

Commission Implementing Regulation (EU) 2019/627 of 15 March 2019 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No 2074/2005 as regards official controls (Text with EEA relevance)

TITLE VI

SPECIFIC REQUIREMENTS AND UNIFORM MINIMUM FREQUENCY OF OFFICIAL CONTROLS WITH RESPECT TO FISHERY PRODUCTS

Article 67

Official controls on production and placing on the market

Official controls on the production and placing on the market of fishery products shall include verification of compliance with the requirements set out in Section VIII of Annex III to Regulation (EC) No 853/2004, in particular:

- (a) a regular check on the hygiene conditions of landing and first sale;
- (b) regular inspections of vessels and establishments on land, including fish auctions and wholesale markets, in particular to check:
 - (i) whether the conditions for approval are still fulfilled;
 - (ii) whether the fishery products are handled correctly;
 - (iii) compliance with hygiene and temperature requirements;
 - (iv) the cleanliness of establishments, including vessels, and their facilities and equipment, and staff hygiene;
- (c) checks on storage and transport conditions.

Article 68

Site of official controls

1 The competent authorities shall carry out official controls on vessels when these call at a port in a Member State. These controls shall concern all vessels landing fishery products at EU ports, irrespective of flag.

2 Flag state competent authorities may carry out official controls on vessels under their flag while the vessel is at sea or in a port in another Member State or a third country.

Status: Point in time view as at 15/03/2019.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2019/627. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Article 69

Approval of factory, freezer or reefer vessels

1 Where a factory, freezer or reefer vessel flying the flag of a Member State is inspected with a view to granting approval of the vessel, the competent authorities of the flag Member State shall carry out official controls in accordance with Article 148 of Regulation (EU) 2017/625, particularly the time limits referred to in Article 148(4). If necessary, they may inspect the vessel while it is at sea or in a port in another Member State or a third country.

2 Where the competent authorities of the flag Member State have granted the vessel conditional approval in accordance with Article 148 of Regulation (EU) 2017/625, they may authorise the competent authorities of another Member State, or of a third country to carry out follow-up controls with a view to granting full approval, prolonging conditional approval or keeping approval under review, provided that, in the case of a third country, such country appears on a list of third countries from which imports of fishery products are permitted pursuant to Article 127 of Regulation (EU) 2017/625. If necessary, these competent authorities may inspect the vessel while it is at sea or in a port in another Member State or third country.

3 Where the competent authorities of a Member State authorise the competent authorities of another Member State or of a third country to carry out controls on their behalf in accordance with this Article, the two competent authorities shall agree on the conditions governing such controls. These conditions shall ensure, in particular, that the competent authorities of the flag Member State receive reports on the results of the controls and on any suspected non-compliance without delay, so as to enable them to take the necessary measures.

Article 70

Official controls of fishery products

Official controls of fishery products shall include at least the practical arrangements laid down in Annex VI as regards:

- (a) organoleptic examinations;
- (b) freshness indicators;
- (c) histamine;
- (d) residues and contaminants;
- (e) microbiological checks;
- (f) parasites;
- (g) poisonous fishery products.

Article 71

Decisions after controls

The competent authorities shall declare fishery products unfit for human consumption if:

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- (a) official controls carried out in accordance with Article 70 reveal they are not in compliance with organoleptic, chemical, physical or microbiological requirements or requirements for parasites as established in Section VII of Annex III of Regulation (EC) No 853/2004 and/or Regulation (EC) No 2073/2005;
- (b) they contain in their edible parts chemical residues or contaminants in excess of the levels laid down in Regulations (EU) No 37/2010, (EC) No 396/2005, (EC) No 1881/2006, or residues of substances that are prohibited or unauthorised in accordance with Regulation (EU) No 37/2010 or Directive 96/22/EC, or are not in compliance with any other relevant Union legislation on pharmacologically active substances;
- (c) they derive from:
 - (i) poisonous fish;
 - (ii) fishery products not complying with the requirements on marine biotoxins;
 - (iii) live bivalve molluscs, echinoderms, tunicates or marine gastropods containing marine biotoxins in total quantities exceeding the limits referred to in Regulation (EC) No 853/2004; or
- (d) the competent authorities consider that they may constitute a risk to human or animal health or are for any other reason not suitable for human consumption.

Article 72

Requirements concerning the official controls on fishery products caught by vessels flying the flag of Member States entering the Union after being transferred in third countries with or without storage

1 Fishery products intended for human consumption caught by vessels flying the flag of a Member State, unloaded, with or without storage, in third countries listed as provided for in Article 126(2)(a) of Regulation (EU) 2017/625 before entering the Union by a different means of transportation, shall be accompanied by a health certificate issued by the competent authorities of that third country and completed in accordance with the model health certificate set out in Chapter B of Part II to Annex III to Implementing Regulation (EU) 2019/628.

2 If the fishery products referred to in paragraph 1 are unloaded and transported to a storage facility located in the third country referred to in that paragraph, that storage facility shall appear in a list as provided for in Article 5 of Delegated Regulation (EU) 2019/625.

3 If the fishery products referred to in paragraph 1 are loaded in a vessel flying the flag of a third country, that third country shall be listed as provided for in Article 3 of Delegated Regulation (EU) 2019/625 and the vessel shall appear in a list as provided for in Article 5 of Delegated Regulation (EU) 2019/625.

4 Container vessels used to transport containerised fishery products are excluded from this requirement.

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