

CATCH CERTIFICATION SCHEME

1. Regulations on the importation and exportation of fishery products into and from the territory of the European union

The Regulations adopted by the Council of the European Union and the European Commission on a system to prevent, deter and eliminate illegal, unreported and unregulated fishing have been applied in the EU Member States from 1 January 2010.

These 'IUU Regulations' include the following:

Council Regulation (EC) No 1005/2008

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32008R1005&qid=1506333350645&from=EN>

Commission Regulations (EC) No 1010/2009

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009R1010&qid=1506333607604&from=EN>

(EU) No 86/2010

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32010R0086&from=EN>

and (EU) No 202/2011

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011R0202&from=EN>

The Regulations lay down provisions on a **catch certification scheme**. Excluding the exceptions listed in Annex I of the Commission Regulation (EU) No 86/2010, the scheme applies to fishery products imported into the European Union (EU) from non-EU countries ('third countries') and exported from the EU to third countries. The scheme covers both unprocessed and processed fishery products. For the purposes of the catch certification scheme, third countries include EEA countries, such as Iceland and Norway.

A handbook on the catch certification scheme is available through the following link:

https://ec.europa.eu/fisheries/sites/fisheries/files/docs/body/handbook_en.pdf

Why was the catch certification scheme introduced?

Illegal, unreported and unregulated fishing ('IUU fishing') is one of the most significant human activities threatening the sustainability of fish stocks worldwide. The EU is the world's largest importer of fishery products and therefore also a major market for illegal catches. The European Commission has estimated that IUU catches worth approximately EUR 1.1 billion are imported into the EU each year.

Catch certificate proves that fish have been caught legally

A catch certificate is one of the documents attached to a customs declaration when importing into the EU fishery products that fall within the scope of the catch certification scheme. With an appropriately validated catch certificate, an importer can prove that the fish used for the processed fishery product have been caught in accordance with the fishing provisions and regulations in force in the fishing area in question.

When exporting fishery products covered by the scheme from the EU, a catch certificate must be attached to customs documents if the fishery product will later be re-imported into the EU as such or after further processing. Third countries may require a catch certificate even if the product is not intended to be returned to the EU market. So far (as of September 2017), Iceland, Madagascar, Norway, Thailand, Côte d'Ivoire, Tunisia, Kuwait and Ukraine have announced that they require fishery products imported into their territory to be accompanied by an appropriately validated catch certificate.

The certificate includes information, for example, on the product, fishing vessel, area where the fish were caught and mode of transport. The certificate must be validated by the competent authority of the flag state of the fishing vessel that caught the fishery product (i.e. the state whose flag the vessel flies). By validating the catch certificate, the competent authority of the flag state certifies that the fish used in the consignment of fishery products have been caught in accordance with applicable laws and regulations.

Fishery products covered by the catch certification scheme

With some exceptions, the provisions apply to the processed and unprocessed fishery products listed in Chapter 03 of the Union Customs Code and Tariff headings 1604 and 1605. The products excluded from the scheme are listed in Annex I of the Commission Regulation (EU) No 86/2010.

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32010R0086&from=EN>

and (EU) No 202/2011

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011R0202&from=EN>

2. Importation of fishery products into the EU and Finland

An importer must submit an appropriately validated catch certificate to the competent authority of the EU Member State into which the fishery product is intended to be imported. In Finland, the competent authority for checking catch and process certificates concerning fishery products imported into the EU is the Centre for Economic Development, Transport and the Environment for Southwest Finland (ELY Centre for Southwest Finland). The ELY Centre for Southwest Finland is

responsible for checking the catch certificates of fishery products imported into the EU in all parts of the Finnish territory.

