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COUNCIL REGULATION (EC) No 1035/2001
of 22 May 2001
establishing a catch documentation scheme for *Dissostichus spp*

(OJ L 145, 31.5.2001, p. 1)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Regulation (EC) No 669/2003 of 8 April 2003	L 97	1	15.4.2003

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COUNCIL REGULATION (EC) No 1035/2001

of 22 May 2001

establishing a catch documentation scheme for *Dissostichus spp.*

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission ([1]),

Having regard to the opinion of the European Parliament ([2]),

Whereas:

(1) The Convention on the Conservation of Antarctic Marine Living Resources, hereinafter called 'the Convention', was approved by Decision 81/691/EEC ([3]) and entered into force with regard to the Community on 21 May 1982.

(2) The Convention provides a framework for regional cooperation on the conservation and management of Antarctic marine fauna and flora through the establishment of a Commission for the conservation of Antarctic marine living resources, hereinafter called 'CCAMLR', and the adoption of conservation measures which become binding on the Contracting Parties.

(3) At its eighteenth Annual Meeting in November 1999, CCAMLR adopted conservation measure 170/XVIII establishing a catch documentation scheme for *Dissostichus spp*.

(4) The introduction of a catch documentation scheme for *Dissostichus spp*. is intended to improve monitoring of international trade in the species and to identify the origins of all *Dissostichus spp*. imported from or exported to the territories of the CCAMLR Contracting Parties.

(5) The catch document should also make it possible to determine whether *Dissostichus spp*. has been harvested in the Convention area in a manner consistent with the CCAMLR conservation measures and to collect catch data in order to facilitate the scientific evaluation of stocks.

(6) Conservation measure 170/XVIII became binding on all Contracting Parties on 9 May 2000. The Community should therefore implement it.

(7) In order to enable CCAMLR to achieve its objective of conserving the species, the obligation to present a catch document should be applied in respect of all imports of *Dissostichus spp*.

(8) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ([4]),

([1]) OJ C 337 E, 28.11.2000, p. 103.
([2]) Opinion delivered 28 February 2001 (not yet published in the Official Journal).
([3]) OJ L 252, 5.9.1981, p. 26.
([4]) OJ L 184, 17.7.1999, p. 23.

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HAS ADOPTED THIS REGULATION:

CHAPTER I

General provisions

Article 1

Purpose

This Regulation lays down the general rules and conditions governing the implementation by the Community of the Catch Documentation Scheme for *Dissostichus spp*. adopted by CCAMLR.

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Article 2

Scope

1. This Regulation shall apply to all *Dissostichus* spp. falling within TARIC codes 0302 69 88 00, 0303 79 88 10, 0303 79 88 90, 0304 20 88 10 and 0304 20 88 00:

(a) landed or transhipped by Community fishing vessels; or

(b) imported into, or exported or re-exported from the Community.

2. This Regulation shall not apply to by-catches of *Dissostichus* spp. taken by trawlers fishing on the high seas outside the CCAMLR area.

For the purpose of this paragraph, a by-catch of *Dissostichus* spp. means a quantity of *Dissostichus* spp. representing no more than 5 % of the total catch of all species and no more than 50 tonnes for an entire fishing trip by a vessel.

3. The second subparagraph of paragraph 2 may be amended to apply CCAMLR conservation measures which become obligatory for the Community, in accordance with the procedure laid down in Article 25(3).

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Article 3

Definitions

For the purposes of this Regulation:

(a) *'Dissostichus spp'*: means fish of the species *Dissostichus eleginoides* and *Dissostichus mawsoni*;

(b) 'Catch document': means a document containing the information specified in Annex I and presented in accordance with the specimen shown in Annex II;

(c) 'CCAMLR area': means the area of application defined in Article I of the Convention.

CHAPTER II

Obligations of the Flag State

Article 4

Member States shall take all necessary measures to ensure that whenever *Dissostichus spp*. is landed or transhipped, their flag vessels authorised to engage in harvesting *Dissostichus spp*. have duly completed a catch document.

Article 5

Member States shall take all necessary measures to ensure that each transhipment of *Dissostichus spp*. to their flag vessels is accompanied by a duly completed catch document.

