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Pravna podrška pregovorima

Main demands for prevention and control of IUU fishery activities



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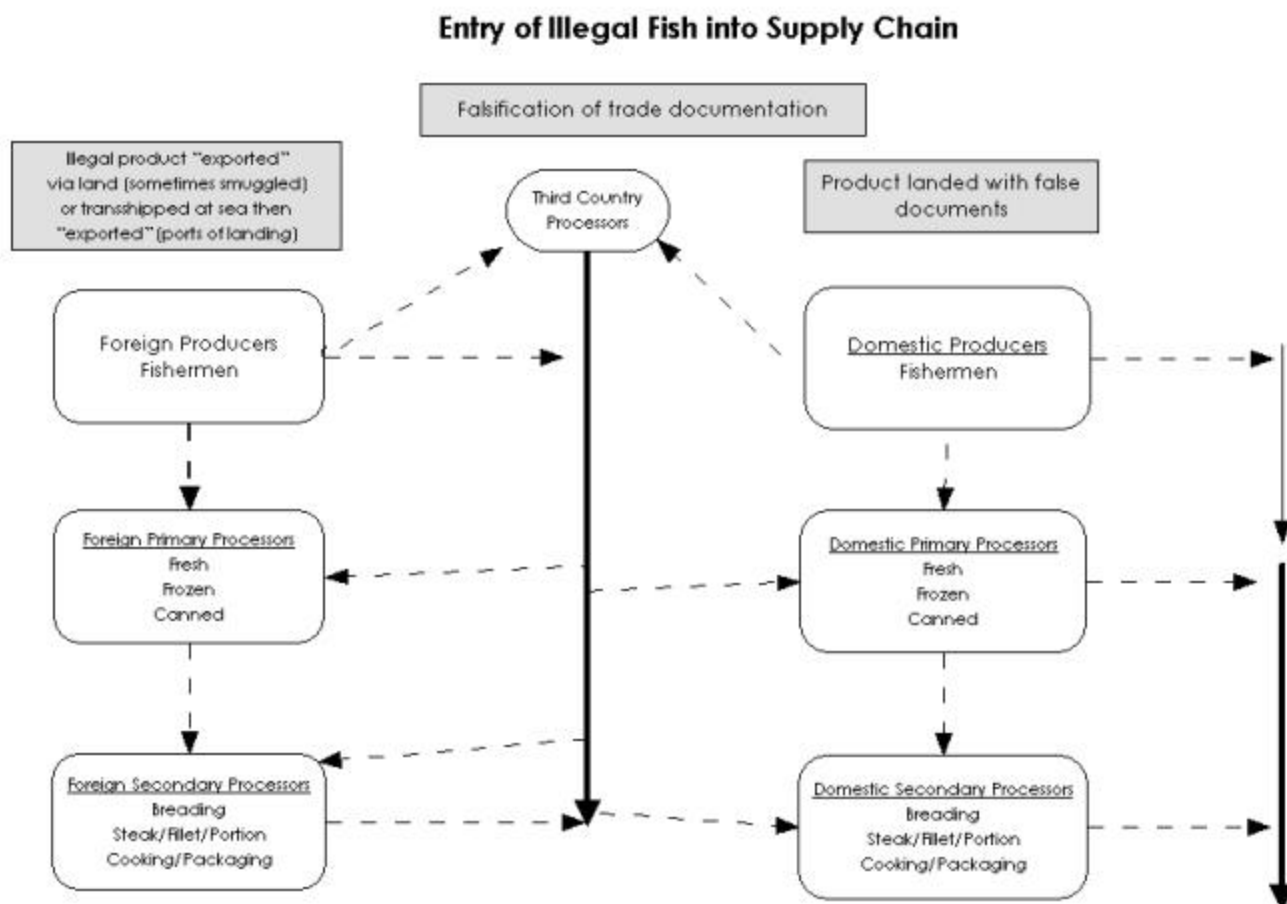


Presentation II

The system of control and obligations of different stakeholders



How IUU fish enters the supply chain





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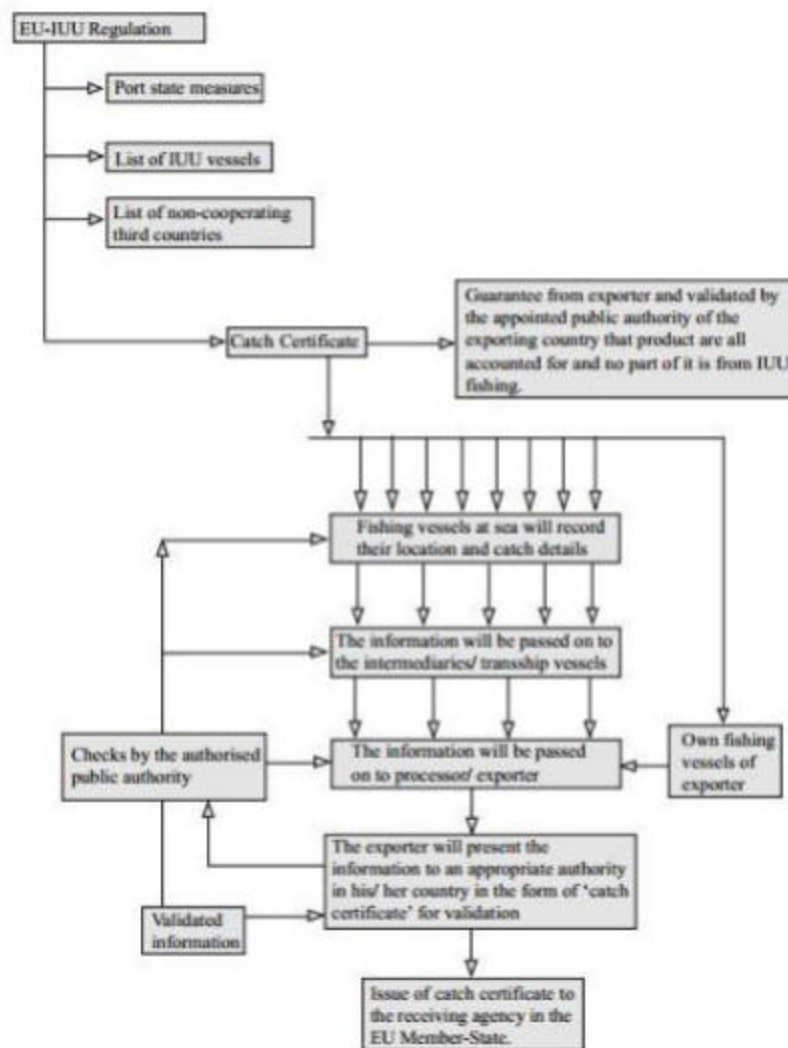


The control process for fish into the EU

Countering IUU fish is based on TRACEABILITY



The catch certification system





Key Points for Effective Traceability

- Due diligence
- Identification / transparency of source
- Data logging
- Data transfer (between all owners of the fish)
- Data verification
- Third party verification
- Corrective actions / monitoring plan



Traceability Verification

Original documentation examples (incoming batch to outgoing products)

- Catch documentation
- Systems tests
- Physical verification and viewing of handling
- Mass balance / weight reconciliation
- Interviews
- Sampling

Source: : The role of Traceability in Combating Illegal Unreported Unregulated (IUU) fishing>MRAG



Key Traceability Documentation

- Policy document / Management procedures
- Purchase receipt (invoice from vessel)
- Landing authorisation (from Fisheries Authority)
- Bill of lading (delivery)
- Processing records (internal)
- Storage records
- Transportation documents
- Invoice to customer
- And .. Secure maintenance of documentation



Industry Example of Traceability - AIPCE Standard for Baltic Cod

Control systems

- Information on invoice, packing lists, health certificate, trade identity document:
 - Vessel name and registration number
 - Port and date of discharging
 - Total purchased quantity of fish
 - Catching area
 - Date and number of first sale document
- Declaration from the supplier that the catch is legally caught within the given quota by the “Letter of Warranty / Guarantee”
- Third party / government verification

Source: : The role of Traceability in Combating Illegal Unreported Unregulated (IUU) fishing>MRAG



AIPCE-CEP common control instructions

The control document covers:

- Goods delivery
- Fishing and transport vessels
- EU/EFTA port registration and/or Russian ports
- Control documentation
- Control procedure (importers)
- Purchase of finished products



Minimum labelling and information requirements

all lots of fisheries and aquaculture products

- the identification number of each lot
- the external identification number and name of the fishing vessel or the name of the aquaculture production unit
- the [FAO alpha-3 code](#) of each species
- the date of catches or the date of production
- the quantities of each species in kilograms expressed in net weight or, where appropriate, the number of individuals
- the name and address of the suppliers
- the commercial designation, the scientific name, the relevant geographical area and the production method
- whether the fisheries products have been previously frozen or not



