

Anexo 2

INSTRUCTIONS FOR COMPLETING THE CERTIFICATION OF ADMISSIBILITY FORM

FOR EXPORTERS:

1. DESCRIPTION OF FISH AND FISH PRODUCTS EXPORTED INTO UNITED STATES (SEE TABLE) – U.S. HARMONIZED TARIFF SCHEDULE NUMBER, SPECIES DESCRIPTION AND PRODUCT FORM - Enter U.S. Harmonized Tariff Schedule (HTS) number of fish or fish products, the species description and product form in English. HTS numbers are listed on the U.S. International Trade Commission's website. HTS numbers for fish and crustaceans, molluscs and other aquatic invertebrates can found at: <https://hts.usitc.gov/>. This form is only required to accompany shipments of species of fish and fish products from countries for which import restrictions have been imposed for certain fish or fish products under the High Seas Driftnet Fishing Moratorium Protection Act or the Marine Mammal Protection Act (MMPA).

WEIGHT - Enter the total **net** weight of the shipment **in kilograms**.

FISHING GEAR - Enter gear used to harvest fish or fish products:

- PL - Pole and Line, Hook and Line
- DN - Driftnet
- PS - Purse Seine Net
- LL - Longline
- GN - Gillnet less than 1.5 miles (2.4 km) in total length
- AQ: Aquaculture or Farm
- OTH - Other Type. Describe

VESSEL FLAG - Enter the country under whose laws the fishing vessel operated, or for certified charter vessels, enter the country that accepted responsibility for the vessels' fishing operations. If aquaculture or farm, the country in which the facility is located.

VESSEL NAME(s) AND NUMBER(s) - Enter the name of the **fishing vessel(s)** and number(s) assigned to the vessel(s). If aquaculture, enter the name of the facility, farm, or company.

2. DULY AUTHORIZED OFFICIAL/AGENT OF THE APPLICANT'S GOVERNMENT – Person designated by the government of the exporting nation to certify that the fish and fish products meet the specifications outlined on the form. *(See Frequently Asked Questions below for more information. Once import restrictions are imposed, NMFS will obtain a list of duly authorized officials/agents from the exporting country and post the list for U.S. Customs officials. Duly authorized officials/agents shall be representatives of the Fisheries and/or Agriculture Ministries or representatives of an institution accredited by either Ministry.)*

FOR ENTRY FILERS (CUSTOMS BROKERS):

1. At time of entry filing, submit the form, as certified by the government official of the exporting nation, to U.S. Customs & Border Protection via the Document Image System of the Automated Commercial Environment.
2. Once the shipment is released from the port, the Importer of Record must complete final certification. Submit the final completed document to U.S. Customs & Border Protection via the Document Image System of the Automated Commercial Environment as a supplement to the original entry.

FOR U.S. IMPORTERS:

1. CUSTOMS ENTRY NUMBER - Importer must enter the shipment's assigned U.S. Customs Entry Number and the date of entry (day/month/year, e.g., 15/Jan/2018).
2. U.S. IMPORTER OF RECORD/AGENT - Enter name and address of importer or consignee and contact phone number of company representative responsible for certifying that the fish and fish products contained in the shipment are accurately described. Each importer who takes custody of the shipment must sign and date the form to certify that the form and attached documentation accurately describe the shipment of fish that they accompany.
3. Return completed form to entry filer (customs broker) for submission to U.S. Customs & Border Protection via the Document Image System of the Automated Commercial Environment.

FREQUENTLY ASKED QUESTIONS:

Question: *Where can I learn whether and which fish or fish products are prohibited from importation into the United States under authority of the Moratorium Protection Act or the Marine Mammal Protection Act?*

Answer: If an identified nation receives a negative certification under the Moratorium Protection Act, and fish or fish products from that nation become prohibited from importation into the United States, a notification will be published in the Federal Register and posted on the NMFS Office of International Affairs and Seafood Inspection webpage (see the following link: <https://www.fisheries.noaa.gov/foreign/international-affairs/identification-iuu-fishing-activities>).

If a nation or export fishery fails to receive a comparability finding under the Marine Mammal Protection Act, and fish or fish products from that nation or export fishery become prohibited from importation into the United States, a notification will be sent to the nation and published in the Federal Register and posted on the NMFS Office of International Affairs and Seafood Inspection webpage (see the following link: <https://www.fisheries.noaa.gov/foreign/international-affairs/list-foreign-fisheries>).

Question: *Where do I find out whether a nation has been identified as having vessels engaged in IUU fishing? Bycatch of protected living marine resources? Targeting or incidentally catching sharks beyond any national jurisdiction? Failed to receive a comparability finding under the MMPA?*

Answer: A list of nations that are identified under the Moratorium Protection Act for having vessels engaged in IUU fishing, bycatch of protected living marine resources, and/or catching sharks on the high seas will be published in a biennial report to Congress. The report can be found on the NMFS Office of International Affairs and Seafood Inspection webpage (see the following link: <https://www.fisheries.noaa.gov/foreign/international-affairs/identification-iuu-fishing-activities>).

A list of nations and export fisheries that failed to receive a comparability finding will be published in the Federal Register and will be available on the NMFS Office of International Affairs and Seafood Inspection webpage (see the following link: <https://www.fisheries.noaa.gov/foreign/international-affairs/list-foreign-fisheries>).

