

Content

Title :	Directions for the Application and Issuing of the European Community Catch Certificate Ch
Date :	2016.07.13
Legislative :	<p>Promulgated on 16 September 2009 by the Council of Agriculture, Executive Yuan under Order No. Nung-sou-yu-tzu 0981332494.</p> <p>The entire text of 12 articles amended on 29 November 2013 by the Council of Agriculture, Executive Yuan under the Order No. Nung-sou-yu-tzu 1021339167B and become effective on 1 January 2014.</p> <p>The Appendix 1 amended on 13 July 2016 by the Council of Agriculture, Executive Yuan under the Order No. Nung-sou-yu-tzu 1051258213A and become effective on 15 July 2016.</p>
Content :	<p>Article 1</p> <p>For the management of fisheries resources and to address the requirement of the European Community Catch Certification scheme, in ensuring the export of the catches harvested by national fishing vessels and the fishery products processed from such catches to the European Union meeting the European Union Council Regulations (EC) No. 1005/2008, these Directions are hereby established by the Council of Agriculture, Executive Yuan (hereinafter referred to as “the Council”).</p> <p>Article 2</p> <p>For the export of the catches harvested by national fishing vessels from the sea, directly or after processing in domestic or foreign factories, to the European Union, an application shall be submitted to the Council for the issuing of the European Community Catch Certificate (format as shown in Appendix 1 and Appendix 2) in accordance with these Directions.</p> <p>Article 3</p> <p>The following fishery products shall be exempted from applying for EuropeanCommunity Catch Certificate:</p> <ol style="list-style-type: none">(1) Freshwater fishery products.(2) Aquaculture products from fry or larvae.(3) Ornamental fish.(4) Oysters, live.(5) Scallops live, fresh or chilled, including queen scallops of genera Pecten, Chlamys or Placopecten.(6) Coquilles St Jacques (Pecten maximus), frozen.(7) Other scallops. Fresh or chilled.(8) Mussels.(9) Snails, others than those obtained from the sea.(10) Prepared and preserved molluscs. <p>Article 4</p> <p>An applicant for a European Community Catch Certificate shall be a fishery operator, a buyer with a buyer permit in a fish market, a government-registered importer or exporter, a processing factory or an agent in a foreign fishing base.</p> <p>Article 5</p> <p>Any fishery operator that intends to apply for a European Community Catch Certificate for catch caught by a distant water fishing vessel shall submit the following documents to the Fisheries Agency of the Council for the application:</p>

- (1) An application form (format as shown in Appendix 3).
 - (2) A copy of the Catch Certificate with complete information typed clearly.
 - (3) For catch landed and sold in domestic fishing ports, the trade slip issued by the fish market shall be attached. For catch landed in foreign fishing bases, one copy of the documents confirming the trade transaction of the catch between the fishery operator and the agent in the foreign fishing base shall be attached.
 - (4) One copy of the documents confirming transshipment of the catch to a carrier vessel, cargo vessel or an airplane shall be attached. In the event that the transshipment is conducted in waters subject to the deployment of a regional observer for at-sea transshipment as regulated by international fisheries organizations, the document confirming the at-sea transshipment shall be signed by the regional observer. The document is exempted if no transshipment has been conducted.
- In the event that the applicant for the European Union Catch Document referred to in the preceding paragraph is not a fishery operator, he/she shall submit, in addition to the documents set out in the preceding paragraph, the following documents:
- (1) Data confirming trade transaction of the catch made between the applicant and the fishery operator, and the data shall be traceable.
 - (2) A statement (format as shown in Appendix 4) made by the fishery operator

Article 6

Any fishery operator that intends to apply for a European Union Catch Document for the catch caught by a coastal or offshore fishing vessel shall submit the following documents to the Fisheries Agency of the Council for the application:

- (1) An application form (format as shown in Appendix 3).
- (2) A copy of the Catch Certificate with complete information typed clearly.
- (3) The trade slip issued by the fish market. In the event that there is no fish market available for transaction in the port where the catch is landed, an inventory of catch caught by the coastal or offshore fishing vessel issued by the relevant fishermen association shall be attached (format as shown in Appendix 5). For catch harvested from a set net fishery, a copy of the license for set net fishing rights and the documents confirming sale of the catch from the operator of the set net fishery shall be attached.

