Commission Regulation (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing

#### TITLE I

# INSPECTIONS OF THIRD COUNTRY FISHING VESSELS IN MEMBER STATES PORTS

#### CHAPTER I

Conditions for access to port by third country fishing vessels

Article 1 Article 2 Article 3	Prior notification Prior notification form Procedures and forms for pre-landing and pre-transhipment declarations
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#### CHAPTER II

#### Port inspections

Article 4	Benchmarks for port inspections
Article 5	Reporting on the application of benchmarks

#### TITLE II

# CATCH CERTIFICATION SCHEME FOR IMPORTATION AND EXPORTATION OF FISHERY PRODUCTS

#### CHAPTER I

#### Catch certificates

Article 6	Simplified catch certificate
Article 7	Recognised catch documentation schemes in RFMOs
Article 8	Deadline for the submission of catch certificates

#### CHAPTER II

#### Approved economic operators

#### Section 1

Conditions for granting the approved economic operator certificate

Article 9 General provisions

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 1010/2009. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Article 10 Article 11 Article 12 Article 13	Sufficient import Record of compliance Management of records Facilities
	Section 2
	Application for an APEO certificate
Article 14 Article 15	Submission of the application Inadmissibility of applications
	Section 3
	Procedure for issuing APEO certificates
Article 16 Article 17 Article 18 Article 19	Examination of application Consultation of other Member States Issuing of an APEO certificate Rejection of an application
	Section 4
	Status of approved economic operator
Article 20	Verifications
	Section 5
	Legal effects of APEO certificates
Article 21 Article 22 Article 23 Article 24 Article 25 Article 26 Article 27	General provisions Suspension of the status of an approved economic operator Suspension in the case of non-compliance with relevant criteria Suspension in case of legal proceedings Suspension related to the status of authorised economic operator Suspension upon request Withdrawal of the APEO certificate
	Section 6
	Information exchange
Article 28 Article 29 Article 30	Information requests Sharing of information on approved economic operators Reporting obligations and evaluation
	CHAPTER III
	Verifications related to catch certificates
Article 31 Article 32	Community criteria for verifications Reporting obligations and evaluation

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 1010/2009. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

#### **CHAPTER IV**

#### Cooperation with third countries

Article 33 Administrative cooperation with third countries concerning catch certificates

#### TITLE III

#### **SIGHTINGS**

Article 34 Form for submission of information regarding sighted fishing vessels

# TITLE IV MUTUAL ASSISTANCE

### CHAPTER I

### General provisions

Article 35	Scope Protection of personal data
Article 36	Protection of personal data
Article 37	Use of information and protection of professional and
	commercial secrecy
Article 38	Costs
Article 39	Single authority
Article 40	Follow-up measures

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#### Information without prior request

#### Article 41 Information without prior request

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#### Requests for assistance

Article 42	Definitions
Article 43	General requirements
Article 44	Transmission of requests and replies
Article 45	Requests for information
Article 46	Requests for enforcement measures
Article 47	Deadline for replies to requests for information and enforcement
	measures
Article 48	Requests for administrative notification

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 1010/2009. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

#### **CHAPTER IV**

	Relations with the Commission
Article 49 Article 50	Communication between the Member States and the Commission Coordination by the Commission
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Article 51	Information exchange with third countries
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	Transitional provision
Article 52	Establishment of an IUU Fishing Information System

#### TITLE V

#### **AMENDMENTS**

Article 53 Amendments to Regulation (EC) No 1005/2008

#### TITLE VI

#### FINAL PROVISIONS

Article 54 Entry into force Signature

ANNEX I

Prior notification period for certain types of fishery products referred to in Article 1

Four-hour prior notification period

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 1010/2009. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

#### ANNEX IIA

Form for prior notification for third country fishing vessels referred to in Article 2(1)

#### ANNEX IIB

Form for prior notification for third country fishing vessels referred to in Article 2(2)

