

COMMISSION DECISION

of 28 January 2005

laying down special conditions for imports of fishery products from Hong Kong

(notified under document number C(2004) 4612)

(Text with EEA relevance)

(2005/73/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⁽¹⁾, and in particular Article 11(1) thereof,

Whereas:

- (1) An inspection has been carried out on behalf of the Commission in Hong Kong to verify the conditions under which fishery products are produced, stored and dispatched to the Community.
- (2) The requirements in the legislation of Hong Kong on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC.
- (3) In particular, the 'Food and Environmental Hygiene Department (FEHD)', is capable of effectively verifying the implementation of the rules in force.
- (4) The FEHD has provided official assurances on compliance with the standards for health controls and monitoring of fishery products as set out in Chapter V of the Annex to Directive 91/493/EEC and on the fulfilment of hygienic requirements equivalent to those laid down by that Directive.
- (5) It is appropriate to lay down detailed provisions concerning fishery products imported into the Community from Hong Kong, in accordance with Directive 91/493/EEC.

- (6) It is also necessary to draw up a list of approved establishments, factory vessels, or cold stores, and a list of freezer vessels equipped in accordance with the requirements of Council Directive 92/48/EEC of 16 June 1992 laying down the minimum hygiene rules applicable to fishery products caught on board certain vessels in accordance with Article 3(1)(a)(i) of Directive 91/493/EEC⁽²⁾. Those lists should be drawn up on the basis of a communication from the FEHD to the Commission.
- (7) It is appropriate for this Decision to be applied 45 days after its publication providing for the necessary transitional period.
- (8) 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

The 'Food and Environmental Hygiene Department (FEHD)', shall be the competent authority in Hong Kong identified for the purposes of verifying and certifying compliance of fishery products with the requirements of Directive 91/493/EEC.

Article 2

Fishery products imported into the Community from Hong Kong shall meet the requirements set out in Articles 3, 4 and 5.

Article 3

1. Each consignment shall be accompanied by a numbered original health certificate in accordance with the model set out in Annex I and comprising a single sheet, duly completed, signed and dated.

2. The health certificate shall be drawn up in at least one official language of the Member State where the checks are carried out.

⁽¹⁾ 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).

⁽²⁾ OJ L 187, 7.7.1992, p. 41.

3. The health certificate shall bear the name, capacity and signature of the representative of the FEHD, and the latter's official stamp in a colour different from that of the endorsements.

Article 4

The fishery products shall come from approved establishments, factory vessels, or cold stores, or from registered freezer vessels listed in Annex II.

Article 5

All packages shall bear the word 'HONG KONG' and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters, except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods.

Article 6

This Decision shall apply from 17 March 2005.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 28 January 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX I

HEALTH CERTIFICATE

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

Reference No:

Country of dispatch: HONG KONG

Competent authority: 'Food and Environmental Hygiene Department (FEHD)'

I. Details identifying the fishery products

- Description of fishery/aquaculture⁽¹⁾ products:
- Species (scientific name):
- Presentation of product and type of treatment⁽²⁾:
- 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/registration number(s) of establishment(s), factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by FEHD for export to the EC:

.....

III. Destination of products

The products are dispatched

from:
(place of dispatch)

to:
(country and place of destination)

⁽¹⁾ Delete where applicable.

⁽²⁾ 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:

.....

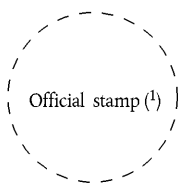
IV. Health attestation

— The official inspector hereby certifies that the fishery 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 2005/73/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.

ANNEX II

LIST OF ESTABLISHMENTS AND VESSELS

N° d'agrément/ Approval No	Nom/Name	Ville/City Région/Region	Date limite d'agrément/ Approval limit	Catégorie/ Category
08	Lee Kum Kee (Hong Kong) Foods Limited CONDEMAR S.A.	Tai Po, N.T		PP

Categorie Legend:

PP Processing plant/Etablissement.