

Spain – A progress report on a decade of combating IUU fishing: an update from the 2020/2021 biennial report

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1. Introduction

a. Objective of this report

In our report “*Spain – A progress report on a decade of combating IUU fishing*”, we provided an overview of Spain’s implementation of the Illegal, Unreported and Unregulated Fishing Regulation, the IUU Regulation, between 2012 and 2019.¹ Through selected indicators, *inter alia*, the number of officials involved in controls, the number of inspections of third-country fishing vessels, and the refusals of catch certificate validations, we highlighted the challenges, progress and shortcomings in preventing the entry of fishery products from IUU fishing into Spain.

We, therefore, made several recommendations to the European Commission (EC) and Spanish authorities, including the need to improve the quality of data provided in the biennial reports and to make them publicly available to interested stakeholders.²

This report aims to update our previous work by focusing on Spain’s implementation of the IUU Regulation between 2020 and 2021. Using the same indicators and information contained in the 2020/2021 biennial report,³ we highlight the main areas of progress and shortcomings and provide recommendations to the Spanish authorities and the European Commission.

We also took into consideration the key findings and recommendations of the recent European Court of Auditors report, according to which control systems are in place, but are weakened by uneven controls and sanctions by Member States.⁴ In particular, the differences in the scope and quality of checks in the Member States risk undermining the scheme’s overall effectiveness. Therefore, we believe that Spain is in a unique position to continue to be one of the leaders in the implementation of the IUU Regulation,⁵

¹ ClientEarth, *Spain – A progress report on a decade of combating IUU fishing* (January 2021), available online: <https://www.clientearth.org/media/v1id3clg/spain-a-progress-report-on-a-decade-of-combating-iuu-fishing.pdf>. We based our conclusions and recommendations on the information available in the biennial reports covering the period 2012-2019.

² *Ibid*, pages 23-26.

³ In line with Article 55 of the IUU Regulation, and as part of their obligation to demonstrate a diligent implementation of the Regulation, Member States need to submit biennial reports to the European Commission (EC) every two years, no later than the 30th of April, in line with Article 55 of the IUU Regulation. Spain submitted the 2020/2021 biennial reports on 1st March 2022, thus on time. As these reports are confidential, ClientEarth, together with the EU IUU Fishing Coalition, submitted in May 2022 an “access to information” request to the European Commission to obtain them.

⁴ The European Court of Auditors (ECA), *Special report – EU Action to combat illegal fishing: Control systems in place but weakened by uneven checks and sanctions by Member States* (Luxembourg, 2022), available online: https://www.eca.europa.eu/Lists/ECADocuments/SR22_20/SR_Illegal_fishing_EN.pdf. Spain, according to ECA, has a high level of IT sophistication, thanks to: dedicated web platform for importers to input data and attach scanned documents; automated checks and risk parameters; integration of systems for customs and management/control of illegal fishing. In relation to the scope and quality of checks, Spain also ranked high, thanks to: systematic basic check on all incoming catch certificates; systematic check on document completeness and coherence; catch certificates with errors sent for in-depth second level checks by specialised illegal fishing investigation unit; frequent requests to importers and flag state; physical inspections possible; cooperation with customs.

⁵ EJF, Oceana, PHEW, WWF, *Improving performance in the fight against illegal, unreported and unregulated (IUU) fishing: Spain – Leading implementation of the EU’s Regulation to combat illegal fishing* (June 2017), available online: http://www.iuuwatch.eu/wp-content/uploads/2015/07/IUU_SPAIN_Brief_ENG.FINAL_June_HIGH.pdf. For a comparison on how Member States are implementing the IUU Regulation, with a focus on Spain.

thanks to the scope and quality of checks and import controls, and to encourage other key Member States to achieve a much-needed harmonisation at the European level.

In the 2020/2021 biennial report presented by Spain to the Commission, there were two main challenges identified by Spanish authorities in the implementation of the IUU Regulation:

- the impact of COVID-19 on the total volume of imports into Spain, which led to a slight decrease in the percentage of inspections of third-country vessels; and
- the impact of Brexit, which required extensive inter-administrative coordination, considering the high trade flow of fresh seafood products between the UK and Spain and the applicability of the IUU Regulation to the former European country from January 2021.⁶

These aspects are duly considered in the following analysis.

