

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  
of 7 May 2010

amending Commission Regulation (EC) No 1010/2009 as  
regards administrative arrangements on catch certificates

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1005/2008<sup>(1)</sup> 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<sup>(2)</sup>. 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*.

**Status:** Point in time view as at 07/05/2010.

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

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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

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*Status: Point in time view as at 07/05/2010.*

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

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## 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

*Status: Point in time view as at 07/05/2010.*

*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)**

<b>Importer declaration</b>				
Name and address 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

<b>EUROPEAN COMMUNITY RE-EXPORT CERTIFICATE</b>				
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.				

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*Status: Point in time view as at 07/05/2010.*

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

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## **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

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*Status: Point in time view as at 07/05/2010.*

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

**Canadian Catch Certificate (Standard) for the European Community  
Certificat de capture canadien (standard) pour la Communauté européenne**

Security Code / Code de sécurité :

**Declaration of Transshipment at Sea / Déclaration de transbordement en mer**

Name of Master of Fishing Vessel Nom du capitaine du navire de pêche	Signature and Date Signature et date	Transshipment Date / Area / Position Date / zone / position de transbordement			Est. Weight (kg) Poids estimé (kg)
Name of Master of Receiving Vessel Nom du capitaine du navire receveur	Signature	Vessel Name Nom du navire	Call Sign Indicatif d'appel	IMO / Lloyds Number (if issued) Numéro Lloyd's / OMI (le cas échéant)	

**Transshipment Authorization Within a Port Area / Autorisation de transbordement dans une zone portuaire**

Name Nom	Authority Autorité	Signature	Address Adresse	Tel. Tél.	Port of Landing Port de débarquement	Date of Landing Date du débarquement	Seal Cachet
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**Exporter / Exportateur**

Name and Address Nom et adresse	Signature (if available / si disponible)	Date	Seal Cachet
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**Flag of Authority Validation / Validation du pavillon autoritaire**

Name - Title Nom - titre	Signature	Date	Seal Cachet
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**ATTESTATION**

The signatory attests that the catch identified in this catch and re-export certificate is validated as non-IUU in accordance with the Agreed Record of fisheries consultations between the European Community and Canada on the European Community regulation (No. 1005/2008), signed in November 2009, to prevent, deter and eliminate illegal, unreported and unregulated fishing.

Le signataire affirme que la capture, identifiée sur ce certificat de capture et de réexportation, a été validée comme étant non-IUN conformément à l'entente de collaboration des consultations sur les pêches entre la Communauté européenne et le Canada pour le règlement de la Communauté européenne (No. 1005/2008), signée en novembre 2009, afin de prévenir, décourager et éradiquer la pêche illicite, non déclarée et non réglementée (IUN).

**CERTIFICATE - DO NOT COPY  
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THIS CERTIFICATE MAY BE VERIFIED AT:  
CE CERTIFICAT PEUT ÊTRE VÉRIFIÉ À : <http://fcs-scp.dfo-mpo.gc.ca/fcsweb/ViewCertificate.aspx>

**Status:** Point in time view as at 07/05/2010.**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 395/2010. (See end of Document for details)

**Canadian Catch Certificate (Standard) for the European Community**  
**Certificat de capture canadien (standard) pour la Communauté européenne**

Security Code / Code de sécurité :

Transport Details (See Appendix A) / Détails relatifs au transport (voir l'appendice A)

**Importer Declaration / Déclaration de l'importateur**

Name and Address of Importer Nom et adresse de l'importateur	Signature	Date	Seal Cachet	Product CN Code Code NC du produit
Documents under Articles 14(1), (2) of Regulation (EC No. 1005/2008) Documents relatifs des Articles 14(1), (2) du Règlement (EC No. 1005/2008)	References Références			

**Import Control / Contrôle de l'importation**

Import Control - Authority Contrôle à l'importation - Autorité	Place Lieu	Importation Authorized (*) Importation autorisée (*) <input type="checkbox"/>	Importation Suspended (*) Importation suspendue (*) <input type="checkbox"/>	Verification Requested - Date Verification demandée - date
Customs Declaration (if issued) Déclaration des douanes (le cas échéant)	Number Numéro	Date	Place Lieu	

(\*) Check as appropriate / Cocher la case appropriée

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**Canadian Catch Certificate (Standard) for the European Community  
Certificat de capture canadien (standard) pour la Communauté européenne**

Security Code / Code de sécurité :