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The EU Certificates under Regulation 1005/2008



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European Community Catch Certificate and Re-export Certificate

European Community Catch Certificate and Re-export Certificate

EUROPEAN COMMUNITY CATCH CERTIFICATE									
Document number				Validating authority					
1. Name		Address				Tel. Fax			
2. Fishing vessel name		Flag - Home port and registration number				Call sign		IMO/Lloyd's number (if issued)	
Fishing licence No - Valid to		Licence No, Fax No, Telephone No, E-mail address (if issued)							
3. Description of product		Type of processing authorised on board				4. References of applicable conservation and management measures			
Species	Product code	Catch area(s) and date	Estimated live weight (kg)	Estimated weight to be landed (kg)	Verified weight landed (kg) where appropriate				
5. Name of master of fishing vessel - Signature - Seal:									
6. Declaration of transhipment at sea Name of master of fishing vessel				Signature and date	Transhipment date/area/position	Estimated weight (kg)			
Master of receiving vessel		Signature	Vessel name	Call sign	IMO/Lloyd's number (if issued)				
7. Transhipment authorisation within a port area									
Name	Authority	Signature	Address	Tel.	Port of landing	Date of landing	Seal (stamp)		
8. Name and address of exporter		Signature		Date		Seal			
9. Flag State authority validation:									
Name/title		Signature		Date		Seal (stamp)			



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European Community Catch Certificate and Re-export Certificate

10. Transport details <i>(see Appendix)</i>					
11. Importer declaration					
Name and address of importer	Signature	Date		Seal	Product CN code
Documents under Articles 14(1), (2) of Regulation (EC) No .../2008	References				
12. Import control — authority	Place	Importation authorised (*)	Importation suspended (*)	Verification requested – date	
Customs declaration (if issued)	Number		Date	Place	
(*) Tick as appropriate.					



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European Community Re-export Certificate

EUROPEAN COMMUNITY RE-EXPORT CERTIFICATE			
Certificate number	Date		Member State
1. Description of re-exported product		Weight (kg)	
Species	Product code	Balance from total quantity declared in the catch certificate	
2. Name of re-exporter	Address	Signature	Date
3. Authority			
Name/title	Signature	Date	Seal/stamp
4. Re-export control			
Place	Re-export authorised (*)	Verification requested (*)	Re-export declaration number and date
(*) Tick as appropriate.			



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European Community Catch Certificate and Re-export Certificate Transport details

1. Country of exportation Port/airport/other place of departure	2. Exporter signature			
Vessel name and flag Flight number/airway bill number Truck nationality and registration number Railway bill number Other transport document	Container number(s) list attached	Name	Address	Signature



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Statement under Article 14(2) of Council Regulation (EC) No .../2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing

I confirm that the processed fishery products ... (product description and Combined Nomenclature code) have been obtained from catches imported under the following catch certificate(s):

Catch certificate number	Vessel name(s) and flag(s)	Validation date(s)	Catch description	Total landed weight (kg)	Catch processed (kg)	Processed fishery product (kg)

Name and address of the processing plant:

.....
.....
.....

Name and address of the exporter if different from the processing plant:

.....
.....
.....

Approval number of the processing plant:

.....

Health certificate number and date:

.....

Responsible person of the processing plant	Signature:	Date:	Place:

Endorsement by the competent authority:

.....

Official	Signature and seal:	Date:	Place:



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Multiple Catch Certificate Summary Document

Multiple Catch Certificate Summary Document

Legal, Unreported, Unregulated Fishing Controls – Council Regulation (EC) No. 1005/2008

The undersigned confirm that the consignment of fish/fishery products detailed below:-

Consignment Identification (Complete all applicable)

UCM/UCR		Container No	Only one required
Bill No		Net Weight (kg)	
Description			
CN Code(s)	0.0000		
Export Country			

have been obtained from:-

"processing catches specified in Annex IV with Reference.....

and/or

"processed from catches made by the flag state as specified in the following certificates:-

* Indicate as appropriate

Catch Certificate Number	Catch Certificate Number
1.	2.
3.	4.
5.	6.
7.	8.
9.	10.
11.	12.
13.	14.
15.	16.