Finally, and considering the inherent limitations of a two-page self-questionnaire, we verified the data and information contained in the biennial report with interviews of the Spanish authorities from the IUU Unit of the General Secretariat for Fisheries (GSF).⁷ Through a list of questions, we sought to understand the reasons behind the declines in several key indicators, in particular, whether these were the result of effective controls in place, changes in reporting requirements, or other factors. Therefore, we recognise that some of the data in the biennial reports covering the period between 2012 and 2021 may not be comparable due to various reasons that we will take into account where relevant.

b. Volume of imports to Spain and number of catch certificates presented for authorisation between 2020/2021

The two graphs below show the **total annual volume of imports in tonnes to Spain** and the **total number of catch certificates presented for authorisation from non-EU countries to Spain**. The relationship between changes in the volume of imports and the intensity of enforcement activities focused on monitoring imported fishery products allows us to have an initial idea of how Spanish authorities are implementing the IUU Regulation.⁸ For example, from one year to another an increase in the volume of imports would require an increase in the resources authorities deploy to monitor this increased arrival of fishery products.

⁶ Section 14 of the 2020/2021 biennial report.

⁷ Ministry of Territorial Policy and Public Function, *Royal Decree 430/2020* (6 March 2020), available online: https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-3228. The Royal Decree describes the basic organic structure of the Ministry of Agriculture, Fisheries and Food. The General Secretariat of Fisheries

(“Secretaría General de Pesca”) within the Ministry of Agriculture, Fisheries and Food is the only Spanish authority designated to perform functions in connection with the IUU Regulation. It is competent for the control and implementation of fisheries laws and for developing national rules on the management of the fishing sector.

⁸ The EU IUU Fishing Coalition, *Water-tight? Assessing the effectiveness of EU controls to prevent illegal seafood imports (November 2022)*, available online: <https://www.iuuwatch.eu/?p=5757>. This report from the EU IUU Fishing Coalition uses a similar approach to measure progress and challenges in the implementation of the EU IUU Regulation by all EU MS. The report uses six key requirements under the EU seafood import control scheme to measure progress: 1. routine documentary checks of all import catch certificates received; 2. application of a risk-based approach to assessing catch certificates; 3. verification of catch certificates to ascertain compliance of imports; 4. physical inspections of consignments; 5. rejection of consignments in the cases of non-compliance; 6. biennial reporting to the Commission on activities under the IUU Regulation.

The figure below shows that, although there has been a 10% decrease in the volume of imports of fishery products between 2019 and 2020 due to Covid-19 (from 1.006.446 to 904.527 tonnes), there has been an overall increase of 3% in the volume of imports between 2019 and 2021 (from 1.006.446 to 1.037.767 tonnes). At the same time, the number of catch certificates (CC) received in 2020 was slightly lower than in previous year due to the pandemic (from 62.834 to 50.344), and there was an overall decrease of 6% of CC received between 2019 and 2021 (from 62.834 in 2019 to 58.927 in 2021).

