II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 4 April 1997

on protective measures with regard to fishery products originating in Kenya

(Text with EEA relevance)

(97/272/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries [1], as last amended by Directive 96/43/EC [2], and in particular Article 19 thereof,

Whereas the presence of salmonellae has been confirmed in Nile perch fillets originating in Kenya on several occasions on their importation into the Community;

Whereas, pending the application by the competent Kenyan authorities of health measures preventing the contamination of Nile perch fillets and on-the-spot inspections by Commission experts to verify that the measures are being properly applied, Nile perch fillets originating in Kenya should be systematically checked for salmonellae on importation;

Whereas, under Article 4 (7) of Directive 90/675/EEC, all expenditure incurred in such checks for salmonellae is to be chargeable to the consignor, the consignee or their agent, without reimbursement by the Member State conducting the checks;

Whereas such a measure must be transitional in nature pending a decision establishing the specific conditions for the importation of fishery products originating in Kenya;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

This Decision shall apply to whole fish, gutted or not, and fillets, slices and minced flesh of the species *Lates niloticus* (Nile perch), fresh or frozen, originating in Kenya.

Article 2

Member States shall, using a suitable sampling plan, subject each consignment of the products indicated at Article 1 imported into the Community to a test for the presence of salmonellae.

Article 3

Member States shall not authorize the importation into their territory or the consignment to another Member State of the products referred to in Article 1 unless the results of the checks referred to in Article 2 confirm the absence of salmonellae.

[1] OJ No L 373, 31. 12. 1990, p. 1.
[2] OJ No L 162, 1. 7. 1996, p. 1.

Article 4

All expenditure incurred by the application of this Decision shall be chargeable to the consigner, the consignee or their agent.

Article 5

This Decision shall apply until 30 June 1997.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 4 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission