

IUU – Guide for Exporters In Third Countries

1.0 Background

This guide is written for exporters in third countries who wish to export fishery products to the European Union (EU) under the EU Illegal, Unreported and Unregulated (IUU) Regulation 1005/2008 which came into force on the 1st January 2010. The EU is intent on combating IUU Fishing.

Under the new Regulation the EU is tackling the problem of IUU fishing by maintaining lists of vessels that fish illegally and by criminalising European nationals that are party to illegal fishing.

One of the biggest changes however is the introduction of a certification system for legally caught fish. Any fishery products caught on or after 1 January 2010 and intended for export to the EU must now be accompanied by a catch certificate. The catch certificate needs to be validated by the authorities of the flag state of the vessel that caught the fish.

1.0 This Guide Explains:

- The new rules governing exports to the EU;
- The importance of the new catch certificate and how to obtain, complete and transmit it;
- The new procedures that have to be followed;
- Product-specific issues; and
- Enforcement issues.

1.2 The Catch Certificate

With a number of exceptions all seafood caught on or after 1 January 2010 which is being exported to the EU will require a catch certificate. The responsibility for obtaining a catch certificate for that seafood falls on you, as the exporter. All that is required is to complete the relevant sections of the catch certificate and obtain validation from the competent authority of the catching vessel. Nobody should attempt to export seafood to the EU unless a validated catch certificate is available for the consignment.

There are a few exceptions to this rule, and a validated catch certificate is not required when:

- The goods to be exported fall outside the commodity groups described by Chapter 3 and outside Tariff Heading 1604 and 1605 of the Combined Nomenclature (CN). These are the internationally recognised “Customs Codes” that are used to designate the nature of goods and merchandise;

- Or the goods to be exported are listed in Annex 1 of Commission Regulation 202/2011; this document replaces Annex 1 of 1005/2010 and revokes Annex XIII of 1010/2009.

For information on Combined Nomenclature product codes see;

[CN Codes](#)

For further information see the European Commission's Handbook on the practical application of the IUU regulation.

[EU Handbook](#)

2.0 The Catch Certificate Explained

2.1 How to Acquire and Complete the Catch Certificate

The catch certificate is established by the master of the fishing vessel that caught the fish, or by a representative of the master. As the first step, the exporter should identify the flag state of the fishing vessel and flag state authorities to obtain a certificate template, for that flag state. This will be either the template as described in Annex II of the IUU Regulation 1005/2008, in which case the instructions below can be followed, or a certificate agreed between the European Commission and the flag state, in which case the flag state's instructions should be followed to ensure compliance.

For further Information see the European Commissions Handbook on the practical application of the IUU Regulation at the hyperlink listed above.

For further Information on Product Codes and Catch Certificate weights see the Guidance document at the hyperlink below:

[Weights and Product Codes Guide](#)

Products accompanied by catch certificates which include incorrect weights, and which are validated after 15 August 2010 risk not being permitted entry the EU market.

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

Where the weight on the certification is incorrect, Irish enforcement authorities will be undertaking additional checks and verifications in order to be satisfied that consignment to be imported corresponds to the catch certificate(s) supplied, prior to authorising the import.

*There are two situations in which catch certificates do **NOT** need to reflect the consigned weight:*

- a) Where the products are processed in a third country other than the flag state (e.g. one countries fish is processed in another country). In this situation an

Annex IV processing statement needs to be completed by the processing plant and validated by the competent authorities in the processing country. The Annex IV statement will identify what quantity of the catch that has been processed to form the exported consignment and links this to the corresponding catch certificate. It is acceptable in this case for the accompanying catch certificate(s) to relate to the entire quantity of fish that entered the processing country, as the Annex IV statement provides the link between the exported consignment and the catch certificate(s). A template of the processing statement is at Annex IV of the EC Regulation 1005/2008

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.

- b) Where a bulk consignment of fish is stored in a customs warehouse in the EU. In this situation, when part of the bulk consignment leaves the customs warehouse it can be accompanied by a copy of the catch certificate for the entire quantity, plus supporting documentation (e.g. customs documents, invoices, transport or insurance documents) to provide the link between the original quantity that entered the customs warehouse and the part to be imported into the EU.

2.2 Preparing to Validate the Catch Certificate

As the exporter you have to fill in sections 8, 10 of the catch certificate. In the case of products landed by the fishing vessel directly into Ireland, section 10 and Appendix I may be left empty. Upon completion you then submit the catch certificate to the competent authority (the validating authority) of the flag state of the vessel that caught the fish. It is up to the validating authority to determine the manner in which the catch certificate is submitted for validation i.e. whether the authority requires electronic submission. Validating authorities are listed on the European Commission's website at:

[Notified Countries](#)

2.3 Validating the Catch Certificate

If the validating authority is satisfied with the information submitted in the catch certificate and with any other intelligence the authority may have, it will validate the catch certificate and return it to you. However, if information is incomplete, the validating authority may defer validation until the information is available. Note that, where relevant, Appendix I of the certificate (Transport Details) also needs to be completed.

