

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 II

CATCH CERTIFICATION SCHEME FOR IMPORTATION AND EXPORTATION OF FISHERY PRODUCTS

CHAPTER III

Verifications related to catch certificates

Article 31

Community criteria for verifications

Verifications intended to ensure that the provisions of Regulation (EC) No 1005/2008 are complied with, as referred to in Article 17 of that Regulation, shall be focused towards risks identified on the basis of the following Community criteria:

- (a) importation, exportation or trade in fishery products obtained from species of high commercial value;
- (b) introduction of new kinds of fishery products or discovery of new trade patterns;
- (c) inconsistencies between the trade patterns and the known fishing activities of a flag State in particular in respect of species, volumes or characteristics of its fishing fleet;
- (d) inconsistencies between the trade patterns and the known fishing-related activities of a third country in particular in respect of the characteristics of its processing industry or its trade in fishery products;
- (e) trade pattern not justified in terms of economic criteria;
- (f) involvement of a newly established operator;
- (g) significant and sudden increase in trade volume for a certain species;
- (h) submission of copies of catch certificates accompanying processing statements according to Annex IV of Regulation (EC) No 1005/2008, for instance when the catch has been split during production;
- (i) prior notification, required under Article 6 of Regulation (EC) No 1005/2008, not transmitted at the proper time or information incomplete;
- (j) inconsistencies between catch data declared by the operator and other information available to the competent authority;
- (k) vessel or vessel owner suspected of being or having been involved in IUU fishing activities;

Status: Point in time view as at 22/10/2009.

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)

- (l) vessel having recently changed name, flag or registration number;
- (m) flag State not notified according to Article 20 of Regulation (EC) No 1005/2008 or information available on possible irregularities in the validation of catch certificates by a given flag State (e.g. stamps or validation seal from a competent authority lost, stolen or forged);
- (n) presumed deficiencies in the control system of a flag State;
- (o) operators concerned who have already been involved in illegal activities constituting a potential risk in respect of IUU fishing.

Article 32

Reporting obligations and evaluation

1 Member States shall include information on the application of the Community criteria referred to in Article 31 in their report to be transmitted to the Commission every two years according to Article 55(1) of Regulation (EC) No 1005/2008.

2 On the basis of those reports and its own observations, the Commission shall undertake an evaluation and possible adjustment of the Community criteria.

Status:

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