



Australian Government

Australian Quarantine and Inspection Service

MARKET ACCESS ADVICE

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Country: European Union

European Commission IUU Regulation **Catch Certification Requirement**

***Note:** The information in this document is subject to change and may be periodically updated.*

I. General Information on the IUU Regulation

What is the European Commission IUU Regulation?

The European Commission (EC) Regulation 1005/2008 ('the IUU Regulation') has been designed to prevent, deter and eliminate Illegal, Unreported, and Unregulated (IUU) fishing. It requires Fisheries Management Authorities to provide a 'catch certificate' for wild-caught seafood imported into the European Union (EU). This catch certificate has been designed to demonstrate that the fish and fisheries products have been obtained in compliance with established conservation and management measures.

EC Regulation No 1005/2008 is available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:286:0001:0032:EN:PDF>

When does the IUU Regulation become effective?

The IUU Regulation becomes effective on 1 January 2010 and applies to wild-caught fish and fishery products harvested on or after 1 January 2010.

Has the EC released detailed implementing regulations for the IUU Regulation?

Yes.

The EC have released 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 IUU fishing.

EC Regulation No 1010/2009 is available online at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:280:0005:0041:EN:PDF>

The EC have also published a 'Handbook on the practical application of Council Regulation (EC) No. 1005/2008', which also gives details on how to complete the forms.

The 'Handbook' is available at:

http://www.globefish.org/files/IUU%20reg%20handbook_en_731.pdf

What if my product was caught in 2009 but not shipped until 2010?

Export consignments of fishery products harvested before 1 January 2010 do NOT need to be accompanied by a catch certificate. The importer of the product is responsible for informing the European officials that the product was caught prior to 1 January 2010. However, EU officials may request documentation to prove the product was caught before 1 January 2010.

Health certificates will continue to be required.

Should your consignment be detained, you will need to find out from the importer **why**.

If your consignment has been detained because a catch certificate is required, you will need to contact your State/Territory/Commonwealth fisheries authority. Contact details can be found at Section V. of this advice.

If the consignment is being detained because of the health certification, you will need to contact an Australian Quarantine and Inspection Service (AQIS) officer in your regional office. AQIS will then assess what action needs to be taken to help you.

How is the catch certificate different from the current EU health certificate? Why do I need both?

Certification is required by two separate EC authorities who have distinct and separate responsibilities.

The health certificate is required by the EC Directorate-General for Health and Consumer Protection and attests to the safety of fish and fishery products shipped to the EU.

The catch certificate is required by the EC Directorate-General for Maritime Affairs and Fisheries and attests that the fish being exported was caught in compliance with the IUU regulations.

Both certificates are required under EC regulations.

II. The Role of the Department of Agriculture, Fisheries and Forestry

What has the Department of Agriculture, Fisheries and Forestry (DAFF) been doing to help the seafood industry meet the requirements of the IUU Regulation?

DAFF has been consulting with the State and Territory fisheries departments, the Commonwealth Australian Fisheries Management Authority (AFMA), AQIS and the EC to develop an automated catch certificate that reflects Australia's operating environment. These discussions are expected to result in an *Agreed Record of Consultations* which will include an Australian-specific catch certificate that will need to accompany exports of wild-caught fish and fishery products from Australia to the EU.

This catch certificate can only be issued for fish and fishery products that have been harvested by Australian-flagged fishing vessels licensed under State/Territory/Commonwealth fisheries regulation.

Please note: In order for wild-caught fish and fishery products to be eligible for health certification for export to the EU, product must be sourced from EU-approved vessels that are licensed under State/Territory/Commonwealth fisheries regulations and registered with AQIS. Products sourced from catcher vessels licensed under State/Territory/Commonwealth fisheries regulations which supply AQIS registered, EU approved land based establishments are also eligible for health certification..

Will an automated catch certificate be ready for use on 1 January 2010?

No.

Negotiations with the EC are in their final stages and it is anticipated that an automated catch certificate will be finalised early in 2010. However due to EC administrative procedures, and on-going discussions required with State and Territory fisheries departments and AFMA, the Australian Government will not be in a position to issue automated catch certificates on 1 January 2010.

