



OPRT

NEWSLETTER INTERNATIONAL SEP. 2021 No. 75

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FOR CONSERVATION AND SUSTAINABLE USE OF TUNAS

OPRT Seminar on IUU held in March 2021

OPRT held a seminar on measures against IUU fishing from March 23 to 25, 2021. Due to the COVID-19 pandemic, it was held through the posting of information (prepared in Japanese based on materials published in English) on the OPRT website, as well as questions and answers by email. The seminar covered the traceability systems of the European Union and the United States as measures against IUU fishing. The seminar also focused on which part of these systems should be taken into account when Japan establishes a similar system.

Considering that IUU fishing is a threat to the sustainability of fishery resources, the EU and the US request that information and records that indicate the legality of products be submitted at each transaction stage, from catch to import, in order to ensure that all the imported fishery products are legal. For this purpose, the EU introduced a catch documentation scheme (CDS) whereas the US introduced a seafood import monitoring program (SIMP). The EU regulation stipulates in its preamble that the EU has a special responsibility to ensure that no fishery product imported into the EU originates from IUU fishing. The US Presidential Task Force on Combating IUU Fishing and Seafood Fraud stresses that the US should be a leader in this field.

The EU's CDS entered into force in 2010. The scope of the system is fishery products caught by fishing vessels at sea. A catch document validated by the flag state of the vessel must be submitted when the product is imported into the EU. If the product has been processed in a third country, a certificate issued by that country must also be submitted. If the importing authorities are not able to confirm the product's legality, they can deny its import and dispose of it.

The United States' SIMP started in 2018. It covers 13 groups of fishery products such as tunas, swordfish, and sharks that are susceptible to IUU fishing and fraudulent labelling. Different from the EU's CDS, SIMP does not directly require any document issued by the exporting country. Instead, the importer must obtain prior authorization called an "International Fish Trade Permit" before importing the 13 groups of fishery products. When importing those products, they must register required information through the US government International Trade Data System. The importer must submit to the authorities information on the harvest of fish. In addition, the importers are requested to retain additional supply chain data by which the movement of the product can be retraced from the point of import to the point of catch and landing for two years and such data should be submitted to National Marine Fisheries Service (NMFS) inspectors when a particular import is selected for audit (inspec-

tion) by NMFS. The importer must collect such information from the exporters and distributors. The import of the 13 groups may be subject to audit before or after the import, and a penalty may be imposed if it is not properly implemented.

Taking into account the EU and US systems, it was advocated that as one of the biggest seafood importing countries, Japan is expected to consider several aspects including: (i) seeking information for retracing the movement of products from import to catch and landing; (ii) requesting documents to be issued by the exporting country and ensuring that the documents are fraud-resistant or verifiable; (iii) requesting the submission of documents well before the arrival of the product in Japan so that necessary inspection can be conducted; (iv) if the product is first exported to a third country for processing purposes, requesting a certificate of legality issued by the processing country when importing the processed products therefrom; (v) requesting supplementary information, if necessary, regarding the list of fishing vessels registered at each RFMO and statistical documents; (vi) disposing of a product to prevent it from re-entering the international market if it is not possible to verify its legality; and (vii) establishing an electronic system through which all the information is submitted and/or transmitted for the convenience of applicants and expediting the process.

New traceability scheme for fishery products in Japan

The Government of Japan established a fisheries reform policy in 2018 with the objective of implementing proper resource management and making the fishing industry grow, as well as increasing the income of fishermen and securing a balanced age structure of the fishing industry.

One of the policies contained in the fisheries reform was to introduce a catch documentation scheme as a starting point of a traceability system for species which require urgent actions in terms of: (i) enforcing resource management; (ii) eliminating IUU fishing including domestic poaching; and (iii) promoting export.

To consider a catch documentation scheme, the Fisheries Agency of Japan established an advisory panel that consists of representatives of producers, distributors, retailers, local governments, scholars and NGOs. The panel held seven meetings from September 2019 to June 2020 and submitted its recommendation to the Agency. Taking into account the recommendation, the Agency submitted a draft legislation called "Act on Ensuring the Proper Domestic Distribution and Importation of Specified Aquatic Animals and

Plants” to the 203rd extra session of the Diet in 2020. It was approved and promulgated in December 2020. The actual implementation will start in no more than two years from the promulgation (no later than December 2022).

