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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1368/2006

of 27 June 2006

amending Regulation (EC) No 1035/2001 establishing a catch documentation scheme for *Dissostichus spp.*

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Whereas:

(1) Council Regulation (EC) No 1035/2001 of 22 May 2001 establishing a catch documentation scheme for *Dissostichus spp.* ⁽²⁾ implements the catch documentation scheme adopted by the Commission for the Conservation of Antarctic Marine Living Resources (hereinafter referred to as 'CCAMLR') at its eighteenth Annual Meeting in November 1999.

(2) The CCAMLR adopted a number of amendments to the scheme and to a related resolution aiming at improving the control of landings, imports, exports, re-exports and transshipments of *Dissostichus spp.* and at harmonising the implementation thereof.

(3) Regulation (EC) No 1035/2001 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1035/2001 is hereby amended as follows:

1. The following points shall be added to Article 3:

'(d) "import" means the physical entering or bringing of a catch into any part of the geographical territory under the control of a State, except where the catch is landed

or transhipped within the definitions of "landing" or "transhipment" set out in points (e) and (f);

(e) "landing" means the initial transfer of catch in its harvested or processed form from a vessel to dockside or to another vessel in a port or free trade zone where the catch is certified by an authority of the Port State as landed;

(f) "transhipment" means:

— the transfer of a catch in its harvested or processed form from a vessel to another vessel or means of transport, and, where such transfer takes place within the territory under the control of a Port State, for the purpose of effecting its removal from that State,

— temporarily placing a catch on land or an artificial structure to facilitate such transfer where the catch is not landed within the definition of point (e);

(g) "export" means any movement of a catch in its harvested or processed form from territory under the control of a State or free trade zone of landing, or, where that State or free trade zone forms part of a customs union, any other Member State of this customs union;

(h) "re-export" means any movement of a catch in its harvested or processed form from territory under the control of the State, free trade zone, or Member State of a customs union of import unless that State, free trade zone, or any Member State of that customs union of import is the first place of import, in which case the movement is an export within the definition in point (g);

(i) "Port State" means the State that has control over a particular port area or free trade zone for the purposes of landing, transhipment, importing, exporting and re-exporting and whose authority serves as the authority for landing or transhipment certification.'

⁽¹⁾ OJ C 304 E, 1.12.2005, p. 18.

⁽²⁾ OJ L 145, 31.5.2001, p. 1. Regulation as amended by Regulation (EC) No 669/2003 (OJ L 97, 15.4.2003, p. 1).

2. Article 4 shall be replaced by the following:

'Article 4

1. Member States shall require, as a condition of a licence or a permit authorising a vessel to harvest *Dissostichus spp.*, that the vessel only land catches in States which are Contracting Parties to CCAMLR or which otherwise apply the catch documentation scheme.
 2. Member States shall attach to licences and permits authorising vessels to harvest *Dissostichus spp.* the names of all CCAMLR Contracting Parties and States which have notified the CCAMLR Secretariat that they apply the catch documentation scheme.
 3. Member States shall take all necessary measures to ensure that whenever *Dissostichus spp.* is landed or transhipped, their flag vessels authorised to engage in harvesting *Dissostichus spp.* have duly completed a catch document.'
3. In Article 10(1)(b), the first indent shall be replaced by the following:

'— a signed and stamped validation by a responsible official of the Port State of landing or free trade zone who is acting under the direction of either the customs or fisheries authorities of the Port State and is competent with regard to the validation of *Dissostichus spp.* catch documents, and'.

4. In Article 12(1), the first indent shall be replaced by the following:

'— a signed and stamped validation by a responsible official of the Port State of landing or free trade zone who is acting under the direction of either the customs or fisheries authorities of the Port State and is competent with regard to the validation of *Dissostichus spp.* catch documents, and'.

5. Article 22 shall be replaced by the following:

'Article 22

By 15 March, 15 June, 15 September and 15 December of each year Member States shall communicate to the Commission a summary list of the catch documents issued in or received into their territory in respect of landings, imports, exports, re-exports and transshipments including the following data: Document Identification Numbers; date of landing, import, export, re-export or transshipment; weights landed, imported, exported, re exported or transhipped; origin and destination.'

