



Revision of the EU fisheries control system: changes to the EU IUU Regulation

Council Regulation (EC) 1005/2008

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Process

Legislative proposal published on 30/05/2018 ([COM\(2018\)0368](#))

Outcome of ordinary legislative procedure:

Vote by European Parliament on 17 October, Council adoption on 13 November, final signature in EP plenary session 22 November, publication mid-December, entry into force January 2024 (20 days after publication)

Outcome

Article 4 of the adopted Regulation: amendments to Regulation (EC) No 1005/2008

Main objectives:

- 2018 COM proposal: IUU Regulation was NOT object of a comprehensive revision exercise, but proposed
 - Introduction of punctual amendments to add the legal basis for the mandatory use of CATCH and ensure its correct functioning
 - Adaptation to new revised Control Regulation: amendments to the enforcement and port controls provisions

Main outcomes:

- Establishment of the legal basis for the mandatory use of an IT system - CATCH
- Punctual changes to the content of the catch certification documents to ensure the functioning of CATCH and improved traceability
- Strengthened measures against countries listed as non-cooperating in the fight against IUU fishing
- Enforcement and procedures moved to Control Regulation

Overview – Table of contents

- Introduction: main objectives and main outcomes

- 1. Changes to the IUU Regulation: provisions not related to the Catch Certification Scheme
 - Chapter VI (measures against third countries)

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 - A. CATCH: Article 12, general functionalities, access to CATCH, timeframe for the use of CATCH
 - B. Modifications to content of documents and processes: Annex II, Article 14, Annex IV, detailed changes to CCs and related documents

1. Main changes to the IUU Regulation: provisions not related to the catch certification scheme

Chapter VI, article 38 is amended – new paragraphs 10 and 11

10. Actions in respect of non-cooperating third countries:

- Prohibition of ownership (including as beneficial owner), operation or management by Union operators of fishing vessels flying the flag of non-cooperating countries.
- Obligation for such owners to request the removal of these vessels from the registry of non-cooperating countries within two months from the publication of the list of such countries.

11. Actions in respect of non-cooperating third countries:

- Prohibition for fishing vessels flying the flag of a non-cooperating third country to access port services and conduct landing or transshipment operations in Union ports.
- Both applicable as of entry into force (i.e. early January 2024)

2. Main changes to Chapter III: the IUU catch certification scheme

- A. IT system CATCH
- B. Modifications to content of documents and processes

A. IT system CATCH

- Article 12a: establishment of CATCH to handle, store and exchange information and documents related to trade in fishery products
- Article 12b: functionalities of CATCH, i.e. submission, quantity management, CERTEX connection and electronic risk management as well as interoperability with third countries
- Article 12c: functioning of CATCH, i.e. through COM implementing acts: technical specifications, access rules to CATCH, contingency arrangements, validation rules
- Articles 12d and 12e: protection of personal data and data security

Will the use of CATCH be compulsory?

- ❖ The use of CATCH will be compulsory for the submission of CCs and related documents by EU importers to the EU Member States' authorities through revised article 16.1 of IUU regulation.
- ❖ Competent authorities of EU Member States will be mandated to use CATCH to process submissions made by EU importers and provide feedback to them on the decision taken on the import
- ❖ Third countries' exporters and authorities will be able to use CATCH directly (i.e. to generate and validate documents in CATCH) on a voluntary basis. Of course this is the favoured option: digital documentary flows

Access to CATCH

- ❖ Only for Member States for the time being
- ❖ Request access through the system (TRACES NT):
 1. Create an EU login
 2. Request a role to have access to TRACES NT (Operator or Authority)*

*The Commission will grant access only to notified central competent authorities in Member States and third countries

Access to CATCH

- ❖ Principle: the Commission grants access only to notified central competent authorities in Member States and third countries
- ❖ Such authorities grant access to relevant economic operators under their jurisdiction
- ❖ Access to CATCH is provided to Member States (and interested importers) only for the time being
- ❖ Request access is done through the system (TRACES NT):
 1. Create an EU login
 2. Request a role to have access to TRACES NT (Operator or Authority)

Timeframe

- ❖ CATCH will become compulsory two years (24 months) after entry into force of the new regulation.
- ❖ However, the system exists and is accessible to EU Member States authorities and EU importers.
- ❖ The system is evolving: current developments aims at matching the upcoming legal basis

Forward-looking approach

- EU-wide IT environment will support Member States' authorities in checks of catch certificates by introducing homogenous control procedures.
- IT environment will also offer important administrative burden reduction possibilities (direct use by third countries' stakeholders, interoperability). These will materialise only if all stakeholders proactively work towards such objective.