In the interim, and until further advice, exports of wild-caught fish and fishery products harvested on or after 1 January 2010 will need to be accompanied by a manually generated catch certificate issued by the relevant State/Territory/Commonwealth fisheries department.

For additional information on the manually generated certificate, please refer to AQIS Market Access Advice number: **FISH 09/10** available at <http://www.daff.gov.au/aqis/export/fish/fish-notices/2009>

Why has the Australian Quarantine and Inspection Service been asked to help in issuing the EU catch certificate?

Wild-caught fish and fishery products harvested on or after 1 January 2010 and exported to the EU must be accompanied by a catch certificate.

As is currently required, they must also be accompanied by an export health certificate issued by AQIS.

As some of the information AQIS collects for health certification purposes is common to that required on the IUU catch certificate, DAFF has tried to align the issuance of both certificates. This means that the AQIS export documentation system (EXDOC) will be utilised to issue a catch certificate on behalf of the State/Territory/Commonwealth fisheries departments before the product is shipped to the EU.

Some additional information which is not currently collected on the 'Request for Permit' in EXDOC is needed to complete the catch certificate, and discussions with State/Territory/Commonwealth fisheries departments are underway to define the information required to be captured and the process to obtain it.

II. Covered Products

Are only seafood products from non-EU nations covered by the IUU Regulation?

All seafood products entering the EU market, including products caught by EU-flagged vessels operating outside of the EU Economic Exclusion Zone are covered by the requirements of the IUU Regulation.

In addition, all exports from the EU to any third country are subject to the IUU Regulation as are EU Member States engaged in trade amongst themselves.

Will all seafood exports to the EU be required to have a catch certificate?

No.

Fishery products which fall under Chapter 03 and Tariff Headings 1604 and 1605 of the Harmonised System Tariff Code must be accompanied by a catch certificate, with some exceptions. The code is available at: <http://www.vassl.com/data/01-24.txt>

Put simply, an Australian issued catch certificate will be required for all EU-destined exports of fish and fishery products harvested by Australian-flagged vessels on or after 1 January 2010, with the exception of the following:

- Freshwater fishery products
- Aquaculture products obtained from fry or larvae
- Live ornamental fish
- Oysters—live, fresh, chilled, frozen, dried, salted or in brine
- Scallops including queen scallops, of the genera *Pecten*, *Chlamys* or *Placopecten*, live, fresh or chilled
- Coquilles St Jacques (*Pecten maximus*), frozen
- Other scallops—fresh or chilled

- Mussels—live, fresh, chilled
- Snails—other than those obtained from the sea
- Molluscs—prepared and preserved
- Other aquatic invertebrates prepared or preserved.

The specific HS codes for the above products have been published in **Annex XIII** of EC Regulation 1010/2009.

Annex V of EC Regulation No 1010/2009 also specifies that the following species are exempt from this catch certificate, providing they are harvested in compliance with regional fisheries management organisation requirements and are accompanied by the appropriate catch documentation prescribed by the relevant regional fisheries management organisation:

- *Dissostichus spp.* e.g. Patagonian toothfish
- Bluefin tuna
- Southern Bluefin Tuna *

* In addition to the Commission for the Conservation of Southern Bluefin Tuna catch documents, the importer shall submit to the authorities of the EU Member State of importation information on 'transport details' as specified in the Appendix on transport details included in Annex II of the EC Regulation 1005/2008.

Will product, destined for the EU, harvested by EU-approved Australian-flagged vessels, regardless of size (even small vessels), need a catch certificate for export to the EU?

Yes.

All product destined for the EU, harvested by EU-approved Australian-flagged vessels will require a catch certificate for import into the EU.

Article 6 of the EU Implementing Regulations provide for a simplified catch certificate for different classes of small boats.

Market Access Advice No: FISH 09/10 provides background to which certificate you will be required to fill in.

Does the whole catch need to be noted in the catch certificate, even if only a part of it will be exported to the EU?

All catch that may be exported to the EU needs to be noted in the catch certificate i.e. even if only a portion of a catch is exported to the EU, the catch certificate must reference the whole catch from which that portion was taken for export.

Product destined only for the domestic market or an overseas market where it will not be further exported to the EU is not required to be noted on the catch certificate.

