

IUU – Guide for importers

Background

Illegal, Unreported and Unregulated fishing (IUU) encompasses unauthorised fishing and all fishing activities that are a serious breach of national, regional or international rules. IUU fishing remains the biggest global threat to the sustainable management of fish stocks.

A recent UK study estimated that IUU fishing costs a minimum of \$10 billion, and a maximum of \$24 billion, across the world each year – equivalent to nearly 20% of the worldwide reported value of catches.

The EU has therefore introduced a new regulation to prevent, deter and eliminate the import of IUU fishery products into the Community, which came into force on 1 January 2010. Regulation No 1005/2008 creates new requirements on fish and fisheries products entering the EU market from third countries (non-EU).

All importers will need to take steps to ensure the goods they import have been legally caught, and that his export partner provides a validated catch certificate for every consignment.

This guidance note covers:

- The authorities involved;
- The process for submitting catch certificates and; charges for checking them;
- How to obtain Approved Economic Operator (APEO) status;
- Customs formalities

Who does what?

Port Health Authorities and Local Authorities will be responsible for checking catch certificates for imports at sea and air ports. For a full list see:

http://www.apha.org.uk/port_directory.asp

The Fisheries Authorities in England, Scotland, Wales and Northern Ireland will be responsible for authorising and conducting inspections on landings by third country fishing vessels.

The UK Fisheries Call Centre will validate UK Catch Certificates for landings by UK vessels to non-EU countries (where UK catch certificates are required).

E: UKFCC@scotland.gsi.gov.uk

The Marine and Fisheries Agency (MFA) will validate UK Catch certificates for all other exports (where UK catch certificates are required), and the re-export section of catch certificates. The MFA's IUU Unit will also assist Local Authorities and Port Health Authorities with further verification of catch certificates and application of control measures on imports as necessary.

E: UKIUUCCC@mfa.gsi.gov.uk

This fact sheet draws on the Defra Information Note 2 see:

<http://www.defra.gov.uk/foodfarm/fisheries/documents/fisheries/iuu-infonote0912.pdf>

For further information on implementation in the UK see:

<http://www.defra.gov.uk/foodfarm/fisheries/marine/conservation/iuu-regulation.htm> and <http://www.scotland.gov.uk/Topics/Fisheries/Sea-Fisheries/COMPLIANCE/IUUfishing>

The catch certificate explained

With a number of exceptions all seafood caught on or after 1 January 2010 which is being imported into the EU will now require a catch certificate.

If you are an importer, or agent acting on behalf of an importer, it is your responsibility to ensure that all your imports of fish and fisheries products are accompanied by a validated catch certificate(s).

There are some exceptions to this rule. A validated catch certificate is not required when:

- The fish was caught before 1 January 2010, even if it is imported into the UK after this date. However, where appropriate, UK authorities may ask importers to provide documentary evidence that the catch was made prior to 1 January 2010. There is no set format for this but Defra has provided a template letter;
- The goods to be imported 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 imported are listed in Annex XIII of Commission Regulation No 1010/2009.

Responsibilities of the importer

- To obtain a validated catch certificate(s) from the exporter of the products.

- To complete the Importer Declaration at section 11 of the catch certificate, sign and stamp it.
- In cases where multiple catch certificates accompany the consignment, complete the Multiple Certificate Summary Document and list the catch certificates that accompany the consignment.
- To obtain additional documents if your consignment is routed through another third country, or processed in a third country other than the flag state of the catching vessel.
- To submit documentation to the UK Port Health Authorities or equivalent Local Authorities, within the deadlines for prior notification – for sea freight this is a minimum of three working days before estimated time of arrival, and for air freight a minimum of four hours before estimated time of arrival. It is acceptable for an importing agent to submit a catch certificate on behalf of an importer and complete section 11 of the catch certificate.

Re-exports from the UK

- If you or another operator intend to re-export fishery products previously imported into the EU with a catch certificate which have not been processed in any way, the re-export section of the original catch certificate (or the Multiple Certificate Summary Document) will need to be completed and validated by the MFA.

