COMMISSION DECISION

of 21 March 2001

amending Decision 95/538/EC laying down special conditions governing imports of fishery and aquaculture products originating in Japan

(notified under document number C(2001) 741)

(Text with EEA relevance)

(2001/253/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], as last amended by Directive 97/79/EC [2], and in particular Article 11 thereof,

Whereas:

(1) Article 1 of Commission Decision 95/538/EC of 6 December 1995 laying down special conditions governing imports of fishery and aquaculture products originating in Japan [3], states that the Ministry of Health and Welfare — Veterinary Sanitary Division (MHW-VSD) shall be the competent authority in Japan for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

(2) Following a restructuring of the Japanese administration, the competent authority for health certificates for fishery products has changed to the Inspection and Safety Division (ISD) of the Ministry of Health, Labour and Welfare. This new authority is capable of effectively verifying the application of the laws in force. It is therefore necessary to modify the nomination of the competent authority mentioned in Decision 95/538/EC and the model health certificate included in Annex A to this Decision

(3) It is convenient to harmonise the wording of Decision 95/538/EC with the wording of more recently adopted Commission Decisions, laying down special conditions governing imports of fishery and aquaculture products originating in certain third countries.

(4) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Decision 95/538/EC shall be modified as follows:

1. Article 1 shall be replaced by the following:

   '*Article 1*

   The Inspection and Safety Division (ISD) of the Ministry of Health, Labour and Welfare shall be the competent authority in Japan for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.'

2. Article 2 shall be replaced by the following:

   '*Article 2*

   Fishery and aquaculture products originating in Japan 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 stores 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 preserved foods, all packages must bear the word "JAPAN" and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.'

3. Article 3(2) shall be replaced by the following:

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

4. Annex A shall be replaced by the Annex hereto.

Article 2

This Decision shall come into effect 45 days after its publication on the *Official Journal of the European Communities*.

[1] OJ L 268, 24.9.1991, p. 15.
[2] OJ L 24, 30.1.1998, p. 31.
[3] OJ L 304, 16.12.1995, p. 52.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 21 March 2001.

For the Commission
David BYRNE
Member of the Commission

ANNEX

'ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in Japan and intended for export to the European Community

Reference No: .....

Country of dispatch: **JAPAN**

Competent authority: Inspection and Safety Division (ISD) of the Ministry of Health, Labour and Welfare

I. **Details identifying the fishery products**

— Description of fishery/aquaculture products ([1]): .....

— species (scientific name): .....

— presentation of product and type of treatment ([2]): .....

— Code No (where available): .....

— Type of packaging: .....

— Number of packages: .....

— Net weight: .....

— Requisite storage and transport temperature: .....

II. **Origin of products**

Name(s) and official approval No(s) of establishment(s), factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by the ISD for export to the European Community: .....

.....

.....

III. **Destination of products**

The products are dispatched

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

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

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

.....

Name and address of dispatcher: .....

.....

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

.....

([1]) Delete where applicable.
([2]) Live, refrigerated, frozen, salted, smoked, preserved, etc.

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 95/538/EC.

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

Official stamp ([3])

.....
Signature of official inspector ([3])

.....
(Name in capital letters, capacity and qualifications of person signing)

([3]) The colour of the stamp and signature must be different from that of the other particulars in the certificate.'