III. Procedures for obtaining a catch certificate

Until an automated certificate is available through EXDOC, how do I obtain a catch certificate?

Catch certificates can be obtained from State/Territory/Commonwealth fisheries management authorities. For further information please contact your relevant authority. Contact details are listed under Section V. of this document.

How do I complete a catch certificate?

Details are contained in the EC Handbook on the practical application of Council Regulation (EC) No 1005/2008

The 'Handbook' is available at:

http://www.globefish.org/files/IUU%20reg%20handbook_en_731.pdf

Advice can also be obtained from your relevant fisheries authority.

What do I do when the catch certificate has been filled in? What happens with the original document?

You need to contact the relevant State/Territory/Commonwealth authority where the fish were harvested to get their signature and stamp (i.e. the fisheries management authorities are required to validate your completed form). Refer Section V. of this document for contact details.

Catch certificates may be sent by electronic means for validation and communication i.e. it is not necessary for original documents to be sent.

Please note that it is for the exporter in Australia to submit the catch certificate to the EU importer. It is up to the EU importer to submit the certificate to the competent EU Member State authority. The communication of the catch certificate between the exporter and EU importer can also be done by electronic means.

What do I do with the catch certificate?

Once the completed catch certificate has been validated by the relevant fisheries authority, it must be forwarded to the EU importer in a timely manner (i.e. before the consignment arrives – see below). This allows the importer time to complete relevant sections required to comply with notification requirements specified under EC Regulation No 1010/2009.

The EU importer is required to transmit the completed catch certificate to the EU Member State authority at least three working days prior to consignments arriving by sea freight, or within four hours of airfreight arrivals.

The EU importer is responsible for maintaining catch certificate records and making them available to his/her government officials.

Exporters and Australian fisheries management authorities are also required to maintain a copy of the catch certificate for their own records for a minimum of three years.

Will a catch certificate be required for each consignment or for each vessel? Can multiple species be included for each catch certificate?

For catch certificate templates referenced below, please contact the relevant fisheries authority. Contact details are provided at Section V. of this document

As prescribed in Annex II of EC Regulation 1005/2008 (Appendix 3 of MAA FISH 09/10), there is a requirement for one catch certificate for each vessel that contributes fish or fishery product to a consignment. Multiple species can be used on this catch certificate if they were taken by the same vessel during a single fishing trip.

As prescribed in Annex IV of EC Regulation 1010/2009, a separate, 'simplified certificate' (Appendix 2 of MAA: FISH 09/10) has been developed by the EC for catch harvested from vessels which:

- a) have an overall length of less than 12 metres without towed gear; OR
- b) have an overall length of less than 8 metres with towed gear; OR
- c) is without a superstructure; OR
- d) is of less than measured 20 GT.

Where a consignment is comprised of catches from vessels that meet the above criteria, the exporter can use the EC's 'simplified catch certificate' which allows for multiple catches to be referenced on the one document. It is the exporter's responsibility to ensure that all of vessel information required on the 'simplified catch certificate' can be provided.

Is the catch certificate inspected at border inspection post upon arrival in the EU?

As detailed above, the catch certificate must be provided by the importer to the designated authority in the Member State according to their requirements, prior to product arrival. We are unaware of any border inspection at this time.

Will trade be slowed or disrupted if my product does not have a catch certificate?

Trade of product for which valid catch certificates are issued and transmitted in the prescribed timeframes should not be slowed or disrupted. It is within the rights of EU officials to inspect records and to refuse importation of products if it is not accompanied by proper catch certification or for which there has been no prior notification.

Export consignments of fishery products harvested before 1 January 2010 do NOT need to be accompanied by a catch certificate. However, EU officials may request documentation to prove the product was caught before 1 January 2010.

Should your consignment be detained, you will need to find out from the importer **why**.

If your consignment has been detained because a catch certificate is required, you will need to contact your State/Territory/Commonwealth fisheries authority. Contact details can be found under Section V. of this advice.

If the consignment is being detained because of the health certification, you will need to contact an Australian Quarantine and Inspection Service (AQIS) officer in your regional office. AQIS will then assess what action needs to be taken to help you

How long will an exporter be required to keep records related to the catch certificate?