The new scheme is based on the ideas that: (i) it is necessary to distinguish legal products from IUU ones; (ii) if the distribution or marketing of an IUU product is identified, it is necessary to retrace the movement of the product; (iii) it is necessary to prevent IUU products from being exported to ensure that export is not used as a loophole for selling IUU products; and (iv) it is necessary to prevent IUU products from entering the Japanese market to contribute to the international efforts against IUU fishing.

The new scheme is comprised of two pillars: (i) regulations for preventing the marketing of IUU products in Japan; and (ii) import regulations for preventing IUU products from entering the Japanese market. The main elements of the two pillars are as follows:

(1) The regulations for preventing the marketing of IUU products in Japan

The regulations require the following:

(a) Notification by fishermen targeting designated species

Species which are susceptible to IUU fishing and over-exploitation are designated as the species subject to the scheme (the First Designated Species). A fisherman (or an association to which the fisherman belongs) that tries to catch and sell any First Designated Species must notify the local or central government that the catch will be conducted in a manner compliant with domestic legal requirements and receives a notification number. When a fisherman catches the First Designated Species, the fisherman must create a catch number consisting of the notification number, the date of the transaction and the transaction number. The catch number must accompany each of the following transactions.

(b) Transmission of information

The fisherman, buyers, distributors, processors and others involved in transaction of the First Designated Species must transmit information such as the name of the species and the catch number to each other.

(c) Record-keeping of transaction

The fisherman, buyers, distributors, processors and others involved in transaction of the First Designated Species must keep a record of the transaction which includes the names of the species, the weight or number, the time of transaction, the name of the counterpart and the catch number whenever buying or selling the species.

(d) Export control

The fisherman, buyers, distributors, processors and others involved in transaction of the First Designated Species may not export the First Designated Species without a catch certificate issued by the government indicating the legality of the product.

(2) The import regulations for preventing IUU products from entering the Japanese market

The regulations require the following:

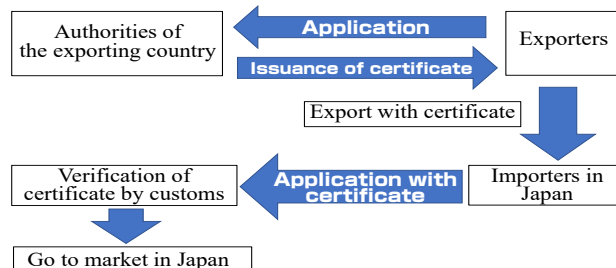
(a) Designation of species subject to the scheme

Species which are susceptible to international IUU fishing are designated as the species subject to the scheme (the Second Designated Species).

(b) Import control

The Second Designated Species may not be imported without a government certificate indicating the legality of the product (see the diagram below).

Import regulations for preventing IUU products from entering the Japanese market



In order to specify the details of the Act, in particular the criteria for selecting the First and Second Designated Species as well as designation of such species, the Fisheries Agency established another advisory panel that consists of representatives of producers, distributors, retailers, local governments, scholars and NGOs in May 2021. The fourth meeting held in August 2021 produced recommendations to the Fisheries Agency. The main elements of the recommendations related to the import regulations are as follows:

1. Criteria for selecting the Second Designated Species

- (1) Species are likely to be subject to IUU fishing by foreign fishing vessels in contravention of their applicable laws and regulations. (There have been reports of IUU fishing activities such as the existence of lists of IUU fishing vessels established by flag countries, coastal countries and regional fisheries management organizations.)
- (2) The stock status of the species is bad (e.g., the average production between 2016 and 2018 is smaller than that of 2006 and 2008 by 20% or more according to the FAO statistics), the stocks are managed by regional fisheries management organizations around Japan, or the unit price is high (the price per 1 kg is more than 1,928 yen).
- (3) The import volume into Japan is at or above a certain level or the import is rapidly increasing. (The annual import value is at or more than 1 billion yen or the import value is at or more than 100 million yen and it has increased from the recent three-year average by 20% or more.)
- (4) It is possible to implement import regulations for the species under the current administrative systems. (Species are excluded if they are covered by similar import schemes aimed at deterring IUU fishing.)

2. Species subject to the import regulations

Pacific saury, mackerel, squid and sardine were identified as initial species to be included in the Second Designated Species.

3. Future process

In 2023, the criteria will be reviewed and revised as appropriate and consideration will be given to the inclusion of additional species.