

Mr. Pierre MOSCOVICI,
European Commissioner
Economic and Financial Affairs, Taxation and Customs
Brussels (Belgium)

In Madrid, 26 April 2016

Subject: Problems related to the new development of specific provisions of the EU Customs Code (replacement of transhipment document "T2M").

Dear Mr. Moscovici,

I am writing to you on behalf of the LDAC members to express our concern regarding the imminent application of Regulations 2446/2015 and 2447/2015, establishing rules for the development of specific provisions of the EU Customs Code.

According to these regulations, that will come into force in 1 May of this year and that will affect the European long distance fleet represented by the LDAC, and by addition to the EU processing and trading industry which gets the supply of raw fish, the document known as "T2M" will disappear and will be replaced by another one included in the e-logbook on board European vessels.

Within the LDAC, we consider that it is essential that all parties concerned know and are familiar with the new format and requirements established in the Regulation. In addition, and if the circumstances call for it, both Community fisheries operators and customs authorities of EU Member States and third countries should be awarded an adaptation transitional period. Therefore, we request the coming into force of the regulations be delayed until 1 January 2017.

Regarding the E-Logbook, in Spain, the 3.0 version has been developed, where a specific box is included to be filled in by the third-country authority in order to enable transhipment in that country. In spite of the fact that we know that the monitoring and control during transhipments of fish have to be carried out by the third-country customs services, we believe that there should be a list with the cases where it is expressly delegated upon the inspectors of the fishery Administrations of vessels with the flag of an EU Member State, where appropriate.

In general terms, the reduction of the administrative burden regarding the reliable documentation to be submitted, provided that notification of said transhipments is ensured, is fought for.

Particularly after analysing the content of article 214 of Regulation 2447/2015 together with article 133 of Delegated Regulation (EU) 2446/2015, regarding the obligation to submit a certificate issued by the customs authority on transhipped and transported products in a third country, we understand that it would be enough to submit the relevant page of the E-Logbook together with the transshipment statement instead of having to provide the complete copy of the aforementioned e-logbook in order to ensure the confidentiality of data and of fisheries operations included in it. We kindly request therefore the Commission to clarify the scope of this measure in terms of the use of a simplified paper format for the submission of the necessary data to notify transshipments.

Moreover, we believe it is necessary to know in advance the list of designated ports in third countries that have stated their will to cooperate and that have duly organised themselves to comply with the requirements of the new regulations.

In light of the foregoing, the LDAC requests:

- 1. - That the entry into force of the aforementioned regulations is delayed until 1 January 2017.**
- 2.- That the European Union delegations before third countries inform and remind the customs authorities of these countries of the application and requirements of the new regulations regarding the changes established in the Customs Code, according to which, as of 1 May 2016, customs services in third countries shall endorse and certify due registration and non-manipulation of the e-logbook.**
- 3.- That the European Commission provide a list of designated ports that have already stated their will to cooperate and have the capacity in the field of customs to effectively apply these measures.**

Should you have any query, please do not hesitate to contact me.

Yours sincerely,



Mr. Juan Manuel Liria Franch
Acting Chair, Long Distance Advisory Council (LDAC)

CC: DG MARE Coordinator with the Advisory Councils: Ms. GEORGITSI
Commissioner for Maritime Affairs and Fisheries, Mr. VELLA
Director General for Maritime Affairs and Fisheries, European Commission, Mr. AGUIAR MACHADO
Director General for Taxation and Customs Union, Mr. QUEST