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IUU Regulation guidance note

Weights and product codes to include in catch certificates

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Purpose of this Guidance Note

1. The EU IUU regulation has been in place since 1 January this year. However, there are some issues on how the Catch Certificate scheme is being implemented. Specifically, in some third countries the certificates are being validated by the competent authority for the total quantity of fish landed, rather than the quantity exported to the EU. There are also issues in matching up the catch certificate with the product that is being imported as the description and product code that is being used in the catch certificate is not accurate enough.
2. The European Commission has therefore recently written to all third countries that have notified their competent authorities under the IUU Regulation, informing them of the correct process in respect of the weights and product codes that are required to be included on a catch certificate.
3. This note provides further detailed guidance on what information UK Enforcement Authorities will expect to see on catch certificates in respect of weights and product codes. It also provides additional guidance on the submission of original and copy documents.

Problem with weights on some catch certificates

4. In many instances only part of a catch (or catches) is included in the consignment that is to be imported to the EU. However, in some countries the catch certificate is being completed in respect of an entire catch as it is landed rather than the part of the catch (or catches) that is being exported.
5. At import, it is therefore difficult to make a link between the fish in the consignment and the fish on the catch certificate, which means there is potentially a greater risk of illegally caught products entering the EU market.
6. The Commission has confirmed that the catch certificate must only be completed in respect of the part of the catch that is being exported. This is set out in the Addendum to the Commission's Guidance Handbook which can be found at:

http://ec.europa.eu/fisheries/cfp/illegal_fishing/info_eu/handbook_addendum_en.pdf

7. The Handbook states:

"In general, the weight to be entered should cover the consignment to be exported. Only one of the fields "Estimated live weight" or "Estimated weight to be landed" (plus verified weight landed where this information is available) should be completed. If the amount exported from one exporter in a third country constitutes a part of a landing from one vessel, the weight should only be the amount exported indicated in "Estimated live weight" and not the entire amount landed. If the entire catch is exported upon landing by the master or its representative, the weight should be the entire catch, i.e. "Estimated weight to be landed (plus verified weight landed where appropriate)". In any case, information about the weight of the consignment to be exported should always be indicated in the certificate."

8. The Commission have informed third countries that they must only validate catch certificates which use the consigned weight of the fish – that is the weight of fish actually imported rather than the total catch landed..

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.

9. 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.
10. Where the weight on the certification is incorrect, UK 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. (See paragraphs 23-25)
11. Detailed guidance on how to complete a catch certificate, including more information on the weights to include, is at **Annex A**.

Exceptions to this rule

12. 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. Country A fish processed in Country B).** 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 the part 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 Council Regulation 1005/2008

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:286:0001:0032:EN:PDF>

Note: Where a consignment is made up from a mixture of fish from Country A and Country B the consignment should be accompanied by a catch certificate and Annex IV statement covering the Country A catch and a catch certificate issued by Country B relating to the local fish that was exported as part of the consignment. The total weight of fish from the Annex IV and the Country B 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.

Action for importers and agents

13. Importers or their agents will need to check that catch certificates include the correct weights prior to submitting the documents to UK enforcement authorities. If the weights do not correspond to the consignment, further verification by UK enforcement authorities will be required which could delay clearance of the goods into the UK.
14. Importers or their agents should contact the UK enforcement authorities (Port Health, Local Authority or Marine Management Organisation) immediately if they are aware that consignments will be arriving with incorrect catch certificates. The enforcement authorities will advise what additional information is required.
15. It will also be in importers' interests to inform their suppliers in third countries of the requirements regarding weights in the catch certificate.
16. Importers and their agents are reminded of the prior notification deadlines for submitting the IUU documentation to UK enforcement authorities:
 - For direct landings of fresh fish by third country fishing vessels – 4 hours
 - For direct landings by Norwegian and Icelandic vessels – 2 hours
 - For airfreight - 4 hours
 - **For all other imports – 3 working days**

What weights should be included?