#### ANNEX IIIA

Form for pre-landing declarations referred to in Article 3(1)

#### **ANNEX IIIB**

Form for pre-transhipment declarations referred to in Article 3(2)

# ANNEX IV EUROPEAN COMMUNITY CATCH CERTIFICATE

#### Appendix

Transport details

#### ANNEX V

Catch documentation schemes adopted by regional fisheries management organisations recognised as complying with the requirements of Regulation (EC) No 1005/2008

- Part I Catch documentation schemes recognised as complying with the requirements of...
- Part II Catch documentation schemes recognised as complying with the requirements of...

#### ANNEX VI

Submission periods of catch certificates for consignments referred to in Article 8

Four-hour period for submission of catch certificate prior to entry...

Two-hour period for submission of catch certificate prior to entry...

Four-hour period for submission of catch certificate prior to entry...

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 1010/2009. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

#### ANNEX VII

#### ANNEX VIII

#### ANNEX IX

Administrative arrangement with flag States pertaining to the implementation of the catch certification provisions (Article 12(4) of Regulation (EC) No 1005/2008)

Section 1

**NORWAY** 

CATCH CERTIFICATION SCHEME

MUTUAL ASSISTANCE Appendix I

Section 2

**UNITED STATES** 

CATCH CERTIFICATION SCHEME

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Section 3

**NEW ZEALAND** 

CATCH CERTIFICATION SCHEME

MUTUAL ASSISTANCE

Appendix I

Specimen of the New Zealand catch certificate

Appendix II

Supporting explanatory notes on the New Zealand catch certificate

Section 4

**ICELAND** 

CATCH CERTIFICATION SCHEME

MUTUAL ASSISTANCE Appendix

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 1010/2009. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

#### Section 5

#### **CANADA**

#### CATCH CERTIFICATION SCHEME

MUTUAL ASSISTANCE

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Appendix 3

Section 6

**FAROE ISLANDS** 

CATCH CERTIFICATION SCHEME

MUTUAL ASSISTANCE Appendix

Section 7

SOUTH AFRICA

#### CATCH CERTIFICATION SCHEME Appendix I

#### ANNEX XA

Form for submission of information regarding sighted fishing vessels

#### ANNEX XB

Instructions for filling the format set out in Annex XA

#### FILL IN AS MUCH INFORMATION AS POSSIBLE

- Vessel name, call sign, flag and if possible registration and... 1.
- 2. Distinguishing markings: state whether the name and port of registration...
- 3. Type of vessel: describe the type of vessel and gear...
- Position: record the initial sighting of the vessel, including fishing... 4.
- Activity of the sighted vessel: record the time of the... 5.
- Record of sighting: indicate if the sighting of the vessel... 6.
- Comments: indicate the direction in which the vessel was transiting.... 7.
- 8. Diagram of vessel: draw the profile of the vessel, indicating...

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 1010/2009. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

#### ANNEX XI

Standard form for the exchange of information on request according to Article 45

#### ANNEX XII

Standard form for the request for administrative notification according to Article 48

#### ANNEX XIII

List of products excluded from the definition of 'fishery products' set out in point 8 of Article 2 of Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 1010/2009. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (1) OJ L 286, 29.10.2008, p. 1.
- (2) OJ L 281, 23.11.1995, p. 31.
- (**3**) OJ L 8, 12.1.2001, p. 1.