Importer declaration

Name and address of importer	Signature	Date	Seal

Import Control Authority (For completion by Port Health)

Import Control Authority	Place	Importation Authorised (*)	Importation Suspended (*)	Verification Requested – date
Customs Declaration (if issued)	Number	Date	Place	

* Tick as appropriate



Problem with Weights on Some Catch Certificates

In many instances only part of a catch (or catches) is included in a consignment that is to be imported to the EU. However, in some cases the catch certificate is being completed in respect of an entire catch as it is landed rather than the part of the catch (or catches) that is being exported.

For verification it is therefore difficult to make a link between the consignment of fish and the fish listed on the catch certificate(s), which means there is potentially a greater risk of illegally caught products entering the EU market.

The Commission has established that the catch certificate must only be completed in regard to the part of the catch that is to be exported. This is set out in the Addendum to the Commission's Guidance Handbook which can be found at:
[Weight to be Included on Catch Certificates](#)

Where the exported product is processed the weight shown should be the weight of the fish in the processed product not the equivalent weight of whole/live fish that was processed.



The IUU certification control system

- Majority of imported fishery products arrive via container ports or airports. The IUU regulation applies to these.

Catch certificates

- All imported fishery products need to be accompanied by a catch certificates validated by the FS competent of the catching vessel, certifying that the catches are legal.
- Imports that are not accompanied by a validated catch certificate should be refused entry.

Other Catch Certificates

- Regional Fisheries Management Organisation (RFMO) catch documentation schemes acceptable under the regulation are included in the implementing are listed, as an alternative to the IUU catch certificate.



Third countries that can export seafood to the EU

- Third countries are countries that are not EU or EFTA member states.
- The country of origin of the seafood to be imported must be listed as approved by the EU .
- Being on the EU's Third Country Establishment list means that the national authority of that country has approved the listed establishments for export to the EU.
- Imports from certain countries on the approved lists may be affected by temporary restrictions or additional requirements



Establishments that are not on the approved list

- To gain approval, the establishment first has to contact the competent authority (ie the equivalent of the FSA) in its country.
- The procedures the European Commission uses to amend lists of establishments are laid out in this document.



Importing fish from outside the EU

- Imported seafood complies with EU legislation for hygiene, contaminants, packaging etc.;
- The non-EU country is an EFTA or on the appropriate EU list;
- The establishment (i.e. the processor, freezer vessel, factory vessel or cold store) is on the approved establishment list of that country;
- If the product is of aquaculture origin, the establishment is approved to handle product of aquaculture origin.
- No specific exemptions or restrictions are in force.
- In addition, you need to import the seafood through a Border Inspection Post (BIP) that handles seafood



Border Inspection Point (or similar)

- The importer must :
 - Notify the BIP in advance of arrival of the consignment;
 - Submit the relevant documentation to the BIP, including an original health certificate. The type of certification required is dependent on the product type and country of origin;
 - Present the consignment to the BIP for veterinary checks; and
 - Pay all inspection charges (these can be high).



Delisting example

The example below is a real-life case and the notes taken from it were made during an inspection mission by the EU-Fisheries Control Agency (EU-FCA)

- Results based on a sample study of catch certification by EU-FCA
- Sample size 200 CCs in 2013 of which 70% found to be incorrect.



- Catch areas not consistent with VMS validation
- No reference to CCM (RFMO Conservation & Management Measure)
- Dating illogical
- Date differences (in years)
- Weights inconsistent
- Processing statements not enclosed
- Product weights and process weights inconsistent
- [Products] Origin should be flag state NOT state of landing



No control at validation in identified country

- Licence properly checked?
- Area fished?
- Is number correct?
- REFMO CCM reference?
- Flag of vessel?
- -Authorised to fish?
- Fishery period correct?
- Logbook consistency?
- Is vessel allowed to fish in areas and is it confirmed by VMS?
- Transshipment authorisation/ was catch transhipped in authorised port or at sea
- Any confirmation by observer report?
- Fish in containers must be cleared in advance



Imports routed through or processed in another third country

- Fish caught by a vessel of one third country may be landed to or routed through another third country prior to arrival in the EU.
- Fish processed in a third country using raw material caught by vessels of a number of different nationalities are required to provide additional documents to EU-MS authorities, as below:



Imports constituting one single consignment which is transported, in the same form, through a third country different to the flag state of the catching vessel (i.e. where no further processing has taken place):

- Catch certificate
- Evidence to show that the products did not undergo any operations other than unloading, reloading, or preservation. This evidence can be provided as:
- The single transport document, such as bill of lading or airway bill, covering the passage of the product from the territory of the flag state through a third country;
- or Imports routed through or processed in another third country



Imports routed through or processed in another third country

For imports constituting one single consignment which have been processed in a third country other than the flag state of the catching vessel.

