

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 12 July 2005

**amending Decision 97/757/EC laying down special conditions governing imports of fishery and aquaculture products originating in Madagascar, as regards the competent authority and the model of health certificate**

(notified under document number C(2005) 2513)

(Text with EEA relevance)

(2005/496/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products <sup>(1)</sup>, and in particular Article 11(1) thereof,

Whereas:

- (1) In Commission Decision 97/757/EC <sup>(2)</sup>, the 'Direction des Services vétérinaires (DSV) du ministère de l'élevage', is identified as the competent authority in Madagascar for verifying and certifying compliance of fishery and aquaculture products with Directive 91/493/EEC.
- (2) Following a restructuring of the Madagascar administration, the competent authority has changed to the 'Direction de la santé animale et du phytosanitaire (DSAPS) du ministère de l'agriculture, de l'élevage et de la Pêche (MAEP)'.  
 (3) That new authority is capable of effectively verifying the application of the rules in force.
- (4) The DSAPS has provided official assurances on compliance with the standards for health controls and monitoring of fishery and aquaculture products as set out in Directive 91/493/EEC and on the fulfilment of

hygienic requirements equivalent to those laid down in that Directive.

- (5) Decision 97/757/EC should therefore be amended accordingly.
- (6) It is appropriate for this Decision to be applied 45 days from the date of its publication in the *Official Journal of the European Union* thereby providing for the necessary transitional period.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 97/757/EC is amended as follows:

1. Article 1 is replaced by the following:

*'Article 1*

The "Direction de la santé animale et du phytosanitaire (DSAPS) du ministère de l'agriculture, de l'élevage et de la pêche (MAEP)" shall be the competent authority in Madagascar for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.;

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 15. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>(2)</sup> OJ L 307, 12.11.1997, p. 33.

2. Article 2 is replaced by the following:

*Article 2*

Fishery and aquaculture products imported from Madagascar must meet the following conditions:

1. each consignment must be accompanied by a numbered original health certificate, duly completed, signed dated and comprising a single sheet in accordance with the model in Annex A hereto;
2. the products must come from approved establishments, factory vessels, cold store or registered freezer vessels listed in Annex B hereto;
3. except in the case of frozen fishery products in bulk and intended for the manufacture of preserve foods, all packages must bear the word "MADAGASCAR" and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.;

3. Article 3(2) is replaced by the following:

'2. Certificates must bear the name, capacity and signature of the representative of the DSAPS-MAEP and the latter's official stamp in a colour different from that of other endorsements.;

4. Annex A is replaced by the text in the Annex to this Decision.

*Article 2*

This Decision shall apply from 28 August 2005.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 12 July 2005.

*For the Commission*  
Markos KYPRIANOU  
*Member of the Commission*

## ANNEX

## 'ANNEX A

**HEALTH CERTIFICATE**

**for fishery products from Madagascar and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form**

Reference No: .....

Country of dispatch: MADAGASCAR

Competent authority: Direction de la santé animale et du phytosanitaire (DSAPS) du ministère de l'agriculture, de l'élevage et de la pêche (MAEP)

**I. Details identifying the fishery products**

- Description of fishery/aquaculture products <sup>(1)</sup>: .....
- species (scientific name): .....
- presentation of product and type of treatment <sup>(2)</sup>: .....
- Code number (where available): .....
- Type of packaging: .....
- Number of packages: .....
- Net weight: .....
- Requisite storage and transport temperature: .....

**II. Origin of products**

Name(s) and official approval number(s) of establishment(s), factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by the DSAPS for export to the European Community: .....

.....

**III. Destination of products**

The products are dispatched:

from: .....  
(place of dispatch)

to: .....  
(country and place of destination)

<sup>(1)</sup> Delete where applicable.

<sup>(2)</sup> Live, refrigerated, frozen, salted, smoked, preserved.

by the following means of transport: .....

.....

Name and address of dispatcher: .....

.....

Name of consignee and address at place of destination: .....

.....

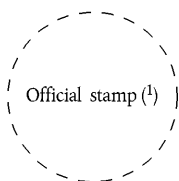
**IV. Health attestation**

— The official inspector hereby certifies that the fishery or aquaculture products specified above:

- 1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
- 2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
- 3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
- 4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
- 5. do not come from toxic species or species containing biotoxins;
- 6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto.

— The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/493/EEC and 92/48/EEC and Decision 97/757/EC.

Done at ..... on .....  
(Place) (Date)



Signature of official inspector (1)  
(Name in capital letters, capacity and qualifications of person signing)

(1) The colour of the stamp and signature must be different from that of the other particulars in the certificate.