

Proposal for a Council regulation establishing a catch documentation scheme for *Dissostichus spp.*

(2000/C 337 E/14)

(Text with EEA relevance)

COM(2000) 383 final — 2000/0171(CNS)

(Presented by the Commission on 10 July 2000)

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,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) The Convention on the Conservation of Antarctic Marine Living Resources, hereinafter called 'the Convention', was approved by Council Decision 81/691/EEC⁽¹⁾ 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⁽²⁾,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

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 the Commission for the conservation of Antarctic marine living resources (CCAMLR).

Article 2

This Regulation shall apply to:

- (a) all *Dissostichus spp.* landed or transhipped by Community fishing vessels;
- (b) all *Dissostichus spp.* imported into or exported or re-exported from the Community.

Article 3

For the purposes of this Regulation:

- (a) 'Dissostichus spp.': means fish of the species *Dissostichus eleginoides* (Patagonian toothfish) and *Dissostichus mawsoni* (Antarctic toothfish);
- (b) 'Catch document': means a document containing the information specified in Annex I and completed in accordance with the specimen shown in Annex II;
- (c) 'CCAMLR-area': means the area of application defined in Article I of the Convention establishing CCAMLR.

⁽¹⁾ OJ L 252, 5.9.1981, p. 26.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

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.

Article 6

Member States shall provide catch documents 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 that they issue includes a specific identification number consisting of:

- (a) 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; and
- (b) a three-digit sequence number (beginning with 001) to denote the order in which the catch documents are issued.

They shall also enter on each catch document the number of the fishing permit they have issued to their flag vessel.

CHAPTER III

OBLIGATIONS OF THE MASTER

Article 8

1. Prior to each landing or transhipment of *Dissostichus spp.* the master of a Community fishing vessel that has received one or more catch documents shall ensure that all the mandatory information listed in Annex I is accurately recorded on the catch document.

2. If a landing or transhipment includes catch of both *Dissostichus* species, the master shall record on the catch document the total weight of the catch landed or transhipped and indicate the weight of each species.

3. If a landing or transhipment includes catch of both *Dissostichus* species taken from different sub-areas and/or statistical divisions, the master shall record on the catch document

the weight of each species taken from each sub-area and/or statistical division.

4. The master shall convey to the Flag Member State of the vessel, by the most rapid electronic means available, the catch document number, the date of departure of the vessel, the species, the processing type or types, the net landed weight 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 an individual validation code.

Article 9

Upon confirmation by the Flag Member State that the catch to be landed or transhipped corresponds to the vessel's authorisation to fish, it shall convey a special code number to the master by the most rapid electronic means. The master shall enter the code number on the catch document.

Article 10

1. Immediately after each landing or transhipment of *Dissostichus spp.* the master of a Community fishing vessel that has received one or more catch documents 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 the signature on the catch document of a responsible official at the port of landing and of the person who receives the catch at the port of landing.

2. In the event that the catch is divided upon landing, the master shall present a copy of the catch document to each person who receives a part of the catch. The master shall record on the copy of the catch document the amount and origin of the catch received by that person and obtain their signature.

3. The master of the Community fishing vessel shall 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.

Article 11

The master 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.

Article 12

1. The master of a Community fishing vessel to which catch has been transhipped shall, immediately after landing *Dissostichus spp.*, obtain the signature on the catch document received from the transhipping vessels of an official agent at the port of landing and of the person who receives the catch at the port of landing.

2. In the event that the catch is divided upon landing, the master shall present a copy of the catch document to each person who receives a part of the catch. The master shall record on the copy of the catch document the amount and origin of the catch received by that person and obtain their signature.

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

CHAPTER IV

OBLIGATIONS OF MEMBER STATES IN THE EVENT OF THE LANDING, IMPORTATION, EXPORTATION OR RE-EXPORTATION OF *DISSOSTICHUS SPP.*

Article 13

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 Convention area was caught in a manner consistent with the CCAMLR conservation measures.

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.

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 amount 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 import documentation of each shipment of *Dissostichus spp.* imported into their territory in order to verify that it includes the export-validated or re-export-validated catch document or documents corresponding to the total amount of *Dissostichus spp.* contained in the shipment. These agents may also examine the content of any shipment in order to

verify the information contained in the catch document or documents.