Expected benefits of CATCH

- ❖ Reduced risk of fraudulent certificates
- ❖ Facilitate controls and risk identification
- ❖ Harmonise procedures in the framework of the EU CC scheme
- ❖ When third countries' authorities and operators choose to use the system directly, facilitate the entire process as the workflow becomes entirely digital
- ❖ Possible benefits from interoperability of IT systems

Information sharing and explanations

- ❖ The Commission is already providing trainings to EU Member States' authorities and will organise more in the next two years
- ❖ For third countries: regional and bilateral explanatory sessions will be provided in due time
- ❖ CATCH users' manual for stakeholders will be prepared
- ❖ Presentation to all interested third countries in early 2024
- ❖ Bilateral contacts
- ❖ The principle is: Commission interacts with authorities, the authorities interact with their operators

Objective: promotion of the direct use of CATCH by third countries

- ❖ Organisation of seminars and trainings
- ❖ Reminder that CATCH is integrated in and developed based on the TRACES NT platform, already used by several third countries for other certificates
- ❖ Interoperability opportunities for third countries having an IT system to generate and validate CC to be assessed on a case-by-case basis

B. Modification of the content of documents and processes part of the catch certification scheme

When will changes apply?

- ❖ 24 months after entry into force
- ❖ Old catch certificates (generated and validated before the new provisions will start applying) and documents will be admissible for additional 24 months from date of application if submitted through CATCH

Why changes to the content?

- ❖ FAO Voluntary Guidelines CDS – digitalisation and traceability along the supply chain
- ❖ To ensure consistency of data collected
- ❖ To ensure same traceability data requirements for the same commodities in all cases
- ❖ To address loopholes in key data elements relevant for traceability
- ❖ To ensure the correct functioning of the IT tool used (CATCH)

Annex II (catch certificate) is amended

What changes? (I)

- ❖ Fishing vessels identifiers: use of IMO/UVI number, fishing gear added
- ❖ Fishing activity: more precise fishing areas identified
 - ❖ FAO area; AND
 - ❖ EEZ OR High Sea; AND
 - ❖ RFMO (if applicable)
- ❖ Fishery product: the weight boxes have been reformulated to ensure data consistency for quantity management
- ❖ Transhipment/landing: clear distinction of the operations introduced

What changes? (II)

Transport appendix and importer declaration

- ❖ Transport details have been reviewed and obligation to provide data by importer introduced
- ❖ Importer declaration: weight and product description data have been added to ensure product identification, consistency with customs procedures' data and quantity management

Article 14.2 is modified

Documentary requirement

- ❖ A processing statement will be required in the future even in cases where the related processing takes place in the same country of the flag of the fishing vessel

Why article 14.2 changes?

- ❖ Important for traceability along the supply chain and product identification (VG CDS)
- ❖ Change in line with traceability objectives (catch data and data on subsequent movement / alteration of catches in the supply chain)
- ❖ To align with KDEs internationally recognised as important in the fight against IUU fishing
- ❖ Same set of data required for similar product presentations – reliable and comparable data for controls

Annex IV (processing statement) is amended

What changes?

Processing statement template

- ❖ The requirement for a unique statement number has been added
- ❖ Important to ensure link between the statement and the catch certificate(s)

Article 14.1 (indirect import without processing – documented evidence) is replaced

What changes?

Today:

- ❖ No template;
- ❖ No clear authority identified;
- ❖ No provisions in cases where consignments are split during transport from exporting country to the EU.

New provisions:

- ❖ Clear template to be created by COM (delegated powers) applicable to all;
- ❖ Clear identification of relevant authorities;
- ❖ Possibility to digitalise as part of CATCH;
- ❖ Split consignments scenarios covered.

