

V. BILLFISH

No Atlantic billfish may be purchased or sold.

Any Pacific billfish that does not remain in the state of landing, or any Pacific billfish that is imported, must be documented with a certificate of eligibility (COE) indicating that the fish is **not an Atlantic billfish**. The COE remains with the fish through commerce. Billfish COEs are available at the HMS Management Division's website at: http://www.nmfs.noaa.gov/sfa/hms/Linkpages/reporting_forms.htm. A dealer permit is **not** required in order to buy Pacific billfish.

VI. IMPORTING, EXPORTING, AND RE-EXPORTING **HMS**

INTERNATIONAL TRADE PERMIT

Importers, exporters and re-exporters of Atlantic bluefin tuna, Southern bluefin tuna, Pacific bluefin tuna, frozen bigeye tuna, swordfish, and shark fins must obtain an HMS International Trade Permit (ITP). NMFS will mail renewal notification and a prefilled application approximately 60 days prior to when the permit is scheduled to expire.

ITP applications are available on the ITP homepage at: <http://www.nmfs.noaa.gov/sfa/hms/ITP/index.htm>. Applications can also be obtained from the NMFS Permits Team, Southeast Regional Office, 263 13th Avenue, South, St. Petersburg, FL 33701, or by calling (727) 824-5326.

An **importer** is the principal party responsible for the import of product into a country (see 50 CFR 300 subpart M). For imports into the United States, "importer" means the consignee as identified on entry documentation or any authorized, equivalent electronic medium required for release of shipments from the customs authority of the United States or the separate customs territory of a U.S. insular possession. If a consignee is not declared, then the importer of record is considered to be the consignee.

An **exporter** is defined as the principal party in interest, meaning the party that receives the primary benefit, monetary or otherwise, of the export transaction. For exports from the United States, the exporter is the U.S. Principal Party in interest, as identified in Part 30 of title 15 of the CFR. An exporter is subject to all of the requirements outlined in subpart M of Part 300 of title 50, even if exports are exempt from statistical reporting requirements under Part 30 of title 15 of the CFR.

A **re-export** is defined as the export of goods that were previously entered for consumption into the customs territory of a country.

ATLANTIC BLUEFIN TUNA

HMS trade regulations for bluefin tuna apply to bluefin from both the Atlantic and Pacific oceans. The International Commission for the Conservation of

Atlantic Tunas (ICCAT) implemented a catch documentation program for bluefin tuna in 2008. The primary purposes of this program are to better account for landings of Atlantic bluefin tuna, particularly in the Mediterranean Sea, and to track bluefin tuna trade. The ICCAT bluefin tuna statistical document program that was previously in place has been completely replaced with the new ICCAT bluefin tuna catch document (BCD) program.

Importing Atlantic bluefin tuna

Each consignment of Atlantic bluefin tuna imported into the United States must be accompanied by an approved, original, uniquely numbered, complete, and validated BCD issued by the country of the vessel that harvested the bluefin tuna (one vessel per BCD). **Please note that it is the importer's responsibility to ensure that each BCD for an imported consignment is complete and accurate.** Importers are **prohibited** from accepting an import that is not accompanied by an approved, original, complete, and validated BCD. The sections of the BCD that are completed for an imported bluefin tuna will depend upon whether the bluefin tuna was caught wild immediately prior to landing, or transferred through a farming operation. Full instructions for completing a BCD are available on the HMS ITP homepage listed above.

The following links may be helpful to importers in determining the validity of a BCD:

ICCAT IUU Vessel List <http://www.iccat.int/IUU.htm>

ICCAT Record Number <http://www.iccat.int/vesselsrecord.asp>

ICCAT Validation Authorities <http://www.iccat.int/SDP%20summary.htm>

The importer must sign the BCD at the bottom of the document and complete the Importer/Buyer's section of the document. The customs entry number and ITP (permit) number must be written in the upper right-hand corner of the document. A copy of the completed, signed document must be provided to NMFS within 24 hours of import. In addition, all necessary information must be included on a bi-weekly form which must be received by NMFS within 10 days after the end of the reporting period. Bi-weekly reports are available on the ITP homepage.

Exporting Atlantic bluefin tuna

Each U.S. commercially-caught Atlantic bluefin tuna is required to be tagged by an Atlantic Tunas Dealer permit holder with a NMFS-issued tag and a BCD must accompany product for export or re-export. NMFS tagging regulations and associated permitting and reporting requirements simplify exporting requirements because BCDs for tagged fish do not need to be validated.

