

## Int'l. Fishing and Related Activities

## § 300.181

persons subject to the jurisdiction of the United States.

### § 300.181 Definitions.

*Atlantic bluefin tuna* means the species *Thunnus thynnus* found in the Atlantic Ocean.

*Bigeye tuna* means the species *Thunnus obesus* found in any ocean area.

*Bluefin tuna*, for purposes of this subpart, means Atlantic and Pacific bluefin tuna, as defined in this section.

*BSD tag* means a numbered tag affixed to a bluefin tuna issued by any country in conjunction with a catch statistics information program and recorded on a bluefin tuna statistical document (BSD).

*CBP* means the U.S. Customs and Border Protection.

*CCSBT* means the Commission for the Conservation of Southern Bluefin Tuna established pursuant to the Convention for the Conservation of Southern Bluefin Tuna.

*Customs territory of the United States* has the same meaning as in 19 CFR 101.1 and includes only the States, the District of Columbia, and Puerto Rico.

*Dealer tag* means the numbered, flexible, self-locking ribbon issued by NMFS for the identification of Atlantic bluefin tuna sold to a dealer permitted under § 635.4 of this title as required under § 635.5(b) of this title.

*Entered for consumption* has the same meaning as in 19 CFR 141.0a(f) and generally refers to the filing of an entry summary for consumption with customs authorities, in proper form, with estimated duties attached.

*Entry for consumption*, for purposes of this subpart, has the same meaning as entry for consumption, withdrawal from warehouse for consumption, or entry for consumption of merchandise from a foreign trade zone, as provided under 19 CFR parts 101.1, 141, 144, and 146. For purposes of this subpart, "entry for consumption" generally means an import into the Customs territory of the United States or the separate customs territory of a U.S. insular possession, for domestic use, that is classified for customs purposes in the "consumption" category (entry type codes 00-08) or withdrawal from warehouse or foreign trade zone for con-

sumption category (entry type codes 30-34 and 38). For purposes of this subpart, HMS destined from one foreign country to another, which transits the Customs territory of the United States or the separate customs territory of a U.S. insular possession, and is not classified as an entry for consumption upon release from CBP or other customs custody, is not an entry for consumption under this definition.

*Entry number*, for purposes of this subpart, means the unique number/identifier assigned by customs authorities for each entry into a customs territory. For CBP, the entry number is assigned at the time of filing an entry summary (CBP Form 7501 or equivalent electronic filing) for entries into the Customs territory of the United States.

*Export*, for purposes of this subpart, means to effect exportation.

*Exportation* has the same general meaning as 19 CFR 101.1 and generally refers to a severance of goods from the mass of things belonging to one country with the intention of uniting them to the mass of things belonging to some foreign country. For purposes of this subpart, a shipment between the United States and its insular possessions is not an export.

*Exporter*, for purposes of this subpart, is 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 the requirements of this subpart, even if exports are exempt from statistical reporting requirements under Part 30 of title 15 of the CFR.

*Finlet* means one of the small individual fins on a tuna located behind the second dorsal and anal fins and forward of the tail fin.

*Fish or fish products regulated under this subpart* means bluefin tuna, frozen bigeye tuna, southern bluefin tuna and swordfish and all such products of these species except parts other than meat (e.g., heads, eyes, roe, guts, and tails).

*IATTC* means the Inter-American Tropical Tuna Commission, established

pursuant to the Convention for the Establishment of an Inter-American Tropical Tuna Commission.

*ICCAT* means the International Commission for the Conservation of Atlantic Tunas established pursuant to the International Convention for the Conservation of Atlantic Tunas.

*Import*, for purposes of this subpart, generally means the act of bringing or causing any goods to be brought into the customs territory of a country with the intent to unlade them. For purposes of this subpart, goods brought into the United States from a U.S. insular possession, or vice-versa, are not considered imports.

*Importer*, for purposes of this subpart, means the principal party responsible for the import of product into a country. For imports into the United States, and for purposes of this subpart, “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.

*Insular possession of the United States or U.S. insular possession*, for purposes of this subpart, means the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and other possessions listed under 19 CFR 7.2, that are outside the customs territory of the United States.

*Intermediate country* means a country that exports to another country HMS previously imported as an entry for consumption by that nation. A shipment of HMS through a country on a through bill of lading, or in another manner that does not enter the shipment into that country as an entry for consumption, does not make that country an intermediate country under this definition.

*IOTC* means the Indian Ocean Tuna Commission established pursuant to the Agreement for the Establishment of the Indian Ocean Tuna Commission approved by the Food and Agriculture Organization (FAO) Council of the United Nations.

*Pacific bluefin tuna* means the species *Thunnus orientalis* found in the Pacific Ocean.

*Permit holder*, for purposes of this subpart, means, unless otherwise specified, a person who obtains a trade permit under § 300.182.

*Re-export*, for purposes of this subpart, means the export of goods that were previously entered for consumption into the customs territory of a country.

*RFMO*, as defined under this subpart, means regional fishery management organization, including CCSBT, IATTC, ICCAT, or IOTC.

*Separate customs territory of a U.S. insular possession* means the customs territory of a U.S. insular possession when that possession’s customs territory is not a part of the Customs territory of the United States.

*Southern bluefin tuna* means the species *Thunnus maccoyii* found in any ocean area.

*Swordfish* means the species *Xiphias gladius* that is found in any ocean area.

*Tag* means either a dealer tag or a BSD tag.

*Trade permit* means the HMS international trade permit under § 300.182.

**§ 300.182 HMS international trade permit.**

(a) *General*. A person entering for consumption, exporting, or re-exporting fish or fish products regulated under this subpart from any ocean area must possess a valid trade permit issued under this section. Importation of fish or fish products regulated under this subpart by nonresident corporations is restricted to those entities authorized under 19 CFR 141.18.

(b) *Application*. A person must apply for a permit in writing on an appropriate form obtained from NMFS. The application must be completed, signed by the applicant, and submitted with required supporting documents, at least 30 days before the date upon which the permit is made effective. Application forms and instructions for their completion are available from NMFS.

(c) *Issuance*. (1) Except as provided in subpart D of 15 CFR part 904, NMFS will issue a permit within 30 days of receipt of a completed application.