Appendix A / Appendice A

Transport Details / Détails relatifs au transport

Country of Exportation Pays d'exportation	Name and Address Nom et adresse
Port - Airport - Other Place of Departure Port - aéroport - autre lieu de départ	
Vessel Name and Flag Nom et pavillon du navire	Exporter Signature Signature de l'exportateur
Flight Number - Airway Bill Number Numéro de vol - Numéro de lettre de transport aérien	Container Number(s) Numéro du (des) conteneur(s)
Truck Nationality and Registration Number Nationalité et numéro d'immatriculation du camion	
Railway Bill Number Numéro de lettre de voiture de train	
Other Transport Document Autre document de transport	

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**Status:** Point in time view as at 07/05/2010.**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 395/2010. (See end of Document for details)

**Canadian Catch Certificate (Standard) for the European Community**  
**Certificat de capture canadien (standard) pour la Communauté européenne**

Security Code / Code de sécurité :

Information on Re-exportation / Information sur la réexportation

Certificate Number Numéro du certificat	Date	Member State État membre
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Description of Re-Exported Product Description du produit réexporté	Weight (kg) Poids (kg)
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Species Espèces	Product Code Code du produit	Balance from Total Quantity Declared in the Catch Certificate (kg) Écart par rapport à la quantité déclarée dans le Certificat de capture (kg)
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Name of Re-Exporter Nom du réexportateur	Address Adresse	Signature	Date
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Authority / Autorité

Name - Title Nom - Titre	Signature	Date	Seal - Stamp Cachet - Tampon
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Re-Export Control / Contrôle à la réexportation

Place Lieu	Re-Export Authorized (*) Réexportation autorisée (*)	Verification Requested (*) Vérification demandée (*)	Re-Exportation Declaration Number and Date Numéro et date de la déclaration de réexportation
	<input type="checkbox"/>	<input type="checkbox"/>	

(\*) Check as appropriate / Cocher la case appropriée

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*Status: Point in time view as at 07/05/2010.*

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

**Canadian Catch Certificate (Group Based) for the European Community  
Certificat de capture canadien (basé sur le groupe) pour la Communauté européenne**

Security Code / Code de sécurité :

Transshipment Authorization Within a Port Area (if applicable) /

**Autorisation de transbordement dans une zone portuaire (le cas échéant)**

Name Nom	Authority Autorité	Signature	Address Adresse	Tel. Tél.	Port of Landing Port de débarquement	Date of Landing Date du débarquement	Seal Cachet

**Exporter / Exportateur**

Name and Address Nom et adresse	Signature (if available / si disponible)	Date	Seal Cachet

**Flag of Authority Validation / Validation du pavillon autoritaire**

Name - Title / Nom - titre	Signature	Date	Seal Cachet

**ATTESTATION**

The signatory attests that the catch identified in this catch and re-export certificate is validated as non-IUU in accordance with the Agreed Record of fisheries consultations between the European Community and Canada on the European Community regulation (No. 1005/2008), signed in November 2009, to prevent, deter and eliminate illegal, unreported and unregulated fishing.

Le signataire affirme que la capture, identifiée sur ce certificat de capture et de réexportation, a été validée comme étant non-IUN conformément à l'entente de collaboration des consultations sur les pêches entre la Communauté européenne et le Canada pour le règlement de la Communauté européenne (No. 1005/2008), signée en novembre 2009, afin de prévenir, décourager et éradiquer la pêche illicite, non déclarée et non réglementée (IUN).

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**Status:** Point in time view as at 07/05/2010.

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

**Canadian Catch Certificate (Group Based) for the European Community**  
**Certificat de capture canadien (basé sur le groupe) pour la Communauté européenne**

Security Code / Code de sécurité :

Transport Details (See Appendix A) / Détails relatifs au transport (voir l'appendice A)

Importer Declaration / Déclaration de l'importateur

Name and Address of Importer Nom et adresse de l'importateur	Signature	Date	Seal Cachet	Product CN Code Code NC du produit
Documents under Articles 14(1), (2) of Regulation (EC No. 1005/2008) Documents relatifs des Articles 14(1), (2) du Règlement (EC No. 1005/2008)	References / Références			

Import Control / Contrôle de l'importation

Import Control - Authority Contrôle à l'importation - Autorité	Place Lieu	Importation Authorized (*) Importation autorisée (*) <input type="checkbox"/>	Importation Suspended (*) Importation suspendue (*) <input type="checkbox"/>	Verification Requested - Date Vérification demandée - date
Customs Declaration (if issued) Déclaration des douanes (le cas échéant)	Number Numéro	Date	Place Lieu	

(\*) Check as appropriate / Cocher la case appropriée

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**Status:** Point in time view as at 07/05/2010.