BCDs should be created and filed using the electronic reporting system available at <https://www.st.nmfs.noaa.gov/noaabcd/external/>. Exporters must use their ITP number and associated information to create a NOAA BCD account. After an account has been created, exporters can log into the system to generate BCDs for exporting.

The exporter should fill out a separate BCD for each vessel's catch. If the export consignment contains bluefin tuna captured by more than one vessel, then a separate BCD must be completed for the catch from each vessel. All information should be entered following the system instructions. The exporter may need to contact the Atlantic Tunas Dealer permit holder who first received the bluefin to obtain vessel information such as the vessel's Atlantic Tunas Vessel Permit Number (ATVP No.) and the ICCAT Record Number (for vessels over 24 meters in length).

Paper export BCDs may also be used and can be downloaded from the HMS ITP website. If a paper document is used, the document number should be assigned using the following numbering convention: US Year–ITP Number (include numerals only)–sequential number. For example, an exporter with the ITP number “SE 10543” who is exporting the first bluefin for the year 2010 would use the following document number:US2010-10543-1.

The original document should accompany the shipment, and a copy of the document must be provided to NMFS within 24 hours of export. Relevant information from this document must be included on the “Bi-weekly Atlantic Bluefin Tuna Dealer Landings and Trade Report” available on the ITP homepage, which must be received by NMFS within 10 days of the end of the applicable reporting period. If the exporter also tagged the fish under his Atlantic Tunas Dealer permit, then only one bi-weekly report need be submitted. If the exporter does not hold a domestic Atlantic Tunas Dealer permit, as long as he provides the information required on the bi-weekly report to the Atlantic Tunas Dealer permit holder who tagged the fish, and maintains a copy of the complete bi-weekly report submitted by the Atlantic Tunas Dealer permit holder, then the exporter may forgo submitting a bi-weekly report to NMFS. Any biweekly report with U.S. domestic landings data must be submitted to the HMS Gloucester office (see p. 19 for address and contact information). Biweekly reports with only trade data go to NSIL (p. 18).

Re-exporting Atlantic bluefin tuna

Imported bluefin tuna that is to be re-exported from the United States must be accompanied by a bluefin tuna re-export certificate and the original BCD when it leaves the United States. The re-exporter must complete the re-export certificate according to the instructions on the back of the form, have it government validated, and attach it to the original BCD. For government validation, see “Validation Services” below. Re-export certificates are available on the HMS ITP homepage.

Re-exports of untagged fish must also be reported to the ICCAT Secretariat and to the competent government authority of the importing nation within five days of export by email, fax, or mail. See the HMS ITP website for country-specific addresses. However, the re-export certificate must still accompany the shipment. Beginning in June 2009, the re-export certificate was modified to include a data field called “State of Destination” for the re-exported product.

PACIFIC BLUEFIN TUNA

Trade of Pacific bluefin tuna requires documentation similar to that required for trade of Atlantic bluefin tuna. Importers, exporters, and re-exporters must obtain an ITP, and each import and export consignment must be accompanied by a BCD. However, catch-related information is not required on the BCDs for Pacific bluefin tuna. The information required for Pacific bluefin tuna imports and exports on each BCD includes the area of harvest, product information, and trade information, including government validation (see “Validation Services” below). BCDs for U.S. exports of Pacific bluefin tuna are available on the HMS ITP website.

Like Atlantic bluefin tuna, each re-export of Pacific bluefin tuna from the United States must be accompanied by a re-export certificate and the original BCD, and must be validated prior to re-export.

Copies of import and export BCDs, and re-export certificates, must be provided to NMFS within 24 hours of international trade. Original BCDs for imports and bi-weekly reports must be received by NMFS within 10 days after the reporting period ends. The “HMS Trade Bi-Weekly Dealer Report” should be used for bi-weekly reports to NMFS. **NOTE:** Pacific bluefin tuna BCDs and re-export certificates are not required to be submitted to the ICCAT Secretariat or the importing nation.

SOUTHERN BLUEFIN TUNA, FROZEN BIGEYE TUNA, SWORDFISH, SHARK FINS

HMS trade regulations for swordfish, Southern bluefin tuna, and frozen bigeye tuna apply to United States trade of product that originated from any ocean area. ICCAT adopted statistical document (SD) trade-tracking programs for swordfish and frozen bigeye tuna in 2001. The United States has implemented the ICCAT SD programs along with a SD program adopted by the Commission for the Conservation of Southern Bluefin Tuna to monitor trade, and better understand the impact of the international market on these species. Since the reporting and recordkeeping requirements are similar for these species, they are addressed together below. Additionally, for the import, export, and re-export of shark fins an ITP is required, but ITP reporting requirements are not required for shark fin trade.