#### **Changes to legislation:**

There are outstanding changes not yet made to Commission Regulation (EC) No 1010/2009. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

View outstanding changes

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Changes and effects yet to be applied to:
      Title 1 applied (with modifications) by S.I. 2020/1599 reg. 6(2)(a)(3)
      Title 1 heading words substituted by S.I. 2019/739 reg. 12(2)
      Title 3 omitted by S.I. 2019/739 reg. 12(28)
      Title 2 Ch. 4 omitted by S.I. 2019/739 reg. 12(27)
      Title 4 omitted by S.I. 2019/739 reg. 12(28)
      Annex 1 applied (with modifications) by S.I. 2020/1599 reg. 6(2)(b)(3)
      Annex 1 word omitted by S.I. 2019/739 reg. 12(30)
      Annex 7 words omitted by S.I. 2019/739 reg. 12(33)
      Annex 8 words omitted by S.I. 2019/739 reg. 12(34)
      Annex 4 words omitted by S.I. 2019/739 reg. 12(31)
      Annex 9-12 omitted by S.I. 2019/739 reg. 12(35)
      Annex 6 words substituted by S.I. 2019/739 reg. 12(32)
      Art. 3(3) omitted by S.I. 2019/739 reg. 12(3)
      Art. 3(4) omitted by S.I. 2019/739 reg. 12(3)
      Art. 4 word substituted by S.I. 2019/739 reg. 12(4)(a)
      Art. 4 words omitted by S.I. 2019/739 reg. 12(4)(e)
      Art. 5 omitted by S.I. 2019/739 reg. 12(5)
      Art. 6(2) word substituted by S.I. 2019/739 reg. 12(6)
      Art. 10 omitted by S.I. 2019/739 reg. 12(7)
      Art. 11(1) words substituted by S.I. 2019/739 reg. 12(8)(a)
      Art. 11(2) words substituted by S.I. 2019/739 reg. 12(8)(b)
      Art. 14(1) words substituted by S.I. 2019/739 reg. 12(9)(a)
      Art. 14(2) words substituted by S.I. 2019/739 reg. 12(9)(b)
      Art. 14(3) omitted by S.I. 2019/739 reg. 12(9)(c)
      Art. 14(4) words substituted by S.I. 2019/739 reg. 12(9)(d)
      Art. 14(5) words substituted by S.I. 2019/739 reg. 12(9)(e)
      Art. 14(6) omitted by S.I. 2019/739 reg. 12(9)(f)
      Art. 16(1) words substituted by S.I. 2019/739 reg. 12(10)(a)(i)
      Art. 16(1) words substituted by S.I. 2019/739 reg. 12(10)(a)(ii)
      Art. 16(3) omitted by S.I. 2019/739 reg. 12(10)(b)
      Art. 17 omitted by S.I. 2019/739 reg. 12(11)
      Art. 18(1) words substituted by S.I. 2019/739 reg. 12(12)(a)
      Art. 18(3) words substituted by S.I. 2019/739 reg. 12(12)(b)
      Art. 19(1) words substituted by S.I. 2019/739 reg. 12(13)(a)(i)
      Art. 19(1) words substituted by S.I. 2019/739 reg. 12(13)(a)(ii)
      Art. 19(3) omitted by S.I. 2019/739 reg. 12(13)(b)
      Art. 20(1) words substituted by S.I. 2019/739 reg. 12(14)(a)(i)
      Art. 20(1) words substituted by S.I. 2019/739 reg. 12(14)(a)(ii)
      Art. 20(1) words substituted by S.I. 2019/739 reg. 12(14)(a)(iii)
      Art. 20(2) word omitted by S.I. 2019/739 reg. 12(14)(b)(ii)
      Art. 20(2) words substituted by S.I. 2019/739 reg. 12(14)(b)(i)
      Art. 20(3) words substituted by S.I. 2019/739 reg. 12(14)(c)(i)
      Art. 20(3) words substituted by S.I. 2019/739 reg. 12(14)(c)(ii)