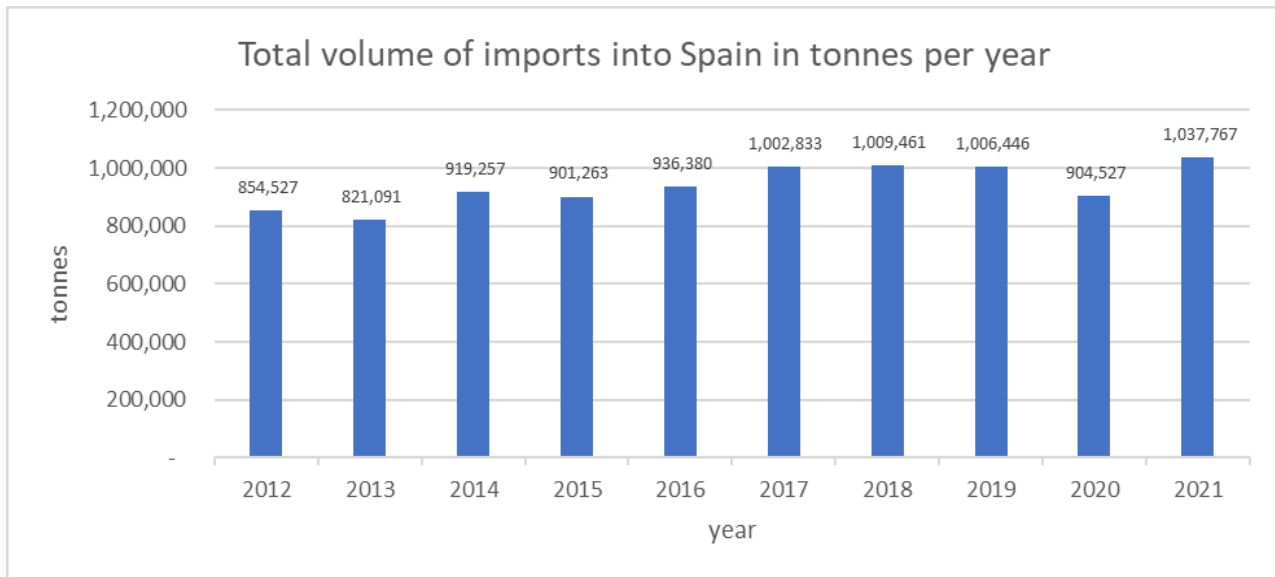


Figure 1: annual volume of imports to Spain between 2012 and 2021

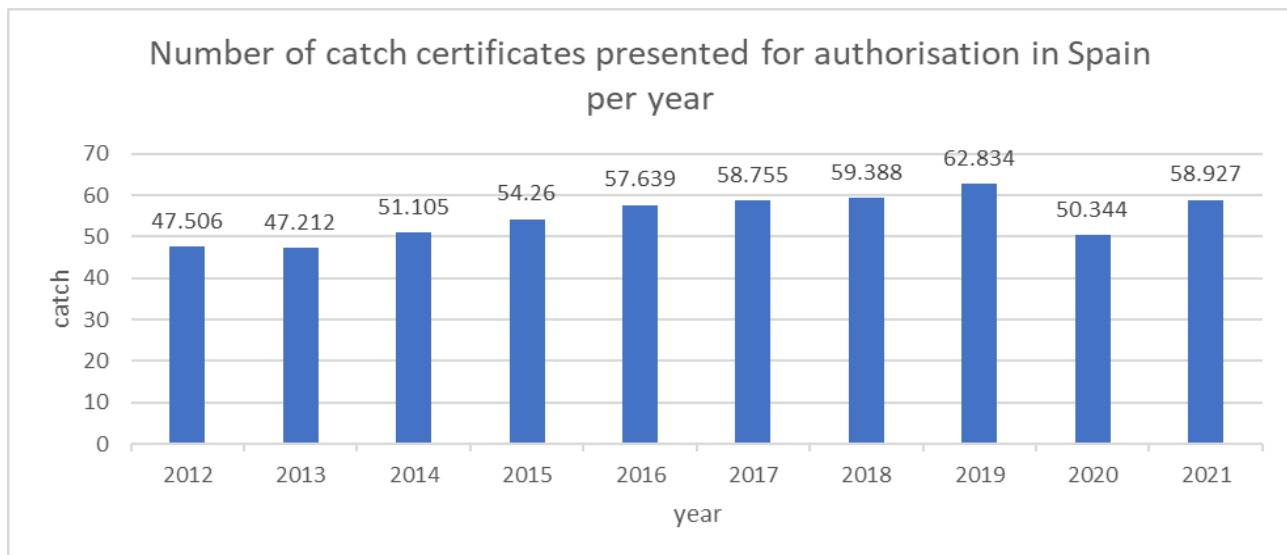


Figure 2: number of CC presented for authorisation in Spain between 2012 and 2021

As a result of these trends and considering the increase in the total volume of imports of fishery products into Spain, we should expect that the resources dedicated by Spain to monitoring imports of fishery products would remain the same or increase.