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Article 6

Member States shall provide catch document forms to each of their flag vessels authorised to harvest *Dissostichus spp*. and only to those vessels.

Article 7

Member States shall ensure that each catch document form that they issue includes a specific identification number as indicated in Annex I.

They shall also enter on each catch document form the number of the fishing licence or permit authorising to fish *Dissostichus spp*. they have issued to their flag vessel.

CHAPTER III

Obligations of the master

Article 8

1. The master of a Community fishing vessel shall ensure that each landing or transhipment of *Dissostichus spp*. to or from his vessel is accompanied by a duly completed catch document.

2. The master of a Community fishing vessel that has received one or more catch document forms shall follow the following procedures prior to each landing or transhipment of *Dissostichus spp*.:

(a) he shall ensure that all the mandatory information listed in Annex I is accurately recorded on the catch document;

(b) if a landing or transhipment includes catch of both *Dissostichus* species, the master shall record on the catch document the estimated total weight of the catch to be landed or transhipped and indicate the estimated weight of each species;

(c) if a landing or transhipment includes catch of both *Dissostichus* species taken from different subareas and/or statistical divisions, the master shall record on the catch document the estimated weight of each species taken from each subarea and/or statistical division;

(d) the master shall convey to the Flag Member State of the vessel, by the most rapid electronic means available, the catch document number, the dates within which the catch was taken, the species, the processing type or types, the estimated weight to be landed and the area or areas of the catch, the date of landing or transhipment and the port and country of landing or vessel of transhipment and shall request from the Flag Member State a confirmation number.

The implementing rules for this point may be adopted by the Commission in accordance with the procedure laid down in Article 25(2).

Article 9

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After having verified, by the use of data reports obtained through an automated tamper-proof satellite linked vessel monitoring system (VMS), that the area fished and the catch to be landed or transhipped as reported by its vessel is accurately recorded and consistent with its authorisation to fish, the Flag Member State shall convey a confirmation number to the master by the most rapid electronic means.

The master shall enter the confirmation number on the catch document.

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The implementing rules for this Article may be adopted by the Commission in accordance with the procedure laid down in Article 25(2).

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Article 10

1. Immediately after each landing or transhipment of *Dissostichus spp*. the master of a Community fishing vessel or his authorised representative who has received one or more catch document forms shall:

(a) in the case of a transhipment, obtain the signature on the catch document of the master of the vessel to which the catch is transhipped;

(b) in the case of a landing, obtain on the catch document

— a signed and stamped validation of an official agent at the port of landing or free trade zone, and

— the signature of the person who receives the catch at the port of landing or free trade zone.

2. In the event of the catch being divided upon landing, the said master or his authorised representative shall present a copy of the catch document to each person who receives a part of the catch at the port of landing or free trade zone. The master or his authorised representative shall record on the copy of the catch document the amount and origin of the catch received by that person and obtain their signature.

The information about the catch mentioned in this paragraph may be amended to apply CCAMLR conservation measures which become obligatory for the Community, in accordance with the procedure laid down in Article 25(3).

3. The said master or his authorised representative shall immediately sign and convey by the most rapid electronic means available a copy or, if the catch landed was divided, copies of the signed catch documents to the Flag Member State of the vessel. He shall also provide a copy of the signed document to each person who receives a part of the catch.

The implementing rules for this paragraph may be adopted by the Commission in accordance with the procedure laid down in Article 25(2).

Article 11

The master of the Community fishing vessel or his authorised representative shall retain the original signed catch document or documents and return them to the Flag Member State no later than one month after the end of the fishing season.

The implementing rules for this Article may be adopted by the Commission in accordance with the procedure laid down in Article 25(2).

Article 12

1. The master or his authorised representative of a Community fishing vessel to which catch has been transhipped shall, immediately after landing *Dissostichus spp*., obtain on the catch document received from the transhipping vessels :

— a signed and stamped validation of an official agent at the port of landing or free trade zone and

— the signature of the person who receives the catch at the port of landing or free trade zone.

2. In the event of the catch being divided upon landing, the master or his authorised representative shall present a copy of the catch document to each person who receives a part of the catch at the port of landing or free trade zone. The master or his authorised representative shall record on the copy of the catch document the amount and origin of the catch received by that person and obtain his signature.