A fishery product cannot be imported into the country if its customs clearance documents are not accompanied by an appropriately validated catch certificate. Importation may also be refused if a catch certificate has not been submitted by the deadlines laid down in the Council Regulation (EC) No 1005/2008 (Article 16) and the Commission Regulation (EU) No 1010/2009 (Article 8 and Annex VI). Importation may also be refused if the products intended for importation are not the same as those mentioned in the catch certificate. An incomplete catch certificate may also lead to importation being refused. The grounds for refusing importation are listed in Article 18 of Council Regulation (EC) No 1005/2008.

Deadlines for submitting catch certificates

The Council Regulation (EC) No 1005/2008 and Commission Regulation (EU) No 1010/2009 lay down deadlines by which catch certificates must be submitted in Finland to ELY Centres before the product is imported into the country. The deadlines vary according to the mode of transport used:

- By air: 4 hours
- By road: 2 hours
- By railway: 4 hours
- By container vessel: 3 working days

Duties of exporters and importers

An exporter established in a third country is responsible for ensuring that fishery products to be exported are accompanied by an appropriately validated catch certificate. The importer is responsible for ensuring that the exporter delivers an appropriately validated catch certificate and that it will be submitted for checking to the competent ELY Centre by the deadline laid down by law. After that, the catch certificate must accompany the fishery products throughout the processing chain.

The European Commission website

https://ec.europa.eu/fisheries/sites/fisheries/files/docs/body/flag_state_notifications_en.pdf

includes a list of the competent authorities of third countries (List of flag State notifications). From the list, importers can check that the catch certificate model is approved by the Commission and that the authority that has validated the certificate has been notified to the Commission. The list is constantly updated.

Catch certificate models used by third countries

The model of the European Union catch certificate is laid down in the Council Regulation (EC) No 1005/2008. Annex IV to the Commission Regulation (EU) No 1010/2009 also includes a model for a simplified form for a catch certificate. In addition to these, the Commission has approved

several other catch certificate models used by third countries. These can be used alongside the Union catch certificate. Catch certificates may also be submitted by electronic means or be replaced by electronic traceability systems ensuring the same level of control by authorities. Electronic catch certificates are used by Norway, the United States, New Zealand, Iceland, the Faroe Islands, South Africa and Canada. Catch certificate models can be found in the annexes to the Commission Regulation (EU) No 86/2010. The Commission has also promised to publish the models on its website.

The competent third-country authority will validate the catch certificate by signing and stamping the document. The competent Finnish authority has access to a European Union website that contains information on the signatures and stamps of competent authorities in third countries. The competent Finnish authority (ELY Centre for Southwest Finland) will check catch certificates and examine their authenticity.

Checks for catch certificates in Finland

A catch certificate is one of the customs documents. Customs will verify the existence of the original catch certificate in connection with customs clearance. As a rule, however, Customs will not examine the appropriateness of the catch certificate. This is done by the ELY Centre for Southwest Finland.

To speed up import clearance, importers are requested to submit catch certificates to the ELY Centre as early as possible using the following electronic service:

<https://lis-hakemukset.mmm.fi/loginPage.jsp>

Further information about the electronic service is provided by the National Land Survey of Finland:

Jussi Someristo: jussi.someristo@maanmittauslaitos.fi

Tuija Kankaanpää: tuija.kankaanpaa@maanmittauslaitos.fi

The service requires a Katso ID. More information on setting up a Katso ID is available on a website maintained by the Finnish Tax Administration: <https://yritys.tunnistus.fi/>

1. Submitting a catch certificate to the ELY Centre for Southwest Finland for checking before commencing customs clearance

Importers or their representatives must submit catch certificates to the ELY Centre for Southwest Finland by the deadlines laid down in the Council and Commission Regulations (goods delivered by air: 4 hours, by road: 2 hours, by railway: 4 hours, or by container vessel: 3 working days) prior to the importation of the fishery products. The certificates must be submitted by using the electronic service (see previous paragraph).

To ensure smooth import formalities, importers are advised to submit their catch certificates to the ELY Centre as soon as they received them from their own contacts. This will give the ELY

Centre sufficient time to check catch certificates and request any additional information necessary, helping avoid unnecessary delays at customs.

