

EP(16)24

*Mr Pierre Moscovici
European Commissioner for
Economic and Financial
Affairs, Taxation and Customs
Rue de la Loi / Wetstraat 200
1049 Brussels*

7th March 2016

Re: Implementation of the Union Customs Code's (UCC) substantive provisions as regards the transshipment of seafood products in third countries

Dear Mr Moscovici,

On behalf of the European fishing industry, we are writing to inform you about a serious problem facing the EU long distance fishing fleets concerning the effective implementation of the new rules contained in the Commission Delegated Regulation 2446/2015 and Commission Implementing Regulation 2447/2015 supplementing and laying down detailed rules for implementing certain provisions of the UCC.

As you know, the UCC entered into force on 30th October 2013, however its substantive provisions will apply from 1st May 2016, once the UCC-related Commission acts are in force. In these new delegated and implementing regulations, the so-called T2M form disappears from the text. Up until now, it has been used to prove the customs status of Union goods in relation to those sea-fishing products and goods at the time of entry into the customs territory of the Union. As from the 1st of May, this document will have to be replaced by other means of evidence showing this EU status. The customs status of Union goods shall be proven by the production of a fishing logbook, a landing declaration, transshipment declaration and vessel monitoring system data, as appropriate, as required in accordance with Council fisheries control Regulation 1224/2009.

The new implementing rules do not properly regulate the transshipment operations in ports of third countries, which is normal practice of EU fishing vessels, operating in the Atlantic, Indian and Pacific oceans. In this sense, Article 214 of the Regulation 2447/2015, provides that *'Where, before arriving to the customs territory of the Union, the products have been transhipped and transported through a territory which is not part of the customs territory of the Union, a **certification by the customs authority** of that country that the products or goods were under customs supervision while in that country and have undergone no handling other than that necessary for their preservation shall be presented for those products and goods on their entry into the customs territory of the Union'*. The article continues stating that **'the certification for products and goods transhipped and transported through a third country shall be made on a printout of the fishing logbook referred to in Article 133 of Delegated Regulation (EU) 2015/2446, accompanied by a printout of the transshipment declaration, as appropriate.'**

The operator shall follow these steps to prove the customs status of Union goods in relation to those sea-fishing products and goods at the time of entry into the customs territory of the Union. Otherwise, these products and goods should be subject to sanitary and customs control of the Union as if its origin was from a third country.

The new system requires the full cooperation of the competent customs/health authorities of third countries. For this reason, we urge the European Commission to contact these authorities to guarantee that they are ready to adopt and implement the system newly approved by the EU. We are pleased to send you herewith a list of third country's ports where the EU fleets most often perform their transshipment.

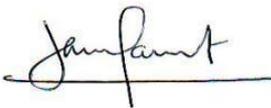
Additionally, we strongly urge the competent services of DG TAXUD in collaboration with DG MARE to undertake the appropriate measures to adapt the substantive provisions of the UCC to the fisheries reality, enabling a formula that facilitates the proof of Union customs status for fishery products transhipped in third countries.

The European Commission must be aware that if those actions are not carried out, the new system will certainly cause disproportionate damage to the EU fishing fleets, which operate in foreign waters and are obliged to tranship the product in third countries. For this reason, we demand a transitional period that lasts until at least the 31st December 2016 for the EU to make arrangements with third countries to provide all the guarantees to EU operators.

We remain at your disposal for any further clarification on this issue.

Looking forward to your response.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Javier Garat', written over a horizontal line.

Javier Garat ,
President of Europêche

CC: *European Commissioner for Environment, Maritime Affairs and Fisheries Mr Vella*
DG TAXUD Director General Mr Quest
DG MARE Director General Mr Aguiar Machado