2. Major changes in the period 2020/2021

The following table compares the information gathered from the five biennial reports covering the period between 2012 and 2021.

Selected indicator for tracking of progress	Biennium 2012/2013	Biennium 2014/2015	Biennium 2016/2017	Biennium 2018/2019	Biennium 2020/2021
Modification of national law or any administrative guidelines for the application of the IUU Regulation	yes	yes	no	no	yes
Number of officials involved in controls under the IUU Regulation	94	116	126	165	(>) 165
Percentage of verifications of catch certificates and processing statements	100%	100%	100%	100%	100%
Number of inspections of third-country fishing vessels in Member States' ports	701	914	300	294	290
Number of imports that have been refused	42	58	24	13	10
Use of a risk assessment approach for verification of catch certificates	yes	yes	yes	yes	yes
Number of requests for verifications sent to third-country authorities	1031	1113	771	548/569 ⁹	336
Refusal of catch certificate validations	yes	yes	yes (504)	yes (785)	yes (328)
Use of an IT tool to monitor the catch certificates and processing statements accompanying imports	yes	yes	yes	yes	yes
Number of infringements detected	102	99	58	37	35
Number of serious infringements detected	3	3	11	11	4

From the table, we can see that Spain maintains a good level of implementation or shows progress in the implementation of the IUU Regulation in the following areas, including:

- Modification of national law/ adoption of administrative guidelines for the application of the IUU Regulation:
 - ❖ In terms of compliance, in 2021 the IUU implementation system underwent an audit in accordance with **UNE-EN ISO 9002:2015** Quality Management Systems standards.¹⁰
 - ❖ As of January 1, 2021, the IUU Regulation applies to the United Kingdom as a third country. As UK vessels are the only third-country vessels accessing Spanish ports with fresh fish, a

⁹ We noticed some discrepancies between the results in the table and the total reported.

¹⁰ ISO, *ISO 9001:2015(en) Quality management systems — Requirements*, available online:

<https://www.iso.org/obp/ui/fr/#iso:std:iso:9001:ed-5:v1:en>. For an explanation on the meaning of ISO terms and assessment and on ISO 9001:2015 Quality management systems, requirements.

procedural guide for access and import of fishery products from the UK was adopted.¹¹ Also, at the end of 2020, the Spanish government expanded the number of ports where landing and transshipment operations of fishery products as well as the provision of port services for third-country fishing vessels is permitted.¹² Specifically, the maritime facilities of Arrecife and Puerto del Rosario, in the Canary Islands; Burela and Celeiro, in Galicia, and Pasaia, in the Basque Country, were incorporated.¹³

- ❖ For fishery products directed to the UK without being imported into the EU territory, an exclusive procedure has been established to verify that the products have not been subjected to operations other than unloading, loading, or any other operation before being sent to the UK.¹⁴
- ❖ On May 17, 2022, the Spanish government approved the Draft Law on Sustainable Fisheries and Fisheries Research, which aims, *inter alia*, to strengthen the conservation and sustainable use of fisheries resources.¹⁵ The Draft Law is now going through the legislative procedure.
- ❖ There are ongoing consultations on the Preliminary Draft Law on the Modernisation of Control and Inspection and the Fight against Illegal Fishing.¹⁶

¹¹ Ministry of Agriculture, Fisheries and Food, *Nuevos tramites administrativos tras la salida del reino - unido de la unión europea (brexit): accesos a puerto, desembarques e importaciones*, Available online: https://www.mapa.gob.es/es/pesca/temas/vigilancia-pesquera/tramitesimportacionproductospesquerosuktraselbrexit24-02-2021final_tcm38-558993_tcm30-559321.pdf; European Commission, *Frequently Asked Questions on the practical application of Council Regulation (EC) No. 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing ("IUU Regulation")* (March 2022), available online: https://oceans-and-fisheries.ec.europa.eu/system/files/2022-04/frequently-asked-questions-iuu-regulation_en.pdf. This is because there are different deadlines depending on the product for the submission to the competent authorities of the information to be provided under Article 6 of the IUU Regulation by masters of third-country fishing vessels intending to use a designated port or landing facilities. In particular, the general deadline is to give the prior notice at least 3 working days in advance (Article 6 IUU Regulation). The minimum deadline of 4 hours for fresh products is instead laid down in Article 1 and Annex I of Commission Regulation (EC) No 1010/2009.