The information about the catch mentioned in this paragraph may be amended to apply CCAMLR conservation measures which become obligatory for the Community, in accordance with the procedure laid down in Article 25(3).

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3. The said master or his authorised representative shall immediately sign and convey by the most rapid electronic means available a copy or, if the catch landed was divided, copies of the signed and stamped catch document to the Flag States that issued those catch documents. He shall provide a signed copy of the relevant document or documents to each person who receives a part of the catch.

The implementing rules for this paragraph may be adopted by the Commission in accordance with the procedure laid down in Article 25(2).

CHAPTER IV

Obligations of Member States in the event of the landing, importation, exportation or re-exportation of *Dissostichus spp*.

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Article 13

1. Member States shall take the measures necessary to identify the origin of all *Dissostichus* spp. imported into or exported from their territory and to determine whether the *Dissostichus* spp. harvested in the CCAMLR area was caught in a manner consistent with the CCAMLR conservation measures.

2. If a Member State has reasons to believe that landings or imports of *Dissostichus* spp. declared as having been caught on the high seas outside the CCAMLR area consist in actual fact of *Dissostichus* spp. caught in the CCAMLR area, the Member State shall request the Flag State to carry out an additional verification of the catch document by the use of, *inter alia*, data reports provided through an automated satellite-linked VMS.

If the Flag State despite this request fails to demonstrate that the catch document was verified with the use of VMS data, the catch document shall be considered as void *ab initio* and the importation and exportation of the *Dissostichus* spp. shall be prohibited.

3. Member States shall, without delay, inform the Commission and the other Member States of any instance where the results of the additional verification referred to in paragraph 2 indicate that the catches were not caught in a manner consistent with the CCAMLR conservation measures and of the measures taken by the Member State in this regard.

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Article 14

Member States shall take all necessary measures to ensure that each landing of *Dissostichus spp*. at their ports is accompanied by a duly completed catch document.

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Article 15

1. Member States shall take all necessary measures to ensure that each shipment of *Dissostichus* spp. imported into or exported from their territory is accompanied by the export-validated or re-export-validated catch document or documents corresponding to the total quantity of *Dissostichus* spp. contained in the shipment.

2. Member States shall ensure that their customs authorities or other competent official agents request and examine the documentation of each shipment of *Dissostichus* spp. imported into or exported from their territory in order to verify that it includes the export-validated or re-export-validated catch document or the documents corresponding to the total quantity of *Dissostichus* spp. contained in the shipment. These authorities or agents may also examine the content of any shipment in order to verify the information contained in the catch document or documents.

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3. Member States shall inform the Commission of any instance where the results of the verifications referred to in paragraphs 1 and 2 indicate that the documentation requirements set out in this Regulation have not been met.

4. An export-validated *Dissostichus* spp. catch document is one that:

(a) includes all the information specified in Annex I and all the necessary signatures; and

(b) includes a certificate signed and stamped by an official agent of the exporting State, attesting to the accuracy of the information contained in the document.

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Article 16

Member States shall take all necessary measures to ensure that each shipment of *Dissostichus spp*. re-exported from their territory is accompanied by the re-export-validated catch document or documents corresponding to the total amount of *Dissostichus spp*. contained in the shipment.

A re-export-validated catch document shall follow the specimen shown in Annex III and contain the information specified in Article 19.

CHAPTER V

Obligations of importers and exporters

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Article 17

The importation and exportation of *Dissostichus* spp. is prohibited if the batch concerned is not accompanied by a catch document.

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Article 18

1. For each shipment of *Dissostichus spp*. to be exported from the Member State of landing, the exporter shall enter on each catch document:

(a) the amount of each species of *Dissostichus spp*. contained in the shipment declared on the document;

(b) the name and address of the importer of the shipment and the place of importation;

(c) his name and address.

After signing each catch document, he shall obtain a signed and stamped validation of the catch document by the competent authority of the exporting Member State.

2. The information mentioned in this paragraph may be amended to apply CCAMLR conservation measures which become obligatory for the Community, in accordance with the procedure laid down in Article 25(3).