6. Annexes I, II and III shall be replaced by the text in the Annex of this Regulation.

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

Done at Luxembourg, 27 June 2006.

For the Council
The President
J. PRÖLL

ANNEX

'ANNEX I

DISSOSTICHUS CATCH DOCUMENT AND DISSOSTICHUS RE-EXPORT DOCUMENT

The catch document and re-export document shall include the following information:

1. A specific identification number, consisting of:
 - (i) a four-digit number consisting of the two-digit International Standards Organisation (ISO) country code, followed by the last two digits of the year for which the document is issued;
 - (ii) three-digit sequence number (beginning with 001) to denote the order in which the catch document forms are issued.
2. The following information:
 - (i) the name, address, telephone and fax numbers of the authority which issued the catch document form;
 - (ii) the name, home port, national registration number and call sign of the vessel and, if applicable, its IMO/Lloyd's registration number;
 - (iii) the number of the licence or permit issued to the vessel, as applicable;
 - (iv) the weight of each *Dissostichus* species landed or transhipped by product type, and
 - (a) by CCAMLR statistical sub-area or division if caught in the Convention area, and/or
 - (b) by the Food and Agriculture Organisation of the United Nations (FAO) statistical area, sub-area or division if caught outside the Convention area;
 - (v) the dates within which the catch was taken;
 - (vi) in the case of landing, the date and the port at which the catch was landed; or in the case of transhipment, the date and the name of the vessel, its flag and national registration number (for Community vessels, the internal registration number in the fleet register allocated to the vessel in accordance with Article 5 of Commission Regulation (EC) No 2090/98 of 30 September 1998 concerning the fishing vessel register of the Community);
 - (vii) the name, address, telephone and fax numbers of the receiver or receivers of the catch and the amount of each species and product type received; and
 - (viii) the transport details in the export section of the *Dissostichus* catch document and in the re-export section of the *Dissostichus* re-export document as appropriate:
 1. if by sea:
 - container(s) number(s) or, if more than one container, a list of container numbers on an attachment signed and stamped for validation by the authority validating the *Dissostichus* catch document or the *Dissostichus* re-export document; or
 - vessel name; and
 - bill of lading number, date and place of issue
 2. if by air:
 - flight number, airway bill number, place and date of issue
 3. if by other means (ground transportation):
 - truck registration number and nationality; or
 - railway transport number; and
 - date and place of issue.

ANNEX II

| DISSOSTICHUS CATCH DOCUMENT | | | | | | |
|--|--|------------------------------------|-----------------|--|-----------------------------|--|
| Document Number | | | | Flag State Confirmation Number | | |
| PRODUCTION SECTION 1. Issuing Authority of Document Name _____ Address _____ Tel. _____ Fax _____ | | | | | | |
| 2. Fishing Vessel Name | | Home Port & Registration Number | | Call Sign | | IMO/Lloyd's Number (if issued) |
| 3. Licence Number (if issued) | | | | 4. From: _____ 5. To: _____ | | |
| 6. Description of Fish (Landed/Transhipped) | | | | | 7. Description of Fish Sold | |
| Species | Type | Estimated Weight to be Landed (kg) | Area Caught (*) | Verified Weight Landed (kg) | Net Weight Sold (kg) | Recipient name, address, telephone, fax and signature. Recipient Name: Signature: Address: Tel. Fax |
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| Species: TOP <i>Dissostichus elegonoides</i> , TOA <i>Dissostichus mawzoni</i> | | | | | | |
| Type: WHO Whole; HAG Headed and gutted; HAT Headed and tailed; FLT Fillet; HGT Headed, gutted, tailed; OTH Other (specify) | | | | | | |
| 8. Landing/Transshipment Information: I certify that the above information is complete, true and correct. If any <i>Dissostichus spp.</i> was taken in the Convention Area, I certify that it was taken in a manner which is consistent with CCAMLR conservation measures. | | | | | | |
| Master of Fishing Vessel or Authorised Representative (print in block letters) | | Signature and Date | | Landing/Transshipment Port and Country/Area | | Date of Landing/Transshipment |
| 9. Certificate of Transshipment: I certify that the above information is complete, true and correct to the best of my knowledge. | | | | | | |
| Master of Receiving Vessel | | Signature | | Vessel Name | | Call Sign IMO/Lloyd's Number (if issued) |
| Transshipment within a Port Area: counter signature by Port Authority if appropriate | | | | | | |
| Name | | Authority | | Signature | | Seal (Stamp) |
| 10. Certificate of Landing: I certify that the above information is complete, true and correct to the best of my knowledge. | | | | | | |
| Name | | Authority | | Signature | | Address Tel. Port of Landing Date of Landing Seal (Stamp) |
| EXPORT SECTION — TRANSPORT DETAILS | | | | | | |
| If by sea/air: | Container number (if more than one — attach list) | | | | | |
| If no container: | Vessel name; OR Flight number; AND Bill of lading/airway bill number; AND Date and place of issue | | | | | |
| If ground transport: | Truck registration number and nationality; OR Railway transport number; AND Date and place of issue | | | | | |