¹² Among the obligations established by the IUU Regulation is the designation of ports in the national territory of each MS in which third-country fishing vessels are authorised to access port services and to carry out landing or transshipment operations (Article 5 IUU Regulation).

¹³ Ministry of Agriculture, Fisheries and Food, *The Council of Ministers expands the number of ports with capacity for border control of fishing vessels* (29 December 2020); La Moncloa, *The Council of Ministers (Spain), Environment, Rural and Marine Affairs – Designated Ports authorised to land fishery products from third countries* (4 December 2009), available online: <https://www.lamoncloa.gob.es/consejodeministros/referencias/Paginas/2009/refc20091204.aspx#ProductosPesqueros>. The amendment is implemented by replacing the relevant annex to the Council of Ministers' Agreement of 4 December 2009, which established the places where the Ministry of Agriculture, Fisheries and Food could carry out checks on fishery products from non-EU countries.

¹⁴ Ministry of Agriculture, Fisheries and Food, *E-Office*, Available online: https://sede.mapa.gob.es/portal/site/seMAPA/ficha-procedimiento?procedure_suborg_responsable=29&procedure_etiqueta_pdu=null&procedu_re_id=774&by=theme.

¹⁵ Ministry of Agriculture, Fisheries and Food, *News Detail – Today, in the Council of Ministers* (17 May 2022), available online: <https://www.mapa.gob.es/es/prensa/ultimas-noticias/el-gobierno-aprueba-el-proyecto-de-ley-de-pesca-sostenible-e-investigaci%C3%B3n-pesquera-para-iniciar-su-tramitaci%C3%B3n-parlamentaria-tcm:30-619646>.

¹⁶ Ministry of Agriculture, Fisheries and Food – Secretaria General de Pesca, *Consulta pública previa sobre el anteproyecto de ley de modernización del control y la inspección y lucha contra la pesca ilegal*, available online: https://www.mapa.gob.es/images/es/texto-consulta-previa-ley-modernizacion-del-control_tcm30-631153.pdf.

- Although it could not be clearly established from the 2020/2021 biennial report,¹⁷ the GSF confirmed that the number of public employees involved in the control and inspection of activities related to the IUU Regulation is increasing.¹⁸ This is a positive development, considering the overall increase in the total volume of imports into Spain and therefore the increase in the volume of imports per GSF staff member per year.¹⁹
- The verification rate of catch certificates and processing statements remains high (100%).
- Spain has a risk assessment approach in place for verifying catch certificates.
- Spain has an IT tool in place to monitor the catch certificates and processing statements accompanying imports.^{20 21}

From the table, there seems to be a slight decrease or stagnation in relation to several criteria, including:

- The number of inspections of third-country fishing vessels in Member States' ports (total of 290):
 - ❖ In 2020, the total number of landings by third-country fishing vessels was 146. Spain carried out inspections in its designated ports on **86%** of these landings, for a total of 126 inspections.
 - ❖ In 2021, the total number of landings by third-country fishing vessels was 220. Spain carried out inspections in its designated ports on **75%** of these landings, for a total of 164 inspections.
 - ❖ According to the biennial report, the inspection rate slightly decreased in 2020 due to COVID-19 and in 2021 due to Brexit since not all UK vessels entering Galician ports with fresh fish are inspected. The explanation for this provided in the biennial report is that the UK-flagged vessels enter Spanish ports with high frequency, rendering mandatory inspection of all such vessels a hurdle to the normal development of the work of the inspection services. However, the inspection rate of UK-flagged vessels is well above the NEAFC's required rate of **15%**.

