Commission Regulation (EU) No 395/2010 of 7 May 2010 amending Commission Regulation (EC) No 1010/2009 as regards administrative arrangements on catch certificates

COMMISSION REGULATION (EU) No 395/2010

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1005/2008[(1)] of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, in particular Articles 12(4), 14(3), 20(4) and 52 thereof,

Whereas:

(1) Administrative arrangements by which catch certificates are established, validated or submitted by electronic means or replaced by electronic traceability systems ensuring the same level of control by authorities are to be listed in Annex IX to Commission Regulation (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Regulation (EC) No 1005/2008[(2)]. Since new administrative arrangements on catch certificates have been agreed, that Annex should be updated.

(2) Regulation (EC) No 1010/2009 should be amended accordingly.

(3) The administrative arrangements on catch certificates, set out in the Annex, are based on electronic traceability systems that have been in place prior to the entry into force of Regulation (EC) No 1005/2008 hence this Regulation should apply as from 1 January 2010.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1010/2009 is amended as follows:

Annex IX is amended as set out in the Annex to this Regulation.

Article 2

Entry into force

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2010.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7 May 2010.

For the Commission

The President

José Manuel BARROSO

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 395/2010. (See end of Document for details)*

ANNEX

The following Sections 4, 5 and 6 are added in Annex IX to Regulation (EC) No 1010/2009:

Section 4

ICELAND

CATCH CERTIFICATION SCHEME

In accordance with Article 12(4) of Regulation (EC) No 1005/2008, the catch certificate provided for in Article 12 and Annex II to that Regulation shall, as of 1 January 2010, be replaced — for fisheries products obtained from catches made by fishing vessels flying the Icelandic flag — by the Icelandic catch certificate, based on the Icelandic System on weighing and recording of catches, which is an electronic traceability system under the control of the Icelandic authorities ensuring the same level of control by authorities as required under the EU catch certification scheme.

A specimen of the Icelandic catch certificate is given in the Appendix.

Documents referred to in Article 14(1) and (2) of Regulation (EC) No 1005/2008 may be communicated by electronic means.

Iceland shall require a catch certificate for landings and imports to Iceland of catches made by fishing vessels flying the flag of a Member State of the European Union.

MUTUAL ASSISTANCE

Mutual assistance pursuant to Article 51 of Regulation (EC) No 1005/2008 shall be developed to facilitate the exchange of information and the assistance between the respective authorities in Iceland and in the Member States of the European Union, based on the detailed rules on mutual assistance laid down in Commission Regulation (EC) No 1010/2009.

Appendix

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 395/2010. (See end of Document for details)*

Importer declaration, import control and re-export certificate (For EC use only)

Importer declaration				
Name and adress of importer	Signature	Date	Seal	Product CN code
Documents under Articles 14(1), (2) of Regulation (EC) No 1005/2008	References			
Import control authority	Place	Importation authorised(*)	Importation suspended(*)	Verification requested date
Customs declaration (if issued)	Number		Date	Place

EUROPEAN COMMUNITY RE-EXPORT CERTIFICATE			
Certificate number	Date	Member State	
1. Description of re-exported product	Weight (kg)		
Species	Product code	Balance from total quantity declared in the catch certificate	
2. Name of re-exporter	Address	Signature	Date
3. Authority			
Name/title	Signature	Date	Seal/stamp
4. Re-export control			
Place	Re-export authorised (*)	Verification requested (*)	Re-export declaration number and date
(*) Tick as appropriate.			

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 395/2010. (See end of Document for details)*

Section 5

CANADA

CATCH CERTIFICATION SCHEME

In accordance with Article 12(4) of Council Regulation (EC) No 1005/2008, the catch certificate provided for in Article 12 and Annex II to that Regulation shall be replaced — for fisheries products obtained from catches made by fishing vessels flying the flag of Canada — by Canadian catch certificates based on the Canadian Fisheries Certificate System (FCS) (described in Appendix 3), which is an electronic traceability system under the control of the Canadian authorities ensuring the same level of control by authorities as required under the EU catch certification scheme.

Specimens of the Canadian catch certificates which shall replace the European Community Catch Certificate and Re-export Certificate as from 1 January 2010 are given in Appendices 1 and 2.

Catches stemming from aboriginal fishing techniques or from fishing vessels as defined in Article 6 of Commission Regulation (EC) No 1010/2009 shall be accompanied by a simplified Canadian catch certificate given in Appendix 2.

Documents referred to in Article 14(1) and (2) of Regulation (EC) No 1005/2008 may be communicated by electronic means.

MUTUAL ASSISTANCE

Mutual assistance pursuant to Article 51 of Regulation (EC) No 1005/2008 shall be developed to facilitate the exchange of information and administrative cooperation between respective competent authorities in Canada and Member States of the European Union, based on detailed rules on mutual assistance laid down in Commission Regulation (EC) No 1010/2009.

Appendix 1