

PROPOSAL FOR MAC ADVICE

Operational Stabilization and Strategic Alignment of Regulation (EU) 2023/2842

Ensuring proportionality, legal certainty, and market stability in the implementation of the CATCH system

STRUCTURE OF PROPOSAL

1. Context and Strategic Objective *Catch is a key priority*
2. Immediate Operational Reality *Inherent, well-known vulnerabilities*
3. The Critical Role of System Interoperability *1ST things 1ST*
4. Supply Chain Dynamics and Just-In-Time Logistics *Real world vs. desk scenario*
5. Preserving the Integrity of the Single Market *De facto blackout of single market and LPF in the EU or vs World*
6. Strengthening Governance via the Single Liaison Office (SLO) Network
7. Recommendations
 - a. pragmatic measures for operational stability and legal certainty
 - b. structural improvements to the system design and governance

MAIN ISSUES

- **Governance:** Coordination issues among authorities
- **Legal interpretation:** Issues related to interpretation of EU law or regulation scope
- **Interoperability:** Problems between CATCH, TRACES, or other systems
- **Traceability design:** Structural traceability requirements that are difficult to implement
- **IT functionality:** Technical bugs or failures within systems
- **Master data:** Missing or restrictive database entries (species, vessels, codes)
- **Data-entry burden:** FBOs must manually replicate third-country paper data into the system, with processing of a single catch certificate reported to take between 50 minutes and several hours depending on the complexity of the consignment.
- **Access / onboarding:** Barriers for operators entering the system

LEGAL CERTAINTY

Electronic submission should remain the default where technically feasible, to maintain momentum in digitalisation. But where this is not possible, legal certainty has to be provided.

INTEROPERABILITY

A fundamental structural challenge remaining in the implementation phase is the absence of functional interoperability—both between Member State authorities and with third-country digital infrastructures.

In its current state, the CATCH system necessitates a process of "data regression," where information already digitized in third-country or private systems must be manually re-entered by EU Food Business Operators (FBOs) to satisfy specific system constraints.

OPERATIONAL LEGAL CERTAINTY

- **Provision of Legal Certainty during the De-Facto Transition:** Establish legal certainty for operators navigating the current *de-facto* transitional phase by issuing a formal interpretative framework that recognizes the validity of paper-based certificates as a mandatory fallback, in parallel with CATCH entries, in particular where technical failures or system unavailability threaten the uninterrupted flow of goods. Electronic submission should remain the default where technically feasible, to maintain momentum in digitalisation.
- **Clarification of Legal Scope:** Issue a formal guidance note confirming that Regulation (EU) 2023/2842 aims to digitalize existing procedures and does not extend the legal scope of catch certificate obligations, particularly for intra-EU flows. This clarification should explicitly distinguish between legal obligations and IT design choices.
- **Application of Administrative Proportionality:** Introduce a “Safe Harbor” principle or harmonised administrative tolerance for administrative errors arising from the manual digitization of third-country paper certificates, limited to errors that do not affect the substantive IUU risk assessment and applicable only during the transitional phase while the system undergoes stabilisation.

structural improvements to the system design and governance 1

- **Prioritize the establishment of full system-to-system interoperability** as the foundational layer of the CATCH infrastructure. Focus on integrating CATCH also with third-country digital infrastructures.
- **Enablement of Live Workflow Monitoring:** Update system functionality to allow competent authorities to monitor operator drafts and provide real-time or near real time feedback, reducing the incidence of “silent failures” that only become visible at the point of clearance.
- **Formalisation of Technical Exchanges:** Reestablish and formalise a framework for regular technical exchanges between Member States’ competent authorities (including SLOs) and the Commission, focused on exchanging operational experiences, identifying best practices, and ensuring that corrective updates to CATCH IT are implemented in a harmonised manner across the Union.
- **CATCH in Business-to-Government Interface:** Provide an overview on the way forward for the integration of CATCH in the Business-to-Government Interface of the EU Single Window Environment for Customs, allowing stakeholders for adequate time for feedback and suggestion for successful implementation.

structural improvements to the system design and governance 2

- **Introduction of a delegation function:** Deploy a 'mandate/delegate' module as a matter of urgency to allow Producer Organisations, freight forwarders or Customs agents to carry out tasks on the CATCH system on behalf of importers. This will directly address the documented administrative overload on SMEs described in Section 2 and restore logistics efficiency.
- **Remediation of Master Data and System Shortcomings:** Prioritise the inclusion of missing species codes, vessel data, and more flexible validation rules for third-country addresses that currently block lawful consignments. The remediation process should be transparent, with clear timelines and a channel for operators to flag recurrent issues.
- **Strategic Testing and Phased Roll out:** For future major IT or any other changes in the fisheries control system or elsewhere, establish robust and time bound pilot phases, with representative participation of SMEs and different supply chain configurations, before full mandatory deployment. This will help to ensure that necessary adjustments are identified early, that burdens are proportionate, costs can be simulated on time and that confidence in both the regulation and the tool is maintained.