¹⁷ This is possibly due to a change in the way the Commission required MS to report on this indicator for the 2020/2021 reporting period. For the previous reporting periods, the Commission asked Member States to report on the number of officials involved in the implementation of the catch certification scheme more broadly; for this reporting period, the Commission specifically asked for the number of officials involved in the implementation of the catch certification scheme, in particular: a. the number of officials for checks and verifications in accordance with Articles 16 and 17 (which are 6); and b. the number of officials for validation of catch certificates and re-export certificates in accordance with Articles 15.2 and 21.3 (which are 5).

¹⁸ Ministry of Agriculture, Fisheries and Food, *Disposición 11549 del BOE núm. 165 de 2021* (12 July 2021), available online: <https://www.boe.es/boe/dias/2021/07/12/pdfs/BOE-A-2021-11549.pdf>; Ministry of Agriculture, Fisheries and Food, *Disposición 16297 del BOE núm. 240 de 2022* (6 October 2022), available online: <https://www.boe.es/boe/dias/2022/10/06/pdfs/BOE-A-2022-16297.pdf>. In relation to inspection activities, 12 fisheries inspectors were recently integrated and another 32 will be incorporated next year, in line with two public employment offers.

¹⁹ In our previous report, we noted that the number of GSF staff is increasing faster than the increase in import volume, especially in the 2018/2019 period, when the import volume per GSF staff member decreased from 8,735 to 6,097 tonnes. For the period 2020/2021, and keeping the number of staff at 165, we see a decrease to 5,482 tonnes in 2020 (mainly due to Covid) and an increase to 6,289.50 in 2021.

²⁰ ClientEarth, *Digitising the control of fishery product imports: A panorama of the systems in place in the EU and ways forward* (June 2021), available online: <https://www.clientearth.org/media/umnbgg5s/eu-catch-system-report-clientearth-2021-jt.pdf>; The European Court of Auditors (ECA), *op.cit.* On the importance of digitalising the control of fishery product imports and a panorama of the systems in place in the EU, see ClientEarth report. In its recent report, ECA ranked the degree of sophistication of IT systems in place in several Member States. Spain was granted a “high” level of IT sophistication.

²¹ ClientEarth, *The Spanish system for digitalisation of fish imports: SIGCPI* (January 2021); available online: <https://www.clientearth.org/media/io0f5hzs/public-version-the-spanish-system-for-digitalisation-of-fish-imports-sigcpi.pdf>.

- ❖ According to Spanish authorities, the criteria of the questionnaire also have changed from previous reporting years, with the Commission asking Member States to report only on inspections on landings and transshipments in designated ports (and not on other types of inspections, i.e., access to port services, such as repair, refueling, crew change).²²
- The number of imports that have been refused slightly decreased, from 13 in the 2018/2019 reporting period to 10 as reported in the 2020/2021 biennial report.
- The number of infringements detected also decreased, from 37 in the 2018/2019 biennium to 35 in the 2020/2021 biennium. The number of serious infringements also decreased:
 - ❖ In 2020/2021, 4 serious infringement proceedings were opened for false CC, anti-regulatory fishing techniques, not submitting CC on declaration of landed catches, and failure to give prior notice of entry into port/start of discharge without inspection services. Consequently, 4 sanctions were imposed: monetary fines (3) and seizure of the merchandise (1).
 - ❖ This decrease is linked to the fact that, as seen above, only inspections on landings are currently reported in the biennial report: as the number of inspections apparently decreases, so do the infringements reported.

For the following criteria, there seems to be a significant decrease in relation to:

- The number of requests for verifications sent to third-country authorities.²³ In relation to this indicator, the steady decline in the number of requests for verification sent to third countries can be justified by some main reasons, including:
 - ❖ A better understanding of the procedure by third countries operators dealing with requests for imports and, more generally, an improved communication between Spanish authorities and third countries.
 - ❖ That verifications do not include, for example, online consultations done through recently established IT systems that third countries have put in place.
 - ❖ We also take note that the variations in the reported number of requests sent for verification may also depend on the improved exchange of information between the European Commission and the Spanish authorities.²⁴

²² The greatest difference is with the data contained in the 2014/2015 biennial report. In 2014/ 2015, a total of 396 and 518 inspections were carried out by fisheries inspectors on fishing vessels flying the flag of third countries (mostly transport vessels) that entered Spanish ports both with fishery products on board and in ballast, for the purpose of landing or repair, provisioning, refuelling, crew change. 100% of landings were inspected. However, the inspections reported were not limited to landings. Therefore, the higher number of inspections reported in the 2014/2015 period.

