This document is meant purely as a documentation tool and the institutions do not assume any liability for its contents

►**B**

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
►**M2**	Council Regulation (EC) No 1368/2006 of 27 June 2006	L 253	1	16.9.2006

▼B

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]),

HAS ADOPTED THIS REGULATION:

([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.

▼B

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.

▼M1

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).

▼B

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;

▼M2

(d) 'import' means the physical entering or bringing of a catch into any part of the geographical territory under the control of a State, except where the catch is landed or transhipped within the definitions of 'landing' or 'transhipment' set out in points (e) and (f);

(e) 'landing' means the initial transfer of catch in its harvested or processed form from a vessel to dockside or to another vessel in a port or free trade zone where the catch is certified by an authority of the Port State as landed;

(f) 'transhipment' means:

— the transfer of a catch in its harvested or processed form from a vessel to another vessel or means of transport, and, where such

▼M2

transfer takes place within the territory under the control of a Port State, for the purpose of effecting its removal from that State,

— temporarily placing a catch on land or an artificial structure to faciliate such transfer where the catch is not landed within the definition of point (e);

(g) 'export' means any movement of a catch in its harvested or processed form from territory under the control of a State or free trade zone of landing, or, where that State or free trade zone forms part of a customs union, any other Member State of this customs union;

(h) 're-export' means any movement of a catch in its harvested or processed form from territory under the control of the State, free trade zone, or Member State of a customs union of import unless that State, free trade zone, or any Member State of that customs union of import is the first place of import, in which case the movement is an export within the definition in point (g);

(i) 'Port State' means the State that has control over a particular port area or free trade zone for the purposes of landing, transhipment, importing, exporting and re exporting and whose authority serves as the authority for landing or transhipment certification.

▼B

CHAPTER II

Obligations of the Flag State

▼M2

Article 4

1. Member States shall require, as a condition of a licence or a permit authorising a vessel to harvest *Dissostichus spp.*, that the vessel only land catches in States which are Contracting Parties to CCAMLR or which otherwise apply the catch documentation scheme.

2. Member States shall attach to licences and permits authorising vessels to harvest *Dissostichus spp.* the names of all CCAMLR Contracting Parties and States which have notified the CCAMLR Secretariat that they apply the catch documentation scheme.

3. 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.

▼B

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.

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.

▼B

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

▼M1

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.

▼B

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

▼B

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

▼M2

— a signed and stamped validation by a responsible official of the Port State of landing or free trade zone who is acting under the direction of either the customs or fisheries authorities of the Port State and is competent with regard to the validation of *Dissostichus spp.* catch documents, and

▼B

— 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 :

▼M2

— a signed and stamped validation by a responsible official of the Port State of landing or free trade zone who is acting under the direction of either the customs or fisheries authorities of the Port State and is

▼M2

competent with regard to the validation of *Dissostichus spp.* catch documents, and

▼B

— 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).

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.*

▼M1

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.

▼B

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.

▼M1

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.

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.

▼B

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

▼M1

Article 17

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

▼B

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.

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

▼M1

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.

▼B

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.

▼M2

Article 22

By 15 March, 15 June, 15 September and 15 December of each year Member States shall communicate to the Commission a summary list of the catch documents issued in or received into their territory in respect of landings, imports, exports, re-exports and transhipments including the following data: Document Identification Numbers; date of landing, import, export, re-export or transhipment; weights landed, imported, exported, re exported or transhipped; origin and destination..

▼M1

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.

▼B

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

▼M1

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

▼B

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.

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

▼B

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.

▼M2

ANNEX I

***DISSOSTICHUS* CATCH DOCUMENT AND *DISSOSTICHUS* RE-EXPORT DOCUMENT**

The catch document and re-export document shall 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 catch document forms are issued.