| 11. Description of Fish Exported | | | 12. Exporter Declaration: I certify that the above information is complete, true and correct to the best of my knowledge. | | | |
|----------------------------------|--------------|------------|---|----------------|-----------|--------------------------------|
| Species | Product Type | Net Weight | Name | Address | Signature | Export Licence (if issued) |
| | | | | | | |
| | | | 13. Export Government Authority Validation: I certify that the above information is complete, true and correct to the best of my knowledge. | | | |
| | | | Name/Title | Signature | Date | Country of export seal (Stamp) |
| | | | | | | |
| 14. IMPORT SECTION | | | | | | |
| Name of Importer | | | Address | | | |
| Point of Unlading: | | | Address | State/Province | Country | |
| | | | City | | | |

(*) Report FAO Statistical Area/Sub-area/Division where catch was taken and indicate whether the catch was taken on the high seas or within an EEZ.

ANNEX III

| DISSOSTICHUS RE-EXPORT DOCUMENT | | | | |
|--|--|--------------------------|--|-------------------------------|
| RE-EXPORT SECTION | | Re-exporting Country: | | |
| 1. Description of Fish | | | | |
| Species | Type of Product | Net Weight Exported (kg) | <i>Dissostichus</i> Catch Document Number Attached | |
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| Species: TOP <i>Dissostichus eleginoides</i> , TOA <i>Dissostichus mawsoni</i> | | | | |
| Type: WHO Whole; HAG Headed and gutted; HAT Headed and tailed; FLT Fillet; HGT Headed, gutted, tailed; OTH Other (specify) | | | | |
| EXPORT SECTION — TRANSPORT DETAILS | | | | |
| If by sea/air: | Container number (if more than one — attach list) | | | |
| If no container: | Vessel name: OR Flight number; AND Bill of lading/airway bill number; AND Date and place of issue | | | |
| If ground transport: | Truck registration number and nationality; OR Railway transport number; AND Date and place of issue | | | |
| 2. Re-Exporter Certification: I certify that the above information is complete, true and correct to the best of my knowledge and that the above product comes from product certified by the attached <i>Dissostichus</i> Catch Document(s) | | | | |
| Name | Address | Signature | Date | Export Licence (if issued) |
| | | | | |
| 3. Re-Export Government Authority Validation: I certify that the above information is complete, true and correct to the best of my knowledge. | | | | |
| Name/Title | Signature | Date | Seal (Stamp) | |
| | | | | |
| 4. IMPORT SECTION | | | | |
| Name of Importer | | Address | | |
| Point of Unlading: | City | State/Province | Country | |

(*) Report FAO Statistical Area/Sub-area/Division where catch was taken and indicate whether the catch was taken on the high seas or within an EEZ.*