Article 19

1. In the event of re-exportation, the re-exporter shall supply details of:

(a) the net weight of products of all species to be re-exported, together with the catch document number to which each species and product relates;

(b) the name and address of the importer of the shipment, the place of importation and the name and address of the exporter.

He shall then obtain a signed and stamped validation of all the details by the competent authority in the re-exporting Member State.

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2. The information about the catch mentioned in paragraph 1 may be amended to apply CCAMLR conservation measures which become obligatory for the Community, in accordance with the procedure laid down in Article 25(3).

CHAPTER VI

Transmission of data

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Article 20

1. The Flag Member State shall convey immediately to the CCAMLR Secretariat, by the most rapid electronic means available, and with a copy to the Commission, the copies referred to in Articles 10 and 12.

2. Member States shall immediately transmit to the Secretariat, by the most rapid electronic means available, and with a copy to the Commission, a copy of the export validated or re-export-validated catch documents as well as the documents referred to in Article 22a.

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Article 21

Member States shall notify the Commission, which shall inform the CCAMLR Secretariat, of the name of the national authority or authorities (giving names, addresses, and telephone and fax numbers and e-mail addresses) responsible for issuing and validating catch documents.

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Article 22

By 15 March, 15 June, 15 September and 15 December of each year Member States shall report to the Commission data drawn from the catch documents on the origin, destination and quantity of *Dissostichus* spp. imported into or exported from their territory.

Each year the Commission shall forward the data concerning the origin and the quantity to the CCAMLR Secretariat.

CHAPTER VIa

Sale of seized or confiscated fish

Article 22a

If a Member State has cause to sell or dispose of seized or confiscated *Dissostichus* spp., it shall issue a specially validated catch document. This catch document shall include a statement specifying the reasons for that validation and describe the circumstances under which the seized or confiscated fish are moving into trade. To the extent practicable, Member States shall ensure that no financial benefit from the sale or disposal of this fish accrue to the perpetrators of the illegal fishing activities.

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CHAPTER VII

Final provisions

Article 23

Annexes I, II and III may be amended to apply CCAMLR conservation measures which become obligatory for the Community, in accordance with the procedure laid down in Article 25(3).

Article 24

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The measures necessary for the implementation of Article 8(2)(d), Article 9, Article 10(3), Article 11, Article 12(3), Article 13(2) and

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Article 15 shall be adopted in accordance with the procedure referred to in Article 25(2).

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The measures to be taken pursuant to Article 10(2), Article 12(2), Article 18(2), Article 19(2) and Article 23 shall be adopted in accordance with the procedure referred to in Article 25(3).

Article 25

1. The Commission shall be assisted by the Committee set up under Article 17 of Regulation (EEC) No 3760/92 ([1]).

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

4. The period referred to in Article 4(3) and Article 5(6) of Decision 1999/468/EC shall be set at three months.

Article 26

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

([1]) OJ L 389, 31.12.1992, p. 1.

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ANNEX I

DISSOSTICHUS CATCH DOCUMENT

The catch document will include the following information:

1. A specific identification number, consisting of:
   (i) a four-digit number consisting of the two-digit International Standards Organisation (ISO) country code, followed by the last two digits of the year for which the document is issued;
   (ii) three-digit sequence number (beginning with 001) to denote the order in which the document catch forms are issued.
2. The following information:
   (i) the name, address, telephone and fax number of the authority which issued the document catch form;
   (ii) the name, home port, national registry number and call sign of the vessel and, if applicable, its IMO/Lloyd's registration number;
   (iii) the number of the licence or permit issued to the vessel, as applicable;
   (iv) the weight of each *Dissostichus* species landed or transhipped by product type, and
      (a) by CCAMLR statistical subarea or division if caught in the Convention area; and/or
      (b) by the Food and Agriculture Organisation of the United Nations (FAO) statistical area, subarea or division if caught outside the Convention area;
   (v) the dates within which the catch was taken;
   (vi) in the case of landing, the date and the port at which the catch was landed; or in the case of transhipment, the date and the name of the vessel, its flag and national registry number (for Community vessels, the internal registration number in the fleet register allocated to the vessel in accordance with Article 5 of Commission Regulation (EC) No 2090/98 of 30 September 1998 concerning the fishing vessel register of the Community), and
   (vii) the name, address, telephone and fax numbers of the receiver or receivers of the catch and the amount of each species and product type received.

