

To fishermen, buyers, and neutral cold storage facilities

LANDINGS OF FROZEN FISH, SHELLFISH, ETC., FROM THIRD COUNTRY VESSELS

Reference is made to Norges Råfisklag's memo dated 25.06.08 to neutral cold storage facilities and buyers/traders of frozen fish from foreign vessels.

This memo concerns first hand trading of frozen fish, shellfish, etc., landed to neutral cold storage facilities in Norges Råfisklag's district by third country vessels. Said stipulation also applies to equivalent landings from EEC vessels and any EU vessels choosing to sell their landed catch to a Norwegian buyer.

Trading in these types of catches is subject to the Organisation's stipulations for first hand trading with the exception of the settlement and guarantee arrangements, unless these arrangements were specially requested. Buyers of such raw materials, however, must provide Norges Råfisklag with a guarantee covering the organisation's sales fee, the fishing fleet inspection fee, and, if applicable, VAT. Buyers entering into contracts concerning deliveries of raw materials from foreign vessels, must base these contracts on the Organisation's minimum prices, sizing categories, etc., when drawing up any pricing agreements. For pricing agreements entered in foreign currencies it is common procedure to use the exchange rates of the landing date as a basis for the price listed on the contract note. Prices of products not listed on the Norges Råfisklag minimum price list must be calculated based on the Directorate of Fisheries calculation formulas. For landings of species for which Norges Råfisklag has not established a minimum price, such as shrimp, the buyer must contact Norges Råfisklag and obtain approval of the proposed price before any pricing agreement can be established.

./. All landings in the category of foreign vessels mentioned above must be registered with the sales organisation and Norwegian authorities. The buyer must notify Norges Råfisklag using the sales organisation's notification form, cf. appendix, no later than 24 hours before landing. Landings taking place during or immediately after weekends/holidays must be registered no later than the last normal working day prior to the weekend/holiday.

Frozen fish, shellfish, etc., from third country vessels are subject to rules relating to veterinary border inspection¹ and port state control. This means that such catches must be landed to border inspection ports, or be taken in via approved inspection points associated with the border inspection ports.

The above cases describe landings outside facilities belonging to the buyer. These landings have hitherto been subject to an approval procedure wherein an application with the appurtenant documentation had to be submitted to Norges Råfisklag. As of 15.09.2008, this procedure is changed to read as follows:

Only notices mentioned in paragraph 4 must now be submitted to Norges Råfisklag prior to landing such catches. Norges Råfisklag will record the notice and post it on www.rafisklaget.no.

¹ Cf. Regulations of 18.10.1999 relating to inspection and control of import and transit, etc., of animal foodstuffs and products of animal origin, etc., from third countries.

The recipient/cold storage facility is obligated to make sure the catch has been registered and is presented online, as well as to keep informed of whom the buyer of the catch is, and may not commence the landing until said conditions have been met. The recipient shall be responsible for weighing the catch and must issue a landing note, which is to be submitted to Norges Råfisklag within the set time, as established in the Regulation of 22.12.2005 relating to duty of information concerning landings and trading of fish (landing regulations). If a catch is to be distributed to several buyers, the recipient must issue the same number of landing notes, each listing the weighed quantities to be distributed to the respective buyers. The recipient may not release these quantities from storage until cleared to do so online at: www.rafisklaget.no.

The buyer must issue a contract note in accordance with the information found on the registration form and the landing note, as received from Norges Råfisklag. The price on the contract note must be in keeping with the pricing agreement, which must be kept in the event of an audit. The contract note must be submitted to Norges Råfisklag, electronically if possible, immediately upon receiving the landing note. Please note that the buyer and recipient are responsible for making sure the information found on the registration form and landing note is accurate. It is not possible for buyers to delegate responsibility for issuing the contract note to another buyer.

If quantities, or parts thereof, listed on the landing note are rejected by the Norwegian Food Safety Authority, the buyer must be able to document this by presenting the appurtenant document from the Norwegian Food Safety Authority.

As opposed to the previous approval procedures, the buyer's obligation to be able to document ownership of landed fish with regard to Norges Råfisklag is now stricken. However, the buyer must still obtain such information from the shipowner and any other potential owners of landed catches. By way of the information recorded on the notification form, buyers confirm the right to buy the quantities listed on the form. All appurtenant information for each landing must be filed on the buyer's premises, available for audit.

Norges Råfisklag will no longer issue letters of approval to buyers. Approval for landing catches is granted whenever the notification procedures have been adhered to, and catches may also be released from storage unless specifically prohibited by Norges Råfisklag. Approval for release from storage is only denied if the buyer is unable to guarantee coverage of any fees or taxes. Information in this regard, will be found on www.rafisklaget.no.

Norges Råfisklag

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