17. In general, the weight on the catch certificate should be included in the box "Estimated live weight" at section 3. It is always the weight of the fish in the products to be imported that should be included in this box. E.g. for a processed product it is the weight of the processed fish that should be included.

E.g. in the production of canned tuna in brine from a catch of 50,000kg of skipjack (*Katsuwonus pelamis*) 4,657kg of fish could have been transformed into 2,922kg of processed fishery product, giving a consignment of net weight 4,000kg when combined with the brine.

The catch certificate should then be completed as follows:-

3. Description of product Canned Tuna		Type of processing authorised on board See Annexed list		4. References of applicable conservation and management measures See Annexed list	
Species	Product code	Catch area(s) and dates	Estimated live weight (kg)	Estimated weight to be landed (kg)	Verified weight landed (kg) where appropriate
K. pelamis	1604 14	See Annexed list	2,922		
5. Name of master of fishing vessel – Signature – Seal:					

18. Where an entire catch is being exported to the EU, the box “Estimated weight to be landed” should be used. Again this will be the weight of the fish to be exported.

19. In addition, if the catch has been inspected and weighed on landing by an authority in the third country or EU Member State (for direct landings), the actual landed weight can be included in the box “Verified weight landed (if appropriate)”.

What if the product includes fish from multiple catches and/or vessels?

20. It is acceptable for multiple catches to be included on a single certificate as long as the vessels are registered to the same flag state. In this case the exporter needs to provide the details of the parts of the catches that contribute to the finished product that is being exported to the EU. This is usually achieved by attaching an annex to the original certificate. The annex should include the details at sections 2-5 of the catch certificate for each vessel. An example is at **Annex B**.

21. Any annex to the catch certificate must include the catch certificate number and also be stamped by the competent authority in the third country.

Do these rules apply to the simplified catch certificate for small vessels?

22. Yes. In this case, the exporter will need to include a list of all the vessels (and their details) and respective weight of fish each vessel has contributed to the consignment.

What will happen if catch certificates with incorrect weights are provided?

23. Where the enforcement authority at the port is not able to match up the weight on the catch certificate with the consignment, the European Commission has advised that additional verifications must be carried out in order ensure that the catch certificate does in fact correspond to the consignment to be imported.

24. Products accompanied by catch certificate(s) with incorrect weights which are **validated by third countries after 15 August** risk being denied entry to the UK if, following a verification by UK authorities, the products cannot be reconciled with the information shown on the catch certificate(s).
25. This is a transitional measure until third countries have amended their validation systems to include the correct weights. Once third countries have amended their systems, the catch certificate scheme should become simpler and more effective to operate.

Product Codes

26. It is a requirement that the catch certificate includes the correct description of the product, including internationally recognised product code. Some catch certificates only include a 4-digit code. This is not sufficient to identify the product to be imported and presents a risk that illegal fish can enter supply chains under catch certificates validated for legally obtained products.
27. The European Commission has advised all third countries that a minimum 6 digit code is required. Any catch certificate containing only a 4 digit product code will be subject to additional verifications and checks by the UK enforcement authorities.

Originals of catch certificates

28. Original catch certificates should be submitted to UK enforcement Authorities. It is, however, acceptable for electronic versions (e.g. pdf, fax) to be submitted, as long as they are followed up by the original document. To avoid delays, IUU checks and clearance can be undertaken on the basis of electronic versions.
29. Some third countries operate electronic catch certificate systems. The original is held on the electronic system and can be accessed by the enforcement authorities. In this case the importer should print a copy of the catch certificate and complete the importer details at section 11, before submitting it to the UK authorities.
30. There are only two circumstances in which copies of the catch certificate are acceptable:
 - (a) **Where the products are processed in a third country other than the flag state (e.g. Country A fish processed in Country B).** In this situation it is acceptable for the catch certificate(s) that accompany an Annex IV processing statement to relate to the entire quantity of fish that entered the processing country. If the entire quantity is not exported in one consignment, it is acceptable for a copy of the catch certificate(s) to be provided. The original Annex IV processing statement, validated by the processing country, should also be provided.

(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 which entered the warehouse.