      Art. 20(3) words substituted by S.I. 2019/739 reg. 12(14)(c)(iii)
      Art. 21(2) words substituted by S.I. 2019/739 reg. 12(15)(a)
      Art. 21(3) words substituted by S.I. 2019/739 reg. 12(15)(b)
      Art. 21(5) words substituted by S.I. 2019/739 reg. 12(15)(c)(i)
      Art. 21(7) omitted by S.I. 2019/739 reg. 12(15)(d)
      Art. 22(1) words substituted by S.I. 2019/739 reg. 12(16)(a)(i)
      Art. 22(2) words substituted by S.I. 2019/739 reg. 12(16)(b)
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Art. 22(3) words omitted by S.I. 2019/739 reg. 12(16)(c)
Art. 23(1) words omitted by S.I. 2019/739 reg. 12(17)(a)(ii)
Art. 23(1) words substituted by S.I. 2019/739 reg. 12(17)(a)(i)
Art. 23(2) words omitted by S.I. 2019/739 reg. 12(17)(b)(ii)
Art. 23(2) words substituted by S.I. 2019/739 reg. 12(17)(b)(i)
Art. 23(3) words omitted by S.I. 2019/739 reg. 12(17)(c)(ii)
Art. 23(3) words substituted by S.I. 2019/739 reg. 12(17)(c)(i)
Art. 24(1) words omitted by S.I. 2019/739 reg. 12(18)(a)(ii)
Art. 24(1) words substituted by S.I. 2019/739 reg. 12(18)(a)(i)
Art. 24(2) words substituted by S.I. 2019/739 reg. 12(18)(b)
Art. 25 words omitted by S.I. 2019/739 reg. 12(19)(b)
Art. 25 words substituted by S.I. 2019/739 reg. 12(19)(a)
Art. 26(1) words substituted by S.I. 2019/739 reg. 12(20)(a)
Art. 26(2) omitted by S.I. 2019/739 reg. 12(20)(b)
Art. 26(3) words omitted by S.I. 2019/739 reg. 12(20)(c)(ii)
Art. 26(3) words substituted by S.I. 2019/739 reg. 12(20)(c)(i)
Art. 27(4) omitted by S.I. 2019/739 reg. 12(21)(b)
Art. 28(1) words substituted by S.I. 2019/739 reg. 12(22)(a)
Art. 28(2) omitted by S.I. 2019/739 reg. 12(22)(b)
Art. 29(1) substituted by S.I. 2019/739 reg. 12(23)(a)
Art. 29(2) omitted by S.I. 2019/739 reg. 12(23)(b)
Art. 29(3) omitted by S.I. 2019/739 reg. 12(23)(b)
Art. 30 omitted by S.I. 2019/739 reg. 12(24)
Art. 31 heading word omitted by S.I. 2019/739 reg. 12(25)(a)
Art. 31 word omitted by S.I. 2019/739 reg. 12(25)(b)
Art. 32 omitted by S.I. 2019/739 reg. 12(26)
Art. 54 omitted by S.I. 2019/739 reg. 12(29)
```

## Changes and effects yet to be applied to the whole legislation item and associated provisions

- Annex 2A applied (with modifications) by S.I. 2020/1599 reg. 6(2)(b)(3)
- Annex 3A applied (with modifications) by S.I. 2020/1599 reg. 6(2)(b)(3)
- Annex 3B applied (with modifications) by S.I. 2020/1599 reg. 6(2)(b)(3)
- Art. 4(b) words substituted by S.I. 2019/739 reg. 12(4)(b)
- Art. 4(c) words substituted by S.I. 2019/739 reg. 12(4)(c)
- Art. 4(d) words substituted by S.I. 2019/739 reg. 12(4)(d)
- Art. 21(5)(a) word omitted by S.I. 2019/739 reg. 12(15)(c)(ii)
- Art. 22(1)(b) words substituted by S.I. 2019/739 reg. 12(16)(a)(ii)
- Art. 22(1)(b) words substituted by S.I. 2019/739 reg. 12(16)(a)(iii)
- Art. 27(1)(b) words substituted by S.I. 2019/739 reg. 12(21)(a)
- Alt. 27(1)(0) words substituted by 5.1. 2019/759 feg. 12(21)(a)
- Art. 31(m) omitted by S.I. 2019/739 reg. 12(25)(c)