3. An export-validated *Dissostichus* 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.

Article 16

Member States shall take all necessary measures to ensure that each shipment of *Dissostichus szoo.* 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 *Dissostichus* catch document shall follow the specimen shown in Annex III and contain the information specified in Article 18.

CHAPTER V

OBLIGATIONS OF EXPORTERS

Article 17

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 validation of the catch document by the competent authority of the exporting Member State.

Article 18

In the event of re-export, 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 import and the name and address of the exporter.

He shall then obtain validation of all the details by the competent authority in the exporting Member State.

CHAPTER VI

TRANSMISSION OF DATA

Article 19

The Flag Member State shall convey immediately to the CCAMLR Secretariat, with a copy to the Commission, the copies referred to in Articles 10 and 12.

Article 20

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) responsible for issuing and validating catch documents.

Article 21

Member States shall provide copies quarterly to the Commission, which shall forward them to the CCAMLR Secretariat, of export-validated or re-export-validated catch documents issued by them and received into their territory.

Member States shall report annually to the Commission, which shall forward them to the CCAMLR Secretariat, data drawn from the catch documents on the origin and amount of *Dissostichus* spp. imported into or exported from their territory.

CHAPTER VII

FINAL PROVISIONS

Article 22

The Commission, acting in accordance with the procedure referred to in Article 23(2), may amend the technical aspects of Articles 7 to 12 and Annexes I, II and III in order to transpose conservation measures adopted by CCAMLR.

Article 23

1. The Commission shall be assisted by the Management Committee for Fisheries and Aquaculture instituted by Article 17 of Council 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.

The period referred to in Article 4(3) of Decision 1999/468/EC shall be set at one month.

Article 24

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.

ANNEX I

DISSOSTICHUS CATCH DOCUMENT

The *Dissostichus* catch document will include the following information:

- (i) the name, address, telephone and fax number of the issuing authority;
- (ii) the name, home port, national registry number and call sign of the vessel and, if applicable, its 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 FAO statistical area, subarea or division if caught outside the Convention area;
- (v) the dates within which the catch was taken;
- (vi) the date and the port at which the catch was landed or the date and the name of the vessel, its flag and national registry number, to which the catch was transhipped; 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.

ANNEX II

SPECIMEN DISSOSTICHUS CATCH DOCUMENT

DISSOSTICHUS CATCH DOCUMENT					V1.0
Number		Flag State confirmation number			
PRODUCTION					
1. Issuing authority Name:		Address:		Tel. No: Fax No:	
2. Name of fishing vessel		Home port and registry number		Call sign	Lloyd's number (if applicable)
3. Permit number (if applicable)			4. Dates within which catch was taken From: To:		
5. Date of landing/transhipment					
6. Description of fish (landing/transhipment)					7. Name, address, tel. and fax number Name of receiver: Signature: Address: Tel. No: Fax No:
Species	Type	Net weight landed (kg)	Catch area	Net weight sold (kg)	
Species: TOP <i>Dissostichus eginoides</i> , TOA <i>Dissostichus mawsoni</i> Type: WHO whole; HAG headed and gutted; HAT headed and tailed; FLT fillets; HGT headed, gutted and tailed; OTH other (give details)					
8. Information on landings/transhipments: I hereby certify that the above information is, to my knowledge, complete and accurate, and that all <i>Dissostichus</i> spp. harvested in the Convention area was caught*/not caught in a manner consistent with CCAMLR conservation measures. Master of fishing vessel Signature Landing/transhipment Port and country/area					
9. Transhipment certificate: I hereby certify that the above information is, to my knowledge, complete and accurate. Master of receiving vessel Signature Name of vessel Registry No					
10. Landing certificate: I hereby certify that the above information is, to my knowledge, complete and accurate. Name: Authority: Signature Address: Tel. No: Fax No:					
11. EXPORTATION			12. Declaration by exporter: I hereby certify that the above information is, to my knowledge, complete and accurate.		
Description of fish			Name: Address: Signature Export permit (if applicable)		
Species	Type of product	Net weight (kg)			
			13. Validation of exportation by national authority: I hereby certify that the above information is, to my knowledge, complete and accurate. Name/Status: Signature: Date: Official stamp:		
14. IMPORTATION Name of importer: Address: Landing place: Town State/Province Country					

