Art. 16 of the IUU Regulation covers 100 percent of catch certificates

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

Yes.

Measure for control of importation of fishery products is integrated into DG TAXUD database TARIC which has a connection with national Risk Management System (RIKS) and Electronic Customs Declaration Processing System (MDAS). Thus, customs official automatically gets a note about obligation to perform documentary checks of catch certificates

If yes, please detail.

7.4 Does your country also physically verify the consignments?

Yes.

Selection for physical checks is performed by The Risk Management and Control System.

Number of physical checks: 2014 – 40; 2011 –11

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

Section 8: Verification requests to flag States

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

Request have been sent to third country authorities (2- to USA, 1 – to Canada; 1 – to Korea, 1 –to Mexico, 1 –to Peru) for confirmation of the authenticity of certificates

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 request have been replied

8.3. Was the quality of the answers provided overall sufficient and satisfactory enough to satisfy the request?

Yes.

Section 9: Refusal of Importations

9.1 Has your country refused any imports from 1 January 2012 until 31 December 2013? If yes, please provide details in the table below:

No.

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?

YES _____ NO _____

If yes, please detail.

Section 10: Trade flows

10.1 Did you note a change of imports of fishery products since the introduction of the IUU regulation? Please provide information, deriving from your statistical data, concerning change of trade patterns in imports into your country of fishery products.

The information derived from national statistical data concerning change of imports of fishery products since the introduction of the IUU regulation.

Imported fishery products during the period 2008-2014

TARIC CODES	2008	2009	2010	2011	2012	2013	2014
0301	41,5	22,3	81,1	114,8	53,2	136,8	123,4
0302	16331,2	20816,2	27426,2	26021,0	32682,3	27067,6	38326,0
0303	30037,9	32927,8	34451,9	34900,2	38449,7	47841,2	48235,7
0304	40783,0	36610,9	32635,5	31092,7	29307,1	33352,2	37746,5
0305	828,1	994,9	1015,8	768,6	1582,9	1895,6	1892,3
0306	719,3	413,6	533,6	517,8	569,1	709,0	892,9
0307	1867,1	1814,4	1800,4	967,9	1085,4	1561,7	1693,6
0308					0,1	0,5	0,9
1604	8825,8	7276,0	7219,8	6532,1	6420,3	9966,2	10061,9
1605	1041,8	849,1	698,7	586,7	639,2	812,4	757,6
Import total amount, tonnes	100475,7	101725,3	105862,9	101501,9	110789,2	123343,2	139730,7

Section 11: Mutual Assistance

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

2014 – 5;

2015 – 16.

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

No.

If yes, please detail.

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.

Yes. There have been special inspections carried out together with Norwegian fisheries control and customs inspectors also with the inspectors from Lithuanian customs to try to investigate if specific fish products processors/consignors land the amounts that they declare and if they actually export the amounts they declare.

Section 13: Nationals

Please state your 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?

Description of the procedures for the points to be assigned for serious infringements for operators and masters of the fishing vessels in the field of fisheries were approved by the Order of the Minister of Agriculture of the Republic of Lithuania of 10 October 2015 No. 3D-774.

Description of the procedures performed by fisheries control officers were approved by the Order of the Minister of Agriculture of the Republic of Lithuania of 24 October 2014 No. 3D-792.

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

- 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 of vessels.
No.

- 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.

Yes.

An application submitted by an operator for support from the EMFF shall be inadmissible if it has been determined by the competent authority that the operator concerned has committed a serious infringement under Article 42 of Council Regulation (EC) No 1005/2008 (1) or Article 90(1) of Regulation (EC) No 1224/2009 or has been involved in the operation, management or ownership of fishing vessels included in the

Union IUU vessel list as set out in Article 40(3) of Regulation (EC) No 1005/2008, or of vessels flagged to countries identified as non-cooperating third countries as set out in Article 33 of that Regulation or has committed a serious infringement of the CFP rules identified as such in other legislation adopted by the European Parliament and by the Council;

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?

2014 – 2 infringements;

2015 – 0 infringements.

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

Yes.

14.3 How many sighting reports were issued by your country from 1 January 2014 until 31 December 2015? 0

Please detail.

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

No.

If yes, please detail.

15. General

14.1 What have been the main difficulties that you have encountered in implementing the catch certification scheme?

No difficulties.

14.2 What improvements would you suggest to the Regulation that would make implementation smoother?

15. Any other comments