2. The following information:

   (i) the name, address, telephone and fax numbers of the authority which issued the catch document form;

   (ii) the name, home port, national registration 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 sub-area or division if caught in the Convention area, and/or

      (b) by the Food and Agriculture Organisation of the United Nations (FAO) statistical area, sub-area 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 registration 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);

   (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; and

   (viii) the transport details in the export section of the *Dissostichus* catch document and in the re-export section of the *Dissostichus* re-export document as appropriate:

      1. if by sea:

         — container(s) number(s) or, if more than one container, a list of container numbers on an attachment signed and stamped for validation by the authority validating the *Dissostichus* catch document or the *Dissostichus* re-export document; or

         — vessel name; and

         — bill of lading number, date and place of issue

      2. if by air:

         — flight number, airway bill number, place and date of issue

      3. if by other means (ground transportation):

         — truck registration number and nationality; or

         — railway transport number; and

         — date and place of issue.

▼M2

ANNEX II

DISSOSTICHUS CATCH DOCUMENT						
Document Number					Flag State Confirmation Number	
PRODUCTION SECTION 1. Issuing Authority of Document Name		Address			Tel. Fax	
2. Fishing Vessel Name	Home Port & Registration Number		Call Sign		IMO/Lloyd's Number (if issued)	
3. Licence Number (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 name, address, telephone, fax and signature. Recipient Name: Signature: Address: Tel. Fax
Species: TOP *Dissostichus elegonoides*, TOA *Dissostichus mawzoni* Type: WHO Whole: HAG Headed and gutted; HAT Headed and tailed; FLT Fillet; HGT Headed, gutted, tailed; OTH Other (specify)						
8. Landing/Transhipment Information: I certify that the above information is complete, true and correct. If any *Dissosatichus spp.* was taken in the Convention Area, I certify that it was taken in a manner which is 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 Transhipment: 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/Lloyd's Number (if issued)
Transhipment within a Port Area: counter signature by Port Authority if appropriate Name	Authority		Signature			Seal (Stamp)
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)
EXPORT SECTION — TRANSPORT DETAILS						
If by sea/air:	Container number (if more than one — attach list)					
If no container:	Vessel name: OR					
	Flight number; AND					
	Bill of lading/airway bill number; AND					
	Date and place of issue					
If ground transport:	Truck registration number and nationality; OR					
	Railway transport number; AND					
	Date and place of issue					

▼M2

11. Description of Fish Exported			12. Exporter Declaration: I certify that the above information is complete, true and correct to the best of my knowledge.			
Species	Product Type	Net Weight	Name	Address	Signature	Export Licence (if issued)
			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	Country of export seal (Stamp)

14. IMPORT SECTION			
Name of Importer	Address		
Point of Unlading:	Address	State/Province	Country
	City		

(*) Report FAO Statistical Area/Sub-area/Division where catch was taken and indicate whether the catch was taken on the high seas or within an EEZ.

▼M2

ANNEX III

DISSOSTICHUS RE-EXPORT DOCUMENT			
RE-EXPORT SECTION		Re-exporting Country:	
1. Description of Fish			
Species	Type of Product	Net Weight Exported (kg)	*Dissostichus* Catch Document Number Attached
Species: TOP *Dissostichus eleginoides,* TOA *Dissostichus mawsoni*			
Type: WHO Whole: HAG Headed and gutted; HAT Headed and tailed; FLT Fillet; HGT Headed, gutted, tailed; OTH Other (specify)			

EXPORT SECTION — TRANSPORT DETAILS		
If by sea/air:	Container number (if more than one — attach list)	
If no container:	Vessel name: OR	
	Flight number; AND	
	Bill of lading/airway bill number; AND	
	Date and place of issue	
If ground transport:	Truck registration number and nationality; OR	
	Railway transport number; AND	
	Date and place of issue	

2. Re-Exporter Certification: I certify that the above information is complete, true and correct 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 Licence (if issued)

3. Re-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)

4. IMPORT SECTION

Name of Importer		Address	
Point of Unlading:	City	State/Province	Country

(*) Report FAO Statistical Area/Sub-area/Division where catch was taken and indicate whether the catch was taken on the high seas or within an EEZ.