²³ Reasons for verification requests in 2020 were: suspicious CC (30%), CC already used without re-export (5%), non-compliance with RFMO conservation measures (3%), mutuals of the European Commission (20%), CC invalidated on the flag State's webpage (10%), doubts about other certificates (16%), doubts about vessels' identity (1%), yellow cards (15%). Reasons for verification requests in 2021 were: suspicious CC (25%), CC already used without re-export (5%), non-compliance with RFMO conservation measures (2%), mutuals of the European Commission (5%), CC invalidated on the flag State's webpage (7%), doubts about other certificates (17%), doubts about vessels' identity (2%), yellow cards (36%).

²⁴ For example, in relation to yellow carded countries or mutual assistance requests.

- Finally, we see a decrease in the number of refusals of catch certificate validations.²⁵ Spanish authorities explain this decrease through a better understanding of the system in place by importers and third countries. Whereas before, several CCs were refused due to administrative errors, today importers make fewer mistakes and the exchange of information with third countries has overall improved. Therefore, Spanish authorities strive to solve administrative problems, when they arise, and to avoid the refusal of catch certificate validations.

3. Conclusions and recommendations

Conclusion 1: Biennial reports are efficient and important tools to monitor and verify the implementation of the IUU Regulation by the Member States. However, they present limits inherent in self-reporting, and in the simplicity of a two-page questionnaire. In addition, reporting criteria may change from one reporting period to the next, making data difficult to compare over the years. Therefore, they are of limited use when they are the sole source of information.

Recommendations:

- The Commission should publish all biennial reports presented by Member States on their website, in the same way they have agreed to do so for reports submitted by EU Member States regarding their implementation of the Fisheries Control Regulation. This would also be in line with the European Ombudsman’s recommendation in case 452/2018/AMF²⁶ which was accepted by the Commission.²⁷
- The Commission should conduct further audits in the different Member States to verify the accuracy of the data provided in the biennial reports. These audits should then be made public, using aggregated data to make sure that the privacy of individuals and of ongoing or past investigations is respected, as they are in the case of other food commodities.
- The Commission should improve the biennial report questionnaire to ensure valid information is provided by the Member States, to avoid confusion, and to guarantee citizens have confidence in the reports’ accuracy and usefulness. The Commission can do this by attaching and making public a template/ handbook or by explaining each of the questions. They should also inform the public

²⁵ Most certificates are cancelled at the request of the applicant due to errors in the data provided by the exporter, duplicate certificates or because it is not appropriate to issue due to the country of destination.

²⁶ European Ombudsman, *Recommendation of the European Ombudsman in case 452/2018/AMF on the European Commission’s failure to disclose information on the existence of EU Pilot dialogues and to publish proactively Member State reports on the implementation of the Fisheries Control Regulation* (2018), available online: <https://www.ombudsman.europa.eu/lt/recommendation/en/115440>. Point 24 states that “to give effect to the active dissemination of environmental information foreseen in the Aarhus Regulation and bearing in mind the principles of good administration, the Ombudsman suggested that the Commission proactively publish the Member State reports on the implementation of the Fisheries Control Regulation.”

²⁷ European Ombudsman, *Decision in case 452/2018/AMF on the European Commission’s failure to disclose information on the existence of EU Pilot dialogues and to publish proactively Member State reports on the implementation of the Fisheries Control Regulation* (2018), available online:

<https://www.ombudsman.europa.eu/fr/decision/en/122854>. “The Commission agreed to the Ombudsman’s suggestion and stated that it will publish all future Member State reports on the implementation of the Fisheries Control Regulation. Before publication, the Commission will ask the consent of the Member States to publish certain data contained in the reports.”

of changes in the reporting formats and questions, together with the justifications for these changes.

