COMMISSION IMPLEMENTING REGULATION (EU) 2020/423

of 19 March 2020

amending Regulation (EC) No 1010/2009 as regards administrative arrangements with third countries on catch certificates for marine fisheries products

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing ([1]), and in particular Article 20(4) thereof,

Whereas:

(1) Administrative arrangements with third countries on catch certificates for fisheries products are listed in Annex IX to Commission Regulation (EC) No 1010/2009 ([2]). These arrangements include specimens of the catch certificates validated by the competent authorities of the third countries concerned.

(2) The United States have revised the United States catch certificate specimen in view particularly of the new IT tool, CATCH, developed by the Commission for the Union catch certification scheme.

(3) Annex IX to Regulation (EC) No 1010/2009 should be amended accordingly.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IX to Regulation (EC) No 1010/2009 is amended as set out in the Annex to this Regulation.

Article 2

Entry into force

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

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

Done at Brussels, 19 March 2020.

For the Commission
The President
Ursula VON DER LEYEN

([1]) OJ L 286, 29.10.2008, p. 1.
([2]) Commission Regulation (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (OJ L 280, 27.10.2009, p. 5).

ANNEX

In Annex IX to Regulation (EC) No 1010/2009, Section 2 is replaced by the following:

'**Section 2**

UNITED STATES

CATCH CERTIFICATION SCHEME

In accordance with Article 12(4) of Regulation (EC) No 1005/2008, the catch certificate provided for in Article 12 and Annex II of Regulation (EC) No 1005/2008 shall be replaced – for fisheries products obtained from catches made by fishing vessels flying the flag of the United States – by the U.S. catch certificate based on the U.S. Catch Certification System (described in Appendix 2) which is an electronic reporting and record keeping system under the control of the U.S. authorities ensuring the same level of control by authorities as required under the European Union catch certification scheme.

A specimen of the U.S. catch certificate, which shall replace the European Union Catch Certificate and Re-export Certificate, is provided in Appendix 1. This revised U.S. catch certificate may cover fisheries products obtained from catches made by single vessels or groups of vessels as described in Appendix 2.

MUTUAL ASSISTANCE

Mutual assistance under Article 51 of Regulation (EC) No 1005/2008 shall be developed to facilitate the exchange of information and administrative cooperation between respective competent authorities in the United States and Member States of the European Union, based on the detailed rules on mutual assistance laid down in Regulation (EC) No 1010/2009.

Appendix 1

UNITED STATES DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Document Number:

Validating Authority

USDC Seafood Inspection Program

UNITED STATES Attestation of Legal Catch for Products Caught by U.S.-Flagged Vessels

VALIDATING AUTHORITY Name	Address
Tel:	

Exporter

Name	Seal
Address	
Signature / Date	

Commodity Description

DESCRIPTION OF PRODUCT

Species (Scientific Name)	Net weight	U.S. Commodity Code	FAO Catch Area	Catch Date or Range

Production Description

VESSEL NAME/FISHING GROUP	LICENCE/REGISTRATION DETAILS

Flag State Authority Validation

ATTESTATION

This attestation is admissible in all courts of the United States as *prima facie evidence* of the truth of the statements therein contained. This attestation does not excuse failure to comply with any Federal or state laws. **WARNING**: Any person who knowingly falsely makes, issues, alters, forges or counterfeits any official Seafood Inspection Program certificate or knowingly causes or procures, or aids, assists in, or is party to such false making, issuing, altering, forging or counterfeiting, is subject to a fine of not more than **$1000** or imprisonment for not more than **1** year, or both (7 U.S.C. §1622).

I certify to the best of my knowledge that the items in the shipment listed herein were caught in compliance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 /et seq./) and other applicable State and Federal conservation and management laws and regulations, and international conservation and management measures to which the United States is a party.

OFFICIAL STAMP

Name and Signature of Official Inspector
NOAA National Marine Fisheries Service

Date

Document Number:	
Date:	

Transport Details		
Country of Exportation	Port/Airport/other place of departure (embarkation):	
Vessel Name and Flag: Flight number/airway bill number: Other transport document(s):	Container number(s): List attached if necessary)	Name Address Signature

Importer Declaration		
EU IMPORTER Name		Seal
Address		
Signature	Date	Product CN Code
Documents references	References	

Import Control Authority		
IMPORT CONTROL AUTHORITY	Place ☐ Importation authorized ☐ Importation suspended	Verification requested – date

Customs declaration (if issued)	Number	Date	Place

Declaration of Transshipment at sea			
Fishing Vessel Name	Name, Signature and date	Transshipment Date/ Area/ Position	Est. weight (kg)
Receiving Vessel Name	Name, Signature	Call Sign	IMO/Lloyds Number (if issued)

Transshipment Authorization within a Port Area							
Name	Authority	Signature	Address	Tel.	Port of Landing	Date of Landing	Seal

Re–Export Certificate Information		
CERTIFICATE NUMBER	Date	Member State
Description of re-exported product:	Weight (Kg)	

Species	Product Code	Balance from total quantity declared in the catch certificate:

Name of re-exporter	Address	Signature	Date
Authority			
Name/Title	Signature	Date	Seal/Stamp
Re-export Control			
Place	☐ Re-export Authorized ☐ Verification Requested		Re-export Declaration number and Date

Appendix 2

The U.S. Catch Documentation Scheme, as revised in 2019, is designed to issue a single form of catch certificate for export consignments from the United States to the European Union (EU) of fishery products, raw and processed.

On the U.S. catch certificate, U.S. exporters will be required to 1) list the single vessel responsible for the harvest of fish or fisheries products comprising the respective consignment with all of the applicable information required on the United States Attestation of Legal Catch; or 2) provide a vessel grouping name responsible for the harvest of fish or fisheries products comprising the respective consignment with all of the applicable information required on the United States Attestation of Legal Catch.

The grouping feature will be used for fisheries subject to significant commingling of catch at-sea or on-shore (for example, fisheries including but not limited to: those where initial catches are divided by size before further dispatch e.g., lobster; or those in which multiple harvest vessels deliver fish to tender vessels at sea).

Groupings will be managed by the U.S. producer or processor requesting the certificate and subject to audit. Reflecting current U.S. practices, the U.S. producer or processor will be responsible for retaining all information corresponding to the vessels or list of vessels which contributed to the consignment and providing that information to the U.S. Government competent authority upon request.

The single vessel or grouping feature will enable the United States to produce a single certificate per shipment while having access to the complete vessel information behind each shipment.

This information will be available to authorities in importing Member States upon request to the U.S. Government competent authority.'