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

**Canadian Catch Certificate (Group Based) for the European Community  
Certificat de capture canadien (basé sur le groupe) pour la Communauté européenne**

Security Code / Code de sécurité :

Appendix A / Appendice A

Transport Details / Détails relatifs au transport

Country of Exportation Pays d'exportation	Name and Address Nom et adresse
Port - Airport - Other Place of Departure Port - aéroport - autre lieu de départ	
Vessel Name and Flag Nom et pavillon du navire	
Flight Number - Airway Bill Number Numéro de vol - Numéro de lettre de transport aérien	Exporter Signature Signature de l'exportateur
Truck Nationality and Registration Number Nationalité et numéro d'immatriculation du camion	Container Number(s) Numéro du (des) conteneur(s)
Railway Bill Number Numéro de lettre de voiture de train	
Other Transport Document Autre document de transport	

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

Canadian Catch Certificate (Group Based) for the European Community Certificat de capture canadien (basé sur le groupe) pour la Communauté européenne			
Security Code / Code de sécurité :			
Information on Re-exportation / Information sur la réexportation			
Certificate Number Numéro du certificat	Date	Member State État membre	
Description of Re-Exported Product Description du produit réexporté		Weight (kg) Poids (kg)	
Species Espèces	Product Code Code du produit	Balance from Total Quantity Declared in the Catch Certificate (kg) Écart par rapport à la quantité déclarée dans le Certificat de capture (kg)	
Name of Re-Exporter Nom du réexportateur	Address Adresse	Signature	Date
Authority / Autorité			
Name - Title Nom - Titre	Signature	Date	Seal - Stamp Cachet - Tampon
Re-Export Control / Contrôle à la réexportation			
Place Lieu	Re-Export Authorized (*) Réexportation autorisée (*)	Verification Requested (*) Vérification demandée (*)	Re-Exportation Declaration Number and Date Numéro et date de la déclaration de réexportation
	<input type="checkbox"/>	<input type="checkbox"/>	

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Appendix 3 The Canadian Fisheries Certificate System (FCS) is designed to issue standard and simplified catch certificates.

The FCS will be used to issue and to validate a catch certificate for export consignments from Canada to the European Union of conventional fishery products including live, fresh, frozen, salted, canned and/or smoked and dried fish, using raw material from non-vessel fisheries, aboriginal fisheries, or small and large fishing vessels and/or involving production comprising several steps in the production process.

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On simplified certificates, Canada will group certain vessels to maximise efficiency. However, the FCS will maintain a complete link to vessels contained in groupings and these vessels are further linked to their license or registration information and the declared catch on the certificate.

The grouping feature will be used for some product forms and, in particular, for fisheries using collector vessels which purchase from several fishing vessels and issue records of sales at sea, for non-vessel fisheries such as beach seine, beach clams, ice fishing, for some inshore fisheries, and for aboriginal fisheries where fisheries may occur at the community level. Groupings will be export company-specific and will be modified for each shipment, as required.

The grouping feature will enable Canada to produce a single certificate per shipment while keeping all the information behind the certificate (vessel license/registration) available in the database.

This information will be available to EU Member States authorities in importing countries through our website or through direct telephone line to our certificate office.

Third parties countries may also contact the certificate office for information on indirect exports.

## **Section 6**

### **FAROE ISLANDS**

#### **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 be replaced — for fisheries products obtained from catches made by fishing vessels flying the Faroese flag — by the Faroese catch certificate based on the Faroese system of sales notes and logbooks which is a traceability system under the control of the Faroese authorities ensuring the same level of control by authorities as required under the EU catch certification scheme.

A specimen of the Faroese catch certificate, which shall replace the European Community Catch Certificates and Re-export Certificate as from 1 January 2010, 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.

#### **MUTUAL ASSISTANCE**

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

#### **Appendix**

*Status: Point in time view as at 07/05/2010.*

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

11. Importer declaration		Signature		Date		Seal		Product CN code	
Name and address of importer		References							
Documents under Article 14(1),(2) of Regulation (EC 1005/2008)		Place		Importation authorised*		Importation suspended*		Verification requested - date	
12. Import control - authority		Number		Date		Place			
Custom declaration (if issued)									

\* Tick as appropriate

EUROPEAN COMMUNITY RE-EXPORT CERTIFICATE									
Certificate number		Date		Member state					
1. Description of re-exported product		Weight (kg)		Product code		Balance from total quantity declared in catch certificate			
Species									
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

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*Status: Point in time view as at 07/05/2010.*

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

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**Status:** Point in time view as at 07/05/2010.

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

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- (1) [OJ L 286, 29.10.2008, p. 1.](#)
- (2) [OJ L 280, 27.10.2009, p. 5.](#)

**Status:**

Point in time view as at 07/05/2010.

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Regulation (EU) No 395/2010.