- The Commission should request information on all sanctions imposed related to infringement proceedings and not limit information to serious infringements.
- The Commission should take actions against the Member States that fail to comply with the reporting obligation under Article 55 of the IUU Regulation, or that report late.
- The Commission should give feedback on the format and ways in which questionnaires presented by Member States are completed. This would help ensure better compliance with Member States reporting obligations, allowing them in turn to refine upcoming biennial reporting as well as ensure consistent reporting approaches among Members States and from biennium to biennium.
- “The Commission should request the following information from MS with regard to freight consignments:
 - a. the different types of physical inspection available and what these involve.
 - b. the authority responsible for physical inspections and the level of training of competent officials.
 - c. how consignments are selected for physical inspection.
 - d. the proportion/ number of CCs subject to physical inspection”.²⁸
- In order to close the loopholes that are associated with different import control systems in different Member States, the Commission should encourage all Member States to engage with the CATCH IT system while still voluntary, prior to the adoption of the revised Fisheries Control Regulation.

²⁸ The EU IUU Fishing Coalition, *op.cit.*

Conclusion 2: Spain was rigorous in complying with its reporting obligations under Article 55 of the IUU Regulation, presenting the 2020/ 2021 report on time and assessing an adequate level of detail.

Recommendations:

- Spain should maintain its thoroughness in submitting biennial reports on time and making sure all the information in the reports can be available.
- Spain should maintain the same level of detail, and improve, wherever necessary and possible, the data provided in the biennial reports.

Conclusion 3: Spain has maintained steady progress in key areas of the implementation of the IUU Regulation. This is demonstrated by the modification of national law and the adoption of administrative guidelines, the increasing number of officials involved in controls and inspections, the checking of 100% of catch certificates for third-country fishery products, the risk approach for verification of CC, and the use of an efficient IT tool to monitor fisheries imports. Therefore, the regime of control of imports set in place by Spain is delivering positive results, as also highlighted by the recent report of the European Court of Auditors.

Recommendations:

Spain must continue to move forward, maintaining and improving its systems in those areas in which it has shown a high level of performance. In particular:

- The SGP must keep checking all CC for third-country fishery products entering EU territory.
- Spain must continue providing the GSF with human and material resources so that it can continue, through the Sub-Directorate of Control and Inspection, to monitor imports of fishery products effectively and in accordance with the IUU Regulation.
- Spain should continue to prosecute nationals that are involved in IUU fishing activities (“without prejudice to the responsibility of the flag State”²⁹), together with the beneficial owners of Spanish nationality that profit from fishing vessels involved in IUU.

Conclusion 4: Spain has been recognised as one of the leaders in the fight against IUU fishing.

Recommendations:

Spain should lead the fight against IUU fishing and encourage the EU and other Member States by becoming a true lever for the changes that need to be implemented across the EU. As such, Spain should lead in the promotion of:

- A harmonised implementation of the IUU Regulation by the EU Member States. This would ensure equal standards for the control measures applicable to imports of fishery products and ultimately, the establishment of a level-playing field and non-discrimination between EU operators.
- The use of CATCH, the electronic EU-wide database for processing, cross-checking and storing CC and PS information, by all 27 Member States, in the ongoing negotiations for the revision of the Fisheries Control Regulation.

²⁹ As per article 39 and 40 of the IUU Regulation.

- The adoption of effective, proportionate and dissuasive sanctions for serious infringements against nationals involved in IUU fishing activities, to create the necessary level playing field across the EU.
- A better coordination within Member States among the various public bodies involved in the fight against IUU fishing in the EU – whether directly (fisheries agencies) or indirectly (national security forces) – on the import control activities so that measures are efficiently implemented and in accordance with clear strategies and structured plans.
- More emphasis within Europol and Eurojust on cooperation between Member States, where needed, in the investigation and prosecution of offenses related to IUU fishing, including placing a distinct institutional emphasis on IUU fishing within those bodies.
- More efficient coordination between the various international bodies involved in the fight against IUU fishing in relation to their control activities – with shared electronic databases, clear strategies, and structured plans that result in the lowest possible level of IUU fishing practices at the international level.

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