



Publications

PRACTICE AREAS

Import Compliance

40 Nations, One Economy Certified to Export Shrimp to U.S.

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Sandler, Travis & Rosenberg Trade Report

The State Department has certified 40 nations and one economy as meeting the requirements set by Section 609 of Public Law 101-162, which prohibits the importation of shrimp and products of shrimp harvested in a manner that may adversely affect sea turtle species. As a result of this certification, these countries and economy – including Gabon, which was newly certified this year – may export shrimp to the U.S.

The Section 609 ban does not apply when the State Department certifies to Congress that (a) the harvesting nation has adopted a program governing the incidental capture of sea turtles in its commercial shrimp fishery that is comparable to that of the program in effect in the U.S. and has an incidental take rate comparable to that of the U.S. or (b) the fishing environment in the harvesting nation does not pose a threat of the incidental taking of sea turtles. State makes certifications annually and bases them in part on verification visits to exporting countries.

Certified Nations. According to State, 14 nations have sea turtle protection programs that are comparable to that of the U.S.: Colombia, Costa Rica, Ecuador, El Salvador, Gabon, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Nigeria, Pakistan, Panama and Suriname.

In addition, 26 nations and one economy have fishing environments that do not pose a danger to sea turtles. Of these, the Bahamas, Belize, China, the Dominican Republic, Fiji, Hong Kong, Jamaica, Oman, Peru, Sri Lanka and Venezuela only harvest shrimp using small boats with crews of less than five that use manual rather than mechanical means to retrieve nets, or catch shrimp using other methods that do not threaten sea turtles. Another 16 nations have shrimping grounds only in cold waters, where the risk of taking sea turtles is negligible: Argentina, Belgium, Canada, Chile, Denmark, Finland, Germany, Iceland, Ireland, the Netherlands, New Zealand, Norway, Russia, Sweden, the United Kingdom and Uruguay.

Imports from Uncertified Nations. State has confirmed the requirement for all DS-2031 forms accompanying shrimp imports from uncertified nations to be originals and signed by the competent domestic fisheries authority.



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For shrimp harvested with turtle excluder devices in an uncertified nation to be eligible for importation into the U.S. under the exemption for shrimp harvested by commercial shrimp trawl vessels using TEDs comparable in effectiveness to those required in the U.S., State must determine in advance that the government of the harvesting nation has put in place adequate procedures to ensure the accurate completion of the DS-2031 forms. At this time, State has made such a determination with respect to Australia and France. For Australia, shrimp harvested in the Exmouth Gulf Prawn Fishery, the Northern Prawn Fishery, the Queensland East Coast Trawl Fishery and the Torres Strait Prawn Fishery are eligible for entry under this exemption. For France, shrimp harvested in the French Guiana domestic trawl fishery are eligible. **The prior determination for the northern shrimp fishery in Brazil has been withdrawn, and the importation of TED-caught shrimp from this or any other uncertified nation will not be allowed.**

State has also determined that shrimp harvested in the Spencer Gulf region in Australia and (newly added this year) Mediterranean red shrimp harvested in the Mediterranean Sea by Spain may be exported to the U.S. using a DS-2031 form under the exemption for shrimp harvested in a manner or under circumstances determined not to pose a threat of the incidental taking of sea turtles. An official of the government of Australia or Spain still must certify that form.

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