Further information

Further information on the requirements of the IUU regulation can be found:

on the Defra website:

<http://www.defra.gov.uk/foodfarm/fisheries/policy/iuu/iuu-regulation.htm>

on the European Commission's website:

http://ec.europa.eu/fisheries/cfp/illegal_fishing/index_en.htm

If you have any queries about this Guidance Note please e-mail:

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Annex A

How should the catch certificate be completed?

Catch Certificate

ANNEX II
European Community Catch Certificate and Re-export Certificate

EUROPEAN COMMUNITY CATCH CERTIFICATE					
Document number			Validating authority		
1. Name		Address		Tel. Fax	
2. Fishing vessel name		Flag – Home port and registration number		Call sign	IMO/Lloyd's number (if issued)
Fishing licence No – Valid to		Inmarsat No, Fax No, Telephone No, E-mail address (if issued)			
3. Description of product 1		Type of processing authorised on board		4. References of applicable conservation and management measures	
Species	Product code	Catch area(s) and dates	Estimated live weight (kg)	Estimated weight to be landed (kg)	Verified weight landed (kg) where appropriate
2	3		4	5	6
5. Name of master of fishing vessel – Signature – Seal: 7					

Complete these boxes only if a single vessel, otherwise include in an Annex

- 1** - this box is intended to be a heading, however, for a processed product it can be a useful place to put a more detailed description
- 2** - place the full scientific name of all of the species of the fish (in scope of the Regulation) included in the product here
- 3** - this must be the product (CN) code of the finished product and must be at least six digits. For assistance in identifying the CN code see <http://www.businesslink.gov.uk/bdotg/action/tariff?r.s=b>
- 4** - This is the weight of the fish in the consignment. For a processed product the weight of fish in the finished product should be shown here.
- 5** - this is the weight of the total landing and is only relevant where the whole catch is exported
- 6** - this is only relevant where the whole catch is exported and is to be completed where the competent authority has verified the figure shown at **5**.
- 7** - This is to be filled out where there is a single landing on the catch certificate – otherwise the annexed document will hold these details.

Simplified Catch Certificate

ANNEX IV

EUROPEAN COMMUNITY CATCH CERTIFICATE

Simplified form for fishery products fulfilling the requirements in Article 6 of this Regulation

(I) EUROPEAN COMMUNITY CATCH CERTIFICATE — Simplified form for fishery products fulfilling the requirements in Article 6 of this Regulation			
Document number		Validating authority (name, address, tel., fax)	
1. Description of product		2. References of applicable conservation and management measures	
Species	Product code	Verified weight landed (kg)	
1	2	3	
3. List of vessels that have provided catches and the quantities by each vessel (name, registration number, etc. annexed):			
4. Name, address, tel. and fax of exporter	Signature	Date	Seal (stamp)

- 1** - place the full scientific name of all of the species of the fish (in scope of the Regulation) included in the product here
- 2** - this must be the product (CN) code of the finished product and must be at least six digits. For assistance in identifying the CN code see <http://www.businesslink.gov.uk/bdotg/action/tariff?r.s=b>
- 3** - This is the weight of fish in the consignment. For a processed product the weight of fish in the finished product should be shown here. This box should be equal to the total weight of fish shown on the annexed list.

Annex B

Example of Annex for Multiple Vessels/Catches to be attached to the catch certificate

Schedule for multiple vessel landings as permitted by Article 12 (3) of Council Regulation (EC) No 1005/2008	
{Identification of the Competent Authority}	
Catch certificate number	

Fishing Vessel				Licence	Activity			Product Description			
Vessel Name	Vessel Master	Flag/ Home Port/ Registration number	Transformation authorised on board	Fishing Licence Number – valid to	Landing Port	Catch Dates	Catch Area	Species	Description/ Presentation	Product Code (6 Digit)	Consigned Weight (kg)
Total Weight (kg)											

MASTER/ AGENT / REPRESENTATIVE		Name (Print)		Stamp	
Date		Sign			

COMPETENT AUTHORITY USE ONLY		Name (Print)		Authority Stamp	
Date		Sign			