Requirements:

- The original catch certificate(s) – where the totality of the catches have been used in processing, or
- A copy of the catch certificate(s) – where only part of the catch has been used in processing.
- In addition the processing plant must complete the statement at Annex IV of the regulation and have this endorsed by the relevant competent authorities in that third country.

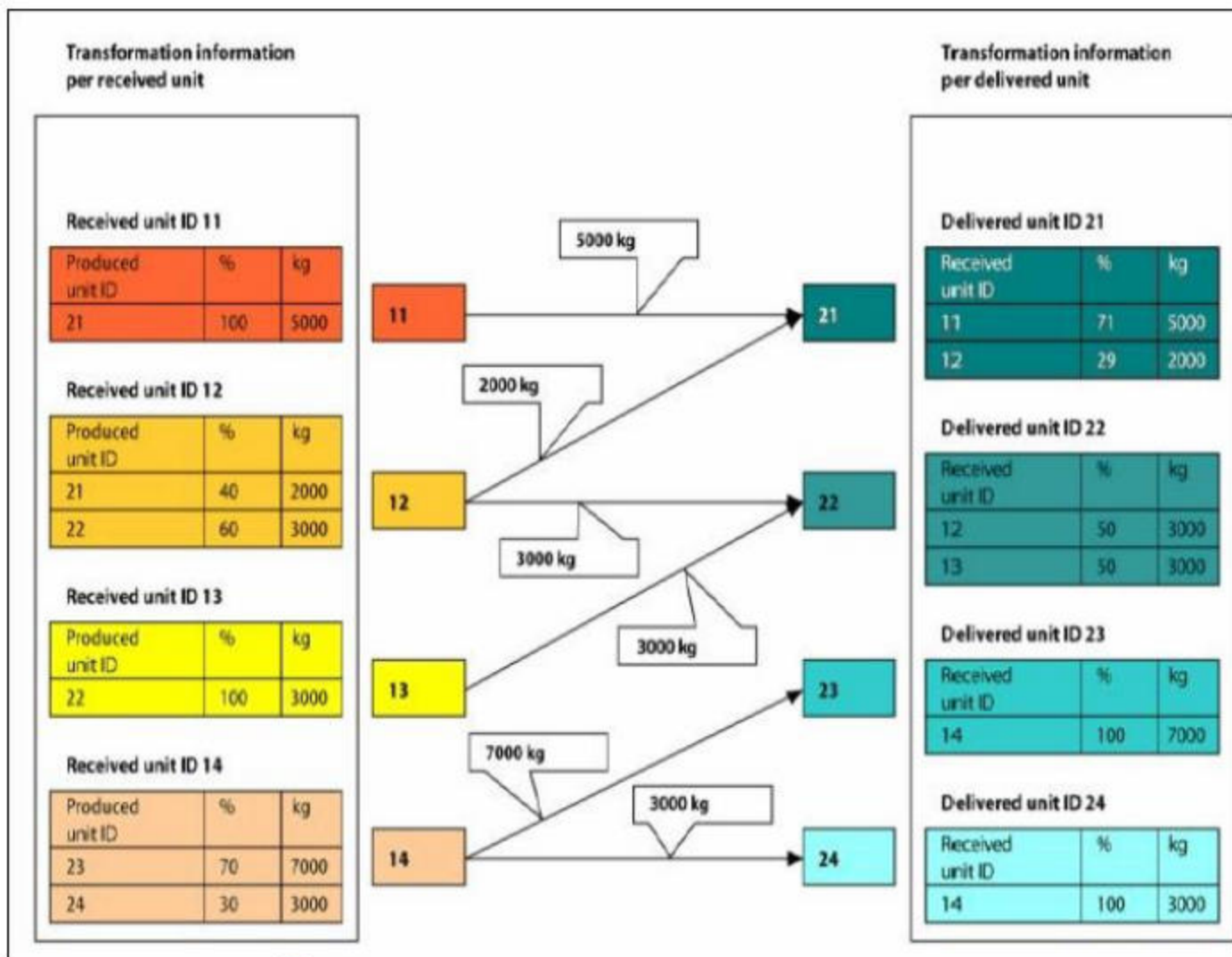


Split catches and products made from more than one catch

- In some cases catches covered by only one catch certificate may be split during processing. In such cases we would expect a copy of the original catch certificate to be presented on import.
- Similarly if a number of different catches have been used to make up the products in a consignment, we would expect all relevant catch certificates to accompany the imported consignment.