Three years.

Who is responsible for keeping the records?

The exporter is required to keep the records but for auditing purposes, each firm/company/entity along the chain of custody should retain records to answer “who, what, where and when” type questions.

III. Costs and Payments

What is the cost of an EU catch certificate?

For more information, please contact the relevant State/Territory/Commonwealth fisheries authority. Contact details can be found at Section V. of this document.

IV. Transshipment, Re-Export, and Foreign Processing Scenarios

Do I need a catch certificate even if my product is going to another country before the EU?

If the fishery product has a reasonable likelihood of being further processed and/or stored and sent on to the EU, then a catch certificate should be requested by the importer before the product leaves Australia. The goods will need to enter EU approved facilities in the overseas countries to remain eligible for ultimate entry into the EU.

Whose responsibility is it to transmit catch certificates onward to the EU once Australian product is exported to another country before the EU?

It is the responsibility of the direct exporter to the EU in the third country to send the Australian catch certificate, along with other documentation, to the EU importer.

It is the responsibility of the Australian exporter to provide a catch certificate for fishery products harvested by Australian-flagged vessels to the importer in a third country.

V. Contact details

Contact list for the European Union catch certification requirements	
Commonwealth	South Australia
<p>Australian Fisheries Management Authority PO Box 7051 CANBERRA BC ACT 2610 +61 2 6225 5555</p> <p>Contact: <i>Narelle Williams</i> Licensing and Quota Management</p> <p>Phone: 02 6225 5542</p> <p>Email: Narelle.Williams@afma.gov.au</p>	<p>PIRSA Fisheries Primary Industries & Resources SA GPO Box 1625 ADELAIDE SA 5001 +61 08 8347 6100</p> <p>Contact: <i>Martin Smallridge</i> Executive Director, Fisheries</p> <p>Phone: 08 8226 2315 Mobile: 0434 606 266</p>
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<p>Fisheries WA The Atrium 168-170 St Georges Terrace PERTH WA 6000 +61 8 9482 7333</p> <p>Contacts: <i>Heather Brayford</i> Phone: 08 9482 730 Mobile: 0427 083 409.</p> <p><i>Dr Lindsay Joll</i> A/Deputy Director, Integrated Fisheries Management Phone: 08 9482 7319 Mobile 0419 927 043 Fax (08) 9482 7224 Email: Lindsay.Joll@fish.wa.gov.au</p>	<p>Water and Marine Resources Division, Dept of Primary Industries, Parks, Water & Environment GPO Box 44 HOBART TAS 7000 +61 3 6233 3543</p> <p>Contact: <i>Steve Withers</i></p> <p>Phone: 03 6233 3543 Mobile: 0427 825 733</p> <p>Fax: 03 6233 7965</p> <p>Email: steve.withers@dpipwe.tas.gov.au</p>

Northern Territory	Queensland
<p>Department of Resources - Fisheries GPO Box 3000 DARWIN NT 0801 +61 8 8999 2144</p> <p>Contact: Mr Glenn Schipp Director of Fisheries Development</p> <p>Phone: 08 89992213 Mobile 0401115815</p>	<p>Queensland Primary Industries & Fisheries GPO Box 46 BRISBANE QLD 4001 +61 7 3404 6999</p> <p>Contact: Albert Folmer Acting Manager, Licensing Harvest Management Fisheries Queensland</p> <p>Phone: 07 3227 8751</p> <p>Fax 07 3229 8182</p> <p>E-mail Albert.Folmer@deedi.qld.gov.au</p>
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<p>Fisheries Conservation and Aquaculture, Industry and Investment NSW Locked Bag 1, Nelson Bay NSW 2315 +61 2 9527 8411</p> <p>Contact: David Makin</p> <p>Phone: 02 9527 8411</p>	<p>Fisheries Victoria GPO Box 4440 MELBOURNE VIC 3001 +61 3 5332 5000</p> <p>Contact: John Vaytauer Manager Licensing and Quota</p> <p>Ph: 03 9658 4304</p> <p>Fax: 03 9658 4750</p> <p>E-mail: john.vaytauer@dpi.vic.gov.au</p>