Question: *Where do I find out if fishing practices are comparable to those of the United States?*

Answer: U.S. regulations for federally managed fisheries are published in the Code of Federal Regulations. These regulations are available online (see the following link: <http://www.ecfr.gov>). If an identified nation that receives a negative certification decision from the Secretary of Commerce becomes subject to import restrictions and seeks to export fish or fish products to the United States, information will be provided on the comparable fishing practices that will be required for entry of fish and fish products into the United States.

Question: *How is the Certification of Admissibility submitted to U.S. Customs and Border Protection?*

Answer: For trade restrictions imposed under the authority of the Moratorium Protection Act or the Marine Mammal Protection Act, NMFS will work with U.S. Customs and Border protection to identify the Harmonized Tariff Schedule (HTS) codes that will require certification of admissibility when fish are exported from the nation subject to the restriction. Imports entered under the identified HTS codes will require submission of the form, as certified by the government official of the exporting nation, at the time of entry filing. The form is submitted to U.S. Customs & Border Protection via the Document Image System of the Automated Commercial Environment. Once the shipment is released from the port, the Importer of Record must complete final certification. Return the form to the broker to submit the final completed document to U.S. Customs & Border Protection via the Document Image System of the Automated Commercial Environment as a supplement to the original entry.

Question: *What information should be recorded for products of aquaculture?*

Answer: If aquaculture products are entered under one of the identified HTS codes, the certification is required. "AQ" should be indicated under fishing gear, country of facility under vessel flag, and facility name under vessel name.

INSTRUCCIONES PARA COMPLETAR EL FORMULARIO DE CERTIFICACIÓN DE ADMISIBILIDAD

PARA EXPORTADORES:

1. DESCRIPCIÓN DE PECES Y PRODUCTOS PESQUEROS EXPORTADOS A ESTADOS UNIDOS (VER TABLA)

NÚMERO DEL ARANCEL ARMONIZADO DE EE. UU., DESCRIPCIÓN DE LA ESPECIE Y FORMA DEL PRODUCTO

Ingrese el código de la subpartida del Arancel Armonizado de Estados Unidos (HTS) para los peces o productos pesqueros, la descripción de la especie y la forma del producto en inglés. Los códigos HTS están disponibles en la página web de la Comisión de Comercio Internacional de EE. UU. Los códigos HTS para peces, crustáceos, moluscos y otros invertebrados acuáticos pueden encontrarse en: <https://hts.usitc.gov/>

Este formulario solo es requerido para acompañar envíos provenientes de países con restricciones de importación bajo la Ley de Moratoria de Redes Deriva en Altamar o la Ley de Protección de Mamíferos Marinos (Marine Mammals Protection Act- MMPA).

PESO – Ingrese el peso neto total del envío en kilogramos.

ARTES DE PESCA – Ingrese el arte utilizado:

PL – Caña y línea, anzuelo y línea

DN – Red de deriva

PS – Red de cerco

LL – Palangre

GN – Enmalle < 1.5 millas (2.4 km)

AQ – Acuicultura

OTH – Otro tipo

PAÍS DEL PABELLÓN DEL BUQUE – Ingrese el país bajo cuyas leyes operó el buque o, en acuicultura, el país de la instalación.

NOMBRE Y NÚMERO DEL BUQUE – Ingrese el nombre y número asignado. En acuicultura, el nombre de la instalación o empresa.

2. FUNCIONARIO/AGENTE AUTORIZADO DEL GOBIERNO DEL SOLICITANTE

Designado por el país exportador para certificar el cumplimiento del formulario.

PARA OPERADORES ADUANEROS:

1. Enviar el formulario certificado a la Oficina de Aduanas y Protección Fronteriza de EE.UU. (U.S. Customs & Border Protection), a través del Sistema de Imágenes de Documentos del Entorno Comercial Automatizado (Automated Commercial Environment- ACE);
2. Tras la liberación de la carga, el importador registrado debe completar la certificación final y reenviar el documento a la Oficina de Aduanas y Protección Fronteriza de EE.UU. a través del Entorno Comercial Automatizado (Automated Commercial Environment- ACE).

PARA IMPORTADORES ESTADOUNIDENSES:

1. Ingresar el número de referencia de la declaración aduanera y la fecha de ingreso (día/mes/año)
2. Ingresar nombre, dirección y teléfono del importador registrado.
3. Entregar el formulario al agente aduanero para su envío a la Oficina de Aduanas y Protección Fronteriza de EE.UU. (U.S. Customs & Border Protection).

PREGUNTAS FRECUENTES:

¿Dónde saber qué productos están prohibidos?

Las prohibiciones se publican en el Registro Federal (Federal Register) y en la web del Servicio Nacional de Pesca Marina (National Marine Fisheries Service- NMFS)

¿Dónde saber si un país está identificado por pesca INDNR, captura incidental o falta de comparabilidad MMPA?

En el informe bienal al Congreso y la página del Servicio Nacional de Pesca Marina:
<https://www.fisheries.noaa.gov/>

¿Dónde revisar prácticas comparables a EE. UU.?

En el Código de Regulaciones Federales: <http://www.ecfr.gov>

¿Cómo enviar la Certificación de Admisibilidad?

Vía Document Image System – ACE, tanto en entrada como en certificación final.

¿Información para acuicultura?

Marcar AQ como arte de pesca, país de la instalación como pabellón, y el nombre de la instalación como nombre del buque.