



COMMISSION OF THE EUROPEAN COMMUNITIES

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2004/0179(CNS)

Proposal for a

COUNCIL REGULATION

**amending Regulation (EC) No 1035/2001 establishing a catch documentation scheme for
Dissostichus spp.**

(presented by the Commission)

EXPLANATORY MEMORANDUM

At its eighteenth annual meeting in November 1999, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) adopted a catch documentation scheme for *Dissostichus* spp. The scheme is designed to improve the monitoring of international trade in *Dissostichus* spp. and determine the origin of all species imported by the parties to the CCAMLR and exported by them. It can also be used to determine whether *Dissostichus* spp. has been caught in the Convention area in a manner consistent with CCAMLR conservation measures and to collect catch data in order to facilitate the scientific evaluation of stocks. The scheme covers all catches of *Dissostichus* spp, whether taken inside or outside the Convention area.

This scheme was incorporated into Community law by Council Regulation (EC) No 1035/2001 of 22 May 2001 establishing a catch documentation scheme for *Dissostichus* spp.

At its twenty-second annual meeting in November 2003, the CCAMLR noted that *Dissostichus* spp. covered by catch documents was being landed in ports of countries not applying the catch documentation scheme. It also noted that landings in the ports of countries applying the scheme were in certain cases validated by the authorities of the Flag State rather than by the competent authorities of the port.

Aware of the fact that these differing practices could lead to the fraudulent use of the catch documentation scheme in view of their affect on the monitoring of its application, the CCAMLR decide to make a number of amendments to improve the documentation system and, in particular, to specify the authorities responsible for validating landings of *Dissostichus* spp. on catch documents. It was also decided to amend the resolution on the use of ports of countries not applying the catch documentation scheme for *Dissostichus* spp, to stipulate that vessels with a fishing licence for *Dissostichus* spp. must land their catches in countries applying the scheme and to lay down the list of those countries. This amendment to the resolution was supported by the Community and, although it does not constitute a binding legal document, it should be transposed into Community law.

Finally, since the catch documentation scheme applies to all trade in *Dissostichus* spp, the amendment also defines the term “import”.

The Commission proposes that the Council adopt the amendment to the Regulation.

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 1035/2001 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 Commission¹,

Having regard to the opinion of the European Parliament²,

Whereas:

- (1) Council Regulation (EC) No 1035/2001 of 22 May 2001 establishing a catch documentation scheme for *Dissostichus* spp³ implements the catch documentation scheme adopted by the Commission for the Conservation of Antarctic Marine Living Resources, hereinafter called “CCAMLR” at its eighteenth Annual Meeting in November 1999.
- (2) At its twenty-second Annual Meeting in November 2003, the CCAMLR made a number of amendments to the scheme and to a related resolution aimed at improving the control of landings of *Dissostichus* spp. and the monitoring of the documentation scheme.
- (3) Since the catch documentation scheme applies to all trade in *Dissostichus* spp, the term “import” should be defined.
- (4) Regulation (EC) No 1035/2001 should consequently be amended,

HAS ADOPTED THIS REGULATION:

¹ OJ C [...] [...], p. [...]

² OJ C [...] [...], p. [...]

³ OJ L 145, 31.5.2001, p. 1. Regulation as amended by Regulation (EC) No 669/2003 (OJ L 97, 15.4.2003, p. 1).

Article 1

Regulation (EC) No 1035/2001 is hereby amended as follows:

1. In Article 3, the following point (d) is added:

“(d) “import” means the customs-approved treatment or use of goods referred to in Article 4(15)(b) of Council Regulation (EEC) No 2913/92⁴ and the customs procedures referred to in Article 4(16)(a) to (f) of that Regulation”.

2. Article 4 is replaced by the following:

“Article 4

1. Member States shall take all necessary measures to ensure that the receipt of a licence or permit authorising a vessel to harvest *Dissostichus* spp. carries an obligation to land catches in countries applying the catch documentation scheme.
2. Member States shall attach to licences and permits authorising vessels to harvest *Dissostichus* spp. the list of countries applying 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.”

3. In Article 10(1)(b), the first indent is replaced by the following:

“- 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”.

4. In Article 12(1), the first indent is replaced by the following:

“- 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”.

⁴ OJ L 302, 19.10.92, p. 1.

Article 2

This Regulation shall enter into force on the twentieth 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,

For the Council
The President