2.4 Transmitting the Validated Certificate

Once you receive the validated catch certificate from the validating authority you transmit the certificate, including transport details, to the importer in the EU. The validated certificate must reach the importer prior to importation into the EU. If an intermediate importer in a non EU country is involved (as in indirect imports), the

certificate must be transmitted to this importer. The European Commission has recommended that you retain a copy of the validated catch certificate for three years.

2.5 How far in Advance of Importation does the Importer need the Catch Certificate?

The importer will need to submit the validated catch certificate to the IUU Office Sea Fisheries Protection Authority at these minimum times before the arrival of the consignment:

- Fresh fish landed by a third country flagged fishing vessel into a designated port: 4 hours
- Goods arriving by sea: 3 working days
- For goods arriving by air the minimum period is 4 hours, but the SFPA would advise maintaining the 3 working days period to prevent any delay in the products gaining release at Border Inspection Posts.

2.6 Consignments Consisting of Pooled Catches

If a consignment consists of more than one catch, you will need to transmit to the importer all the validated catch certificates that relate to the consignment i.e. one for each catch. If the catches stem from small vessels fishing in the same area, the catches may be pooled together and the consignment covered by one simplified catch certificate. This simplified catch certificate can be found in Annex IV of Commission Implementing Regulation 1010/2009. The types of vessels that can give rise to this simplified catch certificate are described in Article 6 of the same Regulation, and are vessels:

- That have an overall length of less than 12m not using towed gear; or
- Have an overall length of 8m using towed gear; or
- Are without a superstructure; or
- Are less than 20 GRT.

2.7 Exporting to the EU via Another Third Country

Seafood products that are transported to another third country before reaching the EU must be accompanied by a validated catch certificate. In addition, the certificate must contain documentary evidence that the products did not undergo any operation other than unloading, reloading or any operation aimed to preserve them in a good condition. Examples of the documented evidence are listed under point 5.6 of the European Commission's Handbook.

2.8 European Commission Handbook

For detailed instructions on the simplified catch certificate and for guidance on how to deal with the following types of situations see the European Commission handbook; [EC Handbook](#)

- Consignments composed of different species;
- Consignments that stem from split catches;
- Consignments that are a mixture of locally caught fish and imported fish; and

- Consignments consisting of both processed and non-processed products.

3.0 Procedural Issues

3.1 Processed in a Country other than the Flag State

Seafood that is processed in a third country other than the flag state will need additional documentation (Processing Statement) if it is to be exported to the EU. This is the document listed under Annex IV of the IUU Regulation. The processor will need to fill out this document and obtain endorsement from the competent authority (in the country of processing) before passing the document on to the exporter. As the exporter you will need to transmit this document along with the validated catch certificate (or certificates) to the importer in the EU.

Although the IUU Regulation allows transmission of the certificate by electronic means, you will need to confirm with the validating authority that the European Commission has approved this form of communication for certificates of that particular flag state.

3.2 Exporting Seafood that Originated in the European Union

Fishery products that are to be exported from and re-imported into the EU will need a catch certificate validated by the flag state; this is also the case where the flag state of the fishing vessel is a Member State, other documentation will be required also.

3.3 Enforcement Issues to Note

- To ensure the catch certificate is approved you should obtain fishery products only from trustworthy sources and, if appropriate, obtain information to assure that the supply of fishery products is legal within the context of the IUU regulations.
- If the flag state validating authority is not satisfied with the legality of the catch, it is obliged to refuse to validate the catch certificate, without which the consignment will be refused entry into the EU. If an EU Member State doubts the accuracy of a validated catch certificate, it may temporarily refuse importation while it checks the legitimacy of the import documentation. The exporter/importer may be asked to supply information to assist the authorities to conduct verification checks.

For any information or verification of catch certificates and all IUU import documents, contact the Irish Authorities as listed below.

Sea Fisheries Protection Authority,
IUU Office,
Clogheen,
Clonakilty,
Co. Cork,
Ireland.

T: 023 88 59300
F: 023 88 59720 (Please mark for attention of IUU Office).
E: iuuoffice@sfpa.ie
W: www.sfpa.ie

**Import Documentation sent to the IUU Office outside of office hours (M-F, 9-5pm)
must be sent via e-mail only.**

Any queries of a confidential nature can be forwarded to iuuprevention@sfpa.ie