Example: Split unit movements within processing





Products made up of fish and other ingredients

- NB: Products made up of fish and other ingredients may be covered by the Regulation. If the composition is such that there is a fish content of over 50% then it will almost certainly come under the import rules. Where there is less than 50% but fish is the main ingredient i.e. it 'characterises' the product then this is also likely to require checks.



- **Exports from an EU-MS**
- In some cases, catch certificates will be required to accompany exports of fishery products from an EU-MS , specifically:
 - *Where EU fishery products are exported to a third country e.g. for processing, and such products subsequently re-enter the EU;*
 - It is the responsibility of the flag state to validate catch certificates.
 - *Where a third country requires an EU catch certificate to accompany imports of fishery products to that country;*
 - Should be validated by Flag State. Mixed catches are more complicated – see next 2 slides
 - *Where an EU-MS fishing vessel lands fish to a third country, and this fish is subsequently brought in to the EU.*
 - In the case of fish caught by EU vessels, it's the responsibility of the flag state to validate catch certificates.



***Where EU fishery products are exported to a third country
e.g. for processing, and such products subsequently re-enter
the EU;***

- In the case of fish caught by (for example UK) vessels, the exporter will need to complete a UK catch certificate and apply to the relevant fisheries authorities to validate the certificate.



Where a third country requires an EU catch certificate to accompany imports of fishery products to that country;

- In the case of fish caught by other EU vessels, it will be the responsibility of the flag state to validate catch certificates.
- An Annex IV processing statement needs to be completed by the processing plant and validated by the competent authorities in the country of processing. CC(s) to relate to the entire quantity of fish that entered the processing country.
- **Note:** Where a consignment is made up from a mixture of fish from two countries, the consignment should be accompanied by a catch certificate and Annex IV statement covering the first countries catch and a catch certificate issued by the second Country relating to the fish that was exported as part of the consignment. The total weight of fish from the Annex IV and the second countries Catch Certificate should be the total weight of fish in the consignment.



Re-exports from a MS

- For re-exports of fish which have previously been imported with a catch certificate (i.e. imported from a third country), the re-exporter will need to complete the re-export section of the catch certificate (or copy of it) and have this validated by the Exporting MS authorities..
- If they are not the original importers of the product, re-exporters will need to ensure they obtain the original catch certificate so that the re-export section can be completed.



Approved Economic Operators

- The regulation allows for a system of Approved Economic Operators to be set up.
- Importers who have been granted this status will not need to provide the catch certificates on import. Instead they will need to advise Port Health Authorities of arrival of the products and keep the catch certificates and accompanying documentation for checking by EU-MS authorities as required.



Approved Economic Operators

Applicants will need to meet a number of criteria in order to qualify for this status:

- (a) The importer must be established in a MS.
- (b) The importer must have a sufficient number and volume of import operations. A minimum threshold will be set by the UK authorities as part of the application process.
- (c) The importer must be able to demonstrate compliance with fisheries conservation and management measures.
- (d) The importer must be able to demonstrate it has a satisfactory system of traceability that will enable checks and verifications to be carried out.
- (e) The importer must have facilities which enable checks and verifications to be carried out.
- (f) The importer must have practical standards of competence or professional qualifications in respect of importing and dealing with fishery products; and
- (g) The importer must have proven financial solvency



To sum up - You need:

- Original catch certificate - where the fishery products are exported from flag state (Copy if electronic e.g. Canada or Norway)
- **and/ or**
- Original processing statement (Annex IV) and copy catch certificates - where the fishery products are processed in a country that is not the flag state before export.
- Copy commercial documents (bill of lading, invoice and packing list)

Useful links:

TRACES : <https://webgate.ec.europa.eu/sanco/traces/security/login.do>

Fish names for CVED: http://www.porthealth.eu/fish_directory_search.htm



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Thank you