The ELY Centre will use the electronic service for checking catch and process certificates (Annex IV) on the basis of risk management. After approval, the system will deliver the preliminarily approved catch certificate (copy of the certificate), with a mark indicating preliminary approval, to Customs and the importer / forwarding agent. They will also receive an email about the approval. When fishery products arrive in Finland and undergo customs clearance, the importer must attach to the customs documents the original catch certificate and/or original Annex IV form.

It should be noted, however, that the European Commission coordinates the implementation of the catch certification scheme in Member States and constantly provides them with information on fishery products. The ELY Centre and/or Customs may at any point before approving the final entry into the country of the product ask for additional information about catch certificates and fishery products and refuse them entry into the country even if the ELY Centre already has given its preliminary approval to a catch certificate.

After customs procedures, Customs will send the original catch certificates and Annex IV forms to the ELY Centre for Southwest Finland for archiving.

The approval of catch and process certificates is chargeable as of 1 January 2018: Government Decree on the Chargeable Services of ELY Centres, TE Offices and the Employment and Economic Development Office in 2018.

- The cost of approval of a catch certificate is €30 if the shipment quantity is at most 1,000 kg
- The cost of approval of a catch certificate is €50 if the shipment quantity exceeds 1,000 kg
- The cost of handling processing statement (Annex IV) €50
- The cost of handling re-export certificate €30
- The cost of handling catch certificate, re-export certificate or the processing statement is €50 if the catch certificate is supplied to the ELY Centre in a manner other than through the electronic communication system.

2. Checking catch certificates in connection with customs clearance

If the importer of fishery products or the importer's representative fails to submit a catch certificate to the ELY Centre for Southwest Finland for preliminary approval before the products arrive in the country or if the ELY Centre cannot grant preliminary approval to the catch certificate, the procedure for approving the catch certificate will not commence until customs clearance.

The importer shall submit original catch certificates to Customs along with all other customs documents. Customs will send the catch certificate to the competent ELY Centre for checking and approval. Customs can release the fishery products for importation only after the ELY Centre has notified that the catch certificate has been approved, provided that other customs documents meet the requirements for approval.

3. Checking catch certificates during service disruptions

If the electronic service is out of order or temporarily unavailable, importers / forwarding agents may submit their catch certificates and Annex IV forms by email (scanned) to the ELY Centre for Southwest Finland at the following address: lis.uusimaa@ely-keskus.fi

3. Exporting fishery products from the EU to third countries

When will a catch certificate be required for exporting fish or fishery products from the European Union?

As a rule, the catch certification scheme applies to all who are engaged in the commercial exportation of fish caught in the sea or fishery products to countries outside the European Union. Fish and fishery products exported from the Union are subject to the same IUU Regulations adopted by the Council and Commission as fish and fishery product imports into the Union. The catch certification scheme applies to the processed and unprocessed fishery products listed in Chapter 03 of the Union Customs Code and Tariff headings 1604 and 1605. Exceptions are laid down in Annex I of the Commission Regulation (EU) No 86/2010.

If fish or fishery products are exported to a third country and are re-imported to the European Union at a later stage, for example after further processing, the catch certificate validated by the competent authority must be attached to the export documents. Third countries may also require a catch certificate even if the product is not intended to be imported back to the Union. At present (as of September 2017), Norway, Iceland, Thailand, Madagascar, Côte d'Ivoire, Tunisia, Kuwait and Ukraine have announced that they require catch certificates for fishery products imported from the European Union.

Accessing and filling in catch certificate forms (see also separate instructions on filling in the form)

The approval of catch and process certificates is chargeable as of 1 January 2018: Government Decree on the Chargeable Services of ELY Centres, TE Offices and the Employment and Economic Development Office in 2018.

