

## Appendix 3

### Comparison of EU SPS Regulations and the IUU Regulation

Key elements	EU SPS Regulations <sup>a</sup>	IUU Regulation
Objective	Harmonisation of food laws across EU member states to ensure free movement of safe and wholesome food and protect human health and consumer interest	Each EC Member state is mandated to take appropriate measures to ensure that all fish and fishery products entering the EU market have not been obtained through IUU fishing. However, such measures are applied without prejudice to the primacy of flag state jurisdiction
International legal basis	GATT and WTO SPS Agreement, Codex Alimentarius Commission regulations	IPOA-IUU, LOSC, UN Fish Stocks Agreement, FAO Compliance Agreement, FAO Code of Conduct for Responsible Fisheries, RFMO Conservation and Management measures
Approach	Sea/farm-to-fork. Promotes traceability to ensure safety in all aspects of the food production chain	Same approach but a different objective
Applicable principles	Use of best scientific evidence available	Calls for scientific expertise to support some of the elements of the proposed regulation's implementation, but not clear as to how scientific principles will be taken into account in establishing catch certification system
	Recognition of the precautionary principle	Proportionality principle
Import requirements	Entrance of imported fishery products via an approved Border Inspection Post	Port state control for third country fishing vessels (e.g designated ports, prior notice, port inspection, etc.)
	Compliance with certification requirements	Compliance with proposed catch certification system
	Recognition of a competent authority	Validation of catch certificates by competent authorities of flag state
	Must fulfil relevant animal, hygiene, and public health standards	Compliance with international agreements and national laws and regulations

<b>Key elements</b>	<b>EU SPS Regulations<sup>a</sup></b>	<b>IUU Regulation</b>
Import requirements ( <i>continued</i> )	Must fulfil relevant animal, hygiene, and public health standards	Compliance with international agreements and national laws and regulations
	Must fulfil other specific conditions. For example, for live and processed bivalve molluscs etc, imports are only permitted from approved and listed production areas. In case of aquaculture products, a control plan for heavy metals and contaminants must be in place	Compliance with RFMO obligations
	Recognition of authorised approved vessels and establishment	List of approved economic operators
		List of IUU vessels
	Inspection missions by EC in third countries	
	Positive list of eligible countries for the relevant product	List of non-cooperating third countries
Measures against non-compliance	Fishery product is either destroyed or under certain conditions, re-dispatched within 60 days	IUU product are refused to be landed or transhipped
		Importation of fishery product prohibited
		Business with IUU vessels prohibited
		Possible denunciation of existing bilateral fisheries agreements
Responsible EC body	European Food Safety Authority, whose main task is to provide assistance and independent scientific advice	Commission
Alert System	Rapid alert system	Community Alert System
		IUU vessel list
		List of non-cooperating third countries

<b>Key elements</b>	<b>EU SPS Regulations<sup>a</sup></b>	<b>IUU Regulation</b>
Technical and financial assistance	Development funding arrangements and technical training provided to developing countries such as ACP and Asian states and OCT (e.g. SFP programme)	General provision on proposed cooperative administrative arrangements
		General provision on proposed mutual assistance

<sup>a</sup>Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. Amending acts include Regulation (EC) No. 1642/2003 and EC No. 575/2006.