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ANNEX II

***DISSOSTICHUS* CATCH DOCUMENT**						**V 1.4**
Dokument No:					**Flag State confirmation No:**	
PRODUCTION SECTION **1. Issuing authority of document** **Name**		**Address**		**Tel.** **Fax**		
2. Fishing vessel name		**Home port and registration No**		**Call sign**	**IMO/Lloyd's No** (if issued)	
3. Licence No (if issued)		**Fishing dates for catch under this document** **4. from:**		**5. to:**		
6. Description of fish (landed/transhipped)				**7. Description of Fish Sold**		
Species	**Type**	**Estimated weight to be landed (kg)**	**Area caught** (*)	**Verified weight landed (kg)**	**Net weight sold (kg)**	**Recipient's name; address, telephone, fax and signature**
						Recipient's name:
						Signature:
						Address:
						Tel.
						Fax
Species: **TOP** *Dissostichus* eleginoides, **TOA** *Dissostichus* mawsoni Type: **WHO** whole; **HAG** headed and gutted; **HAT** headed and tailed; **FLT** filet; **HGT** headed, gutted, tailed; **OTH** other (specify)						
8. Landing/Transhipment information: I certify that the above information is complete, true and correct. Any *Dissostichus* spp. was taken in the Convention area. I certify that if was taken in a manner consistent with CCAMLR conservation measures. **Master of fishing vessel or authorised representative** (print in block letters)			**Signature and date**	**Landing/Transhipment port and country/area**	**Date of landing/ transhipment**	
9. Certificate of transhipments: I certify that the above information is complete, true and correct to the best of my knowledge. **Master of receiving vessel**		**Signature**	**Vessel name**	**Call sign**	**IMO/Lloyds No** (if issued)	
Transhipment within a port area: countersignature by port authority if appropriate. **Name**		**Authority**	**Signature**		**Seal (Stamp)**	

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10. Certificate of landing: I certify that the above information is complete, true and correct to the best of my knowledge.

Name	Authority	Signature	Address	Tel.	Port of landing	Date of landing	Seal (Stamp)

11. EXPORT SECTION			**12. Exporter declaration:** I certify that the above information is complete, true and correct to the best of my knowledge.			
Description of fish			**Name**	**Address**	**Signature**	**Export licence** (if issued)
Species	**Product type**	**Net weight**				
			13. Export government authority validation: I certify that the above information is complete, true and correct to the best of my knowledge			
			Name/Title	**Signature**	**Date**	**Seal (Stamp)**
			Country of export		**Export reference No**	

14. IMPORT SECTION

Name of importer: **Address:**

Point of unloading: **City:** **State/Province:** **Country:**

(*) Report FAO statistical area/subarea/divison where the catch was taken and indicate whether the catch was taken on the high seas or within an EEZ.

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ANNEX III

SPECIMEN *DISSOSTICHUS*-RE-EXPORTATION DOCUMENT

DISSOSTICHUS-RE-EXPORTATION CERTIFICATE V1.1

RE-EXPORTATION Re-exportation country

1. Description of fish

Species	Product type	Net weight exported (kg)	Number of attached *Dissostichus* catch certificate

Species: TOP *Dissostichus eleginoides,* TOA *Dissostichus mawsoni*
Type: WHO whole; HAG headed and gutted; HAT headed and tailed; FLT fillet; HGT headed, gutted and tailed; OTH other (give details)

2. Re-Exporter Certification I certify that the above information is complete, true and accurate to the best of my knowledge, and that the above product comes from product certified by the attached *Dissostichus* Catch document(s).

Name	Address	Signature	Date	Export permit (if issued)

3. Validation of re-exportation by the national authority: I hereby certify that the above information is, to my knowledge, complete and accurate.

Name/Title	Signature	Date	Seal (Stamp)

4. IMPORT SECTION

Name of importer Address

Place of Unloading: City State/Province Country