Importing Southern bluefin tuna, frozen bigeye tuna, and swordfish

Each consignment imported to the United States must be accompanied by an approved, original, species-specific, completed SD, issued and validated by the country of the vessel of harvest. Instructions for completing SDs for each species are available on the HMS ITP homepage. **It is the importer’s responsibility to ensure that each SD for an imported consignment is complete and accurate.** Importers are **prohibited** from accepting an import that is not accompanied by an approved, original, species-specific, completed, and validated SD.

The following links may be helpful to importers in determining the validity of a SD:

ICCAT IUU Vessel List <http://www.iccat.int/IUU.htm>

ICCAT Record Number <http://www.iccat.int/vesselsrecord.asp>

ICCAT Validation Authorities <http://www.iccat.int/SDP%20summary.htm>

The importer must sign the SD at the bottom of the document and complete the Importer/Buyer's section of the document. A copy of the completed, signed document must be provided to NMFS within 24 hours of import. All necessary information relative to the import must be included on a bi-weekly form submitted to NMFS (see "Addresses" section below) which must be received within 10 days of the end of the reporting period.

Exporting Southern bluefin tuna, frozen bigeye tuna, and swordfish

Statistical documents (SDs) for use in exporting these species are available on the HMS ITP homepage. All information should be entered following the instructions on the back of the form. Please note that for swordfish or bigeye originating from the Pacific or Indian oceans, the description of fish and exporter certification are not required. All exports must be government validated (see "Validation Services" below).

The original document should accompany the shipment, and a copy of the document should be provided to NMFS within 24 hours of export. Relevant information from this document should be included on the "HMS Trade Bi-Weekly Dealer Report" and received by NMFS within 10 days of the end of the applicable reporting period.

Re-exporting Southern bluefin tuna, frozen bigeye tuna, and swordfish

The SD that accompanied the import is the only documentation required to re-export an imported consignment from the United States that has not been subdivided or consolidated with another consignment. The re-exporter should ensure that the intermediate importer certification is completed as required and send the original statistical document with the re-exported consignment. A copy of the SD must be received by NMFS within 24 hours of re-export.

If an import has been subdivided or consolidated with another consignment, then a re-export certificate must be prepared. Re-export certificates are available on the HMS ITP website. The re-exporter must complete the re-export certificate following the instructions on the reverse side of the document, contact NMFS to have it validated, and attach it to the original SD to accompany the consignment. All necessary information relative to the re-export must be included on a bi-weekly form submitted to NMFS at the address indicated below, and received within 10 days of the end of the reporting period.

GOVERNMENT VALIDATION OF FORMS RELATED TO THE ITP

Government validation is available 24 hours a day, seven days per week on a fax-in basis. To obtain validation, fax documents to (866) 252-3751. The document must be complete, and fax and phone numbers must be included. Documents will be faxed back within approximately two hours. If there is a

delay, please contact the NMFS validating official at (843) 724-6425. Please note that assistance in preparing a complete document is only available during business hours at the following phone number: (228) 769-8964.

NMFS regulations also provide for validation by non-government entities, once the entities have been authorized as validating officials by NMFS. To apply for status as a validating official, please submit a request in writing to: Tuna/Swordfish Reporting, National Seafood Inspection Laboratory (NSIL), 3209 Frederic Street, Pascagoula, MS, 39567.

The request must specify the following information:

- 1) Names, addresses, and telephone/fax numbers of individuals who would perform validation;
- 2) Procedures to be used to notify NMFS of validations; and
- 3) An example of the stamp or seal to be applied.

NMFS will then make a determination and notify the applicant if they are granted an authorization as a validating official.

ITP REPORTING REQUIREMENTS

Reporting to NMFS	
Atlantic & Pacific Bluefin BCDs, Re-export Certificates, Bi-weekly Reports (no landings data)	Tuna/Swordfish Reporting NSIL 3209 Frederic Street Pascagoula, MS 39567 FAX: (228) 762-7144 Phone: (228) 769-8964 Email: BFTReporting@noaa.gov
Southern Bluefin Tuna, Frozen Bigeye Tuna, and Swordfish SDs, Re-export Certificates, Bi-weekly Reports	NSIL (see above)
Reporting to ICCAT Secretariat	
BCD (copy) for untagged re-exports	ICCAT Secretariat Corazón de María, 8 28002 Madrid, SPAIN info@iccat.int
Reporting to Importing Nations	
	See HMS ITP website: http://www.nmfs.noaa.gov/sfa/hms/ITP/index.htm

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.