The format of the catch certificate

EC IUU Certificate - standard

The format of the standard catch certificate is laid down in Annex II of the Regulation 1005/2008. Third countries will produce their own certificates but these must contain all the information listed on the EC catch certificate template, so they are likely to be similar in general appearance.

Catch certificates must be in one of the official Community languages. It would be in the importers interest to ensure catch certificates are in English to avoid any delays in the import process.

EC Bilateral Agreements with third countries – country specific

Norway, Iceland, USA, Canada, New Zealand and the Faroe Islands have signed bilateral agreements with the European Commission to use their own control and traceability systems to generate and confirm the information provided on catch certificates. This includes specific formats for the catch certificates.

Simplified catch certificates

A simplified catch certificate has been made available for exports from third country fishing vessels under certain criteria.

Other catch certificate schemes

The European Commission has approved the catch certificate schemes of three Regional Fisheries Management Organisations (RFMOs) which may be accepted as an alternative to the standard IUU catch certificates. Eligible schemes are the CCAMLR Toothfish scheme, and two tuna schemes ICCAT (Bluefin) and CCSBT (Southern Bluefin).

Approved third countries

The European Commission has asked all third countries (flag states) to provide a formal notification of its competent authorities that will be implementing this regulation (ie validating the catch certificates).

Imports from third countries that do not provide this notification, or whose notification is deemed insufficient by the European Commission, will not be permitted EU entry.

Importers are strongly advised to ensure they know the nationality of the vessels which provide the fish to be imported, and that these countries are on the Commission's list. For the full list see:

http://ec.europa.eu/fisheries/cfp/external_relations/illegal_fishing/pdf/flag_state_notifications.pdf

Charges for checking catch certificates

As with checks on veterinary health certificates the Association of Port Health Authorities will charge for checking IUU catch certificates on a cost-recovery basis. The scale of charges is:

- £15 per consignment for imports from EEA/EFTA countries;
- £15 per CVED for imports from those countries that have signed a bilateral agreement (this reflects the lower risk status of those imports and the corresponding level of checks that will be required);
- £45 per CVED for all other imports.

The charges will be reviewed by 1 April 2010.

Approved Economic Operators (APEO)

In order to simplify the import procedure, the IUU Regulation allows for an APEO system to be set up. Importers who have been granted this status will not need to provide the catch certificates on import. Instead they will need to advise Port Health of the arrival of products and keep the catch certificates and accompanying documentation for three years. As a result, APEOs will not need to pay Port Health charges for checking the catch certificates on entry to the UK, but will be required to provide catch certificates and other documentation for checking by UK authorities as required.

The application procedure will open in early 2010. As a guide: applicants must hold an Authorised Economic Operator (AEO) certificate under the Community Customs Code; must be established in the UK; must have at least 50 import consignments per year; as well as meeting various criteria with regards to fisheries conservation, management systems, facilities and security procedures.

Customs formalities

For imports of fish and fish products subject to IUU checks, the HMRC National Clearance Hub (NCH) will require authorisation for release by the relevant Port Health or local authority before customs clearance can be granted.

However, while importers will be required to obtain the necessary catch documentation for qualifying imports, and present this to the UK Port Health Authorities, or equivalent local authorities, from 1 January 2010, a phased implementation approach is being adopted for the IUU customs clearance checks. Starting on 25 January 2010 NCH will require authorisation for air freight only. A full rollout will follow later in the year.

Evidence for customs release accepted in three forms

- A copy of the IUU compliant catch certificate or multiple certificate summary document with a UK Port Health/Local Authority endorsement faxed or emailed to NCH.
- An electronic coded message generated through the port inventory system by Port Health at certain maritime ports.
- A standard Port Health document confirming that the consignment is IUU compliant or not within the scope of the IUU scheme faxed or emailed to NCH.

For further information see the Seafish IUU page at:

<http://www.tinyurl.com/seafish-iuu> or if you have a specific question **Email:** iuu@seafish.co.uk

For further information contact:
Malcolm Large T: 07876 035729
E: m_large@seafish.co.uk

18 Logie Mill, Logie Green Road, Edinburgh EH7 4HS

t: 0131 558 3331 f: 0131 558 1442

e: seafish@seafish.co.uk w: www.seafish.org SIN: <http://sin.seafood.org>

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