- The cost of validation of catch certificate is €60

Catch certificate forms can be printed from the websites of the Finnish Ministry for Agriculture and Forestry and the ELY Centres: <http://mmm.fi/lis-kalastus> or <http://www.ely-keskus.fi/web/ely/lomakkeet-elinkeinot>

The PDF forms are available on both websites in three languages (Finnish, Swedish and English). When using the form in another language than English, it should be borne in mind that the processing of the certificate may be subject to delays or be refused in the receiving third country.

The catch certificate form must be filled in by the fisherman or the fisherman's representative and the exporter or the exporter's representative. Once the form has been filled in, it can be printed and signed. It is also possible to print out the form first and fill it in by hand. In both cases, it is important to remember to sign the form.

The catch certificate is divided into different sections numbered from 1 to 12. Sections with a dark background are to be filled in by the authorities and sections with a white background by the fisherman and exporter. Third-country authorities may request for additional information or require the use of a different catch certificate than that provided for in the IUU Regulations adopted by the EU. It is advisable to contact the third-country importer in advance to check local requirements.

All catch certificates are validated in Finland by the Centre for Economic Development, Transport and the Environment for Southwest Finland (ELY Centre for Southwest Finland). The exporter is responsible for ensuring that fishery products exported from the European Union are accompanied by an appropriately validated catch certificate. The exporter or the exporter's representative must submit the catch certificate (appropriately filled in) to the ELY Centre for Southwest Finland in one of the following ways:

1. Requesting validation by email (if third country does not require the original document!)

The scanned catch certificate form signed by the fisherman / fisherman's representative and the exporter / exporter's representative can be emailed to the ELY Centre for Southwest Finland at the following address:

lis.uusimaa@ely-keskus.fi

2. Requesting validation by letter

The scanned catch certificate form signed by the fisherman / fisherman's representative and the exporter / exporter's representative can be sent to the ELY Centre for Southwest Finland by post:

Varsinais-Suomen ELY-keskus

Rannikon kalatalouspalvelut, Uudenmaan aluetoimisto

Uudenmaan ELY-keskus, PL 36, 00521 Helsinki, Finland

ELY Centre for Southwest Finland validates the catch certificate

The purpose of validation is to certify that the fish consignment to be exported has been caught in accordance with the provisions and fishing regulations in force in the fishing area in question. Key documents examined in connection with validation include the fishing logbook as well as catch and purchase declarations. **Validation cannot be granted if, for example, the master of a fishing vessel has not submitted the fishing logbook page concerning the consignment to be exported to the ELY Centre responsible for the place of landing.**

It is important to ensure that all necessary information has been carefully included in the catch certificate forms submitted to the ELY Centre. If the catch certificate form is incomplete, the ELY Centre will be unable to validate the catch certificate and will have to ask for the missing information. If the landing declaration concerning the consignment (fishing logbook page) has not been submitted to the ELY Centre responsible for the place of landing as required, the ELY Centre cannot validate the catch certificate until the landing declaration has been completed.

ELY Centre for Southwest Finland sends the validated catch certificate to the exporter

The validated catch certificate will be returned to the exporter in the same manner as the exporter submitted the catch certificate form to the ELY Centre for Southwest Finland (by email or letter), unless otherwise agreed. It should be noted, however, that the ELY Centre cannot guarantee that third-country authorities will accept a catch certificate that has been sent to the exporter by email, because technically it is a copy of the original catch certificate. Only an appropriately filled in catch certificate with the original signature and stamp of the ELY Centre for Southwest Finland constitutes a validated catch certificate as referred to in the IUU Regulations.

4. Inquiries about the catch certification scheme

Contact details of the ELY Centre for Southwest Finland (imports and exports)

Email: lis.uusimaa@ely-keskus.fi

Mari-Anna Närhi tel. +358 295 021 175

Petri Savola tel. +358 295 021 460

Email addresses: `firstname.lastname@ely-keskus.fi`

Switchboard, tel. +358 295 022 500

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