In the event that the applicant for a European Union Catch Document referred to in the preceding paragraph is not a fishery operator, he/she shall submit, in addition to the documents set out in the preceding paragraph, the following documents:

- (1) Data confirming transaction of the catch between the applicant and the fishery operator, and the data shall be traceable.
- (2) A statement made by the fishery operator of the catch (format as shown in Appendix 4).

Article 7

A European Community Catch Certificate is valid for one year.

Article 8

An applicant for European Community Catch Certificate shall, within three months after the completion of customs clearance for fishery products, submit the data of customs clearance (or a copy of the export permit in case of export from homeland) issued by the importing country and the sales data to the Fisheries Agency of the Council for reconciliation of the sales. The Fisheries Agency of the Council may assign its personnel to the fishing vessels, offices or related premises of the

applicant to inspect the sales data on the fishery products.

Article 9

For catches of skipjack tuna, bigeye tuna, yellowfin tuna, swordfish, and squid caught by fishing vessels intended for landing and sale in domestic fishing ports, landing and sale of such catches shall be restricted to take place in Nanfangao fishing port and Wushih fishing port in Ilan County; Aodi fishing port, Shenao fishing port and Yeliou fishing port in New Taipei City; Badouzih fishing port, Jhengbin fishing port in Keelung City; Jiangjyun fishing port and Anping fishing port in Tainan City; Singda fishing port, Linhaisincun fishing port, Jhongyun fishing port, and Cianjhen fishing port in Kaohsiung City; Tungkang fishing port in Pingtung County; Singang fishing port in Taitung County; Hualien fishing port in Hualien County. Fishing vessels shall land and sell their catches of flying fish roe and mackerels in designated domestic fishing ports in accordance with “Regulations for Managing Part-time Fishery for the Roe of Flying Fish” and “Regulations for Managing Mackerel and Scad Fishery” respectively. Paragraph 1 of this Article on designated fishing ports for landing and sale does not apply to catch harvested from set net fisheries.

The Fisheries Agency of the Council may assign its personnel to inspect the landing of catch. The captain or fishery operator shall not refuse the inspection.

Article 10

For the fishery products processed or manufactured domestically, the column under section 3 for verified weight landed in the European Community Catch Certificate shall be verified by the Fisheries Agency of the Council in accordance with the processing rate for finished products as set forth in Appendix 6.

Article 11

In case of any of the following, the Fisheries Agency of the Council shall deny the application for European Community Catch Certificate:

- (1) The catch is from any fishing vessel under ownership of a fishery operator who owns a fishing vessel included on the list of illegal, unreported, and unregulated (IUU) fishing vessels proclaimed by regional fisheries management organizations or the European Union.
- (2) The catch is transshipped by an unauthorized fish carrier vessel.
- (3) The fishing vessel has not been certified by a hygiene inspection in accordance with “Direction Governing Sanitation Management of EU Coded Distant-Water Fishing Vessels” and “Direction Governing Sanitation Management of Fishing Vessels Supplying Fishery Products to Processing Plants Intent to Export to EU” .
- (4) The fishing vessel is under investigation or administrative punishment for violation, and the investigation or punishment has not completed.
- (5) Where the fishing vessel enters a port with catch retained on board, the captain or fishery operator evades the inspection performed by the personnel assigned by the Fisheries Agency of Council.
- (6) In violation of Article 5 and Article 6 for not submitting application documents which contain complete and clear information.
- (7) The fishing vessel did not land its catch in designated fishing ports set out in Article 9, paragraph 1 and paragraph 2.

Article 12

In case of one of the following, the Fisheries Agency of the Council may refuse to accept the application for a European Union Catch Document for a year:

- (1) In violation of Article 8, paragraph 1, for that the applicant fails to submit the data of customs clearance for reconciliation of the sales within three months after the completion of customs clearance for fishery products.
- (2) In violation of Article 8, paragraph 2, for that the applicant evades, obstructs or refuses the personnel assigned by the Fisheries Agency of the Council in inspecting the sales data on the fishery products.
- (3) In violation of Article 9, paragraph 4, for that the captain or fishery operator who intend to land and sell the catch evades, obstructs or refuses the personnel assigned by the Fisheries Agency of the Council in inspecting the landing.
- (4) The applicant makes the application with false or counterfeit documents.

Attachments : Attachments.odt

Data Source : MONISTRY OF AGRICULTURE Laws and Regulations Retrieving System