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COMMISSION DECISION

of 8 July 2010

on emergency measures applicable to consignments of aquaculture products imported from India and intended for human consumption

(notified under document C(2010) 4563)

(Text with EEA relevance)

(2010/381/EU)

(OJ L 174, 9.7.2010, p. 51)

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►**M1**	Commission Implementing Decision 2012/690/EU of 6 November 2012	L 308	21	8.11.2012
►**M2**	Commission Implementing Decision (EU) 2016/1774 of 4 October 2016	L 271	7	6.10.2016

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COMMISSION DECISION

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on emergency measures applicable to consignments of aquaculture products imported from India and intended for human consumption

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Article 1

This Decision shall apply to the importation of consignments of aquaculture products from India intended for human consumption ('consignments').

Article 2

1. Member States shall authorise the importation into the Union of consignments provided that they are accompanied by the results of an analytical test carried out at the place of origin to ensure that they do not present a danger to human health.

The analytical test must have been carried out on an official sample, in particular with a view to detecting the presence of chloramphenicol, tetracycline, oxytetracycline and chlortetracycline and of metabolites of nitrofurans.

Those samples must have been analysed using analytical methods in conformity with Articles 3 and 4 of Decision 2002/657/EC.

2. By way of derogation from paragraph 1, Member States shall authorise the importation of consignments that are not accompanied by the results of an analytical test provided that the importing Member State ensures that each consignment undergoes such analytical tests for the detection of chloramphenicol, tetracycline, oxytetracycline, chlortetracycline and of metabolites of nitrofurans on arrival.

Article 3

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1. Member States shall, by using appropriate sampling plans, ensure that official samples are taken from at least 50 % of consignments presented for import at border inspection posts on their territory. In case a consignment consists of aquaculture products from more than one establishment of origin, samples shall be taken for each individual establishment.

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2. The official samples taken pursuant to paragraph 1 shall undergo analytical tests for the detection of residues of pharmacologically active substances as defined in Article 2(a) of Regulation (EC) No 470/2009, and in particular of chloramphenicol, tetracycline, oxytetracycline, chlortetracycline and of metabolites of nitrofurans.

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Article 4

The consignments from which official samples have been taken pursuant to Articles 2(2) and 3(1) shall be kept under official detention by the competent authority of the Member State concerned, until the analytical tests have been completed.

Those consignments may be placed on the market only if the results of the analytical tests confirm that they comply with Regulation (EC) No 470/2009.

Article 5

1. Member States shall immediately inform the Commission of the results of the analytical tests if those tests reveal the presence of residues of any pharmacologically active substance:

(a) classified in accordance with Article 14(2)(a), (b) or (c) of Regulation (EC) No 470/2009 at a level exceeding the maximum residue limit established pursuant to that Regulation; or

(b) not classified in accordance with Article 14(2)(a), (b) or (c) of Regulation (EC) No 470/2009; however, the Member State concerned is not required to immediately inform the Commission of the results of such tests where the level of residues is lower than:

(i) the reference point for action established for that substance pursuant to Regulation (EC) No 470/2009; or

(ii) the minimum required performance limit established for that substance pursuant to Decision 2002/657/EC.

The results of those analytical tests shall be notified to the Commission under the rapid alert system established pursuant to Article 50 of Regulation (EC) No 178/2002.

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Article 6

All expenditure incurred in the application of this Decision shall be charged to the consignor, the consignee or the agent of either the consignor or the consignee.

Article 7

Decision 2009/727/EC is repealed.

Article 8

This Decision is addressed to the Member States.