Detailed changes to the catch certificate and related documents: box by box

(i) EUROPEAN UNION ~~COMMUNITY~~ CATCH CERTIFICATE

Document number		Validating Authority	
1. Name	Address	Telephone- Fax	
2. Fishing vessel name	Flag - home port and registration number	Call sign	IMO Lloyd's Number or, if not applicable, other unique vessel identifier (if applicable) (if issued)
Fishing licence no. – Valid to until		Inmarsat Mobile satellite service no Telefax no Telephone no. E-mail address (if issued)	
Fishing gear (1)			

(1) Code to be used in accordance with International standard statistical classification of fishing gear.

3. Description of product	Type of processing authorised on board		4. References to applicable conservation and management measures		
Species	Product code	Catch area(s) and catch date(s) (from – to) (2)	Estimated live-weight to be landed in kg (kg)	Estimated weight to be landed (Net catch weight in kg)	Verified weight landed (net catch weight in kg) (3) where appropriate

(2) Catch area:

- FAO area(s);
- exclusive economic zone(s) and/or high seas; and
- relevant regional fisheries management convention area(s).

(3) To be filled in only if verified in the context of an official inspection.

5. Name of master of fishing vessel or of fishing licence holder - 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/Lloyds number (if issued) or, if not applicable, other unique vessel identifier (if applicable)

7. Transhipment and/or landing authorisation within a port area:

Name	Authority	Signature	Address	Telephone	Port of landing (as appropriate)	Date of landing (as appropriate)	Seal (stamp)	
					Port of transhipment (as appropriate)	Date of transhipment (as appropriate)	Name and registration number of receiving vessel	Seal (stamp)
							IMO number or, if not applicable, other unique vessel identifier (if applicable) of receiving vessel	

11. Importer declaration:				
Name and address of importer Company, name, address, EORI (4) number and contact details of importer (specify details)	Signature	Date		Seal
Company, name, address, EORI (4) number and contact details of representative of the importer (specify details)	Signature	Date		Seal
Product description	Product CN code		Net weight in kg	Net fishery product weight in kg
Document under Article 14(1) of Regulation (EC) No 1005/2008	Yes / no (as appropriate)	References		
Document under Article 14(2) of Regulation (EC) No 1005/2008:	Yes / no (as appropriate)	References (Processing statement document number(s)):		
Member State and office of import				
Means of transport upon arrival (airplane, vehicle, ship, train)	Transport document reference		Estimated time of arrival (if submission under Article 12(1) of Regulation (EC) No 1005/2008)	
Customs declaration number (if issued)	CHED (5) number (if available)			

(4) Economic Operators Registration and Identification.
(5) Common Health Entry Document.

12. Import control: Authority	Place	Importation authorised (6[*])	Importation suspended ([*]6)	Verification requested - date
Customs declaration (if issued)	Number		Date	Place
13. Refusal of catch certificate	Catch certificate refused on the basis of the following provision of Regulation (EC) No 1005/2008:			(6[*])
	Article 18 (1), point (a)			
	Article 18 (1), point (b)			
	Article 18 (1), point (c)			
	Article 18 (1), point (d)			
	Article 18 (1), point (e)			
	Article 18 (1), point (f)			
	Article 18 (1), point (g)			
	Article 18 (2), point (a)			
	Article 18 (2), point (b)			
	Article 18 (2), point (c)			
Article 18 (2), point (d)				
(*) Tick as appropriate				

(6) Tick as appropriate.

Changes to Appendix: Transport details

1. Country of exportation Port/airport/other place point of departure	2. Exporter signature		3. Point of destination	
Vessel name and flag Flight number/ airway bill number Truck nationality and registration number Railway bill number Freight bill number Other transport documents (e.g. bill of lading, CMR ⁽²⁾ , air waybill)	Container number(s) list attached	Name	Address	Signature

Implementing and delegated acts

- ❖ **Implementing Regulation 1010/2009 will be revised to ensure that all provisions necessary for the correct functioning of CATCH are developed**
- ❖ **The Commission is also mandated to develop a (non-manipulation) document template for the use under Article 14.1 (indirect import) – before the start of application of the new provisions**

Work before 2026 (i.e. before application):

➤ Need to focus attention on:

- IT developments (CATCH)
- Implementing / delegated provisions to be revised/developed
- Notifications to third countries
- Promotion of direct use by third countries of IT system CATCH for burden reduction
- Interoperability
- Trainings / information sharing

Thank you