

# COMMISSION

## COMMISSION DECISION

of 16 August 2001

### laying down special conditions governing imports of fishery products originating in Nicaragua

(notified under document number C(2001) 2523)

(Text with EEA relevance)

(2001/632/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 <sup>(1)</sup>, as last amended by Directive 97/79/EC <sup>(2)</sup>, and in particular Article 11 thereof,

Whereas:

- (1) A Commission expert has conducted an inspection visit to Nicaragua to verify the conditions under which fishery products are produced, stored and dispatched to the Community.
- (2) The provisions of Nicaragua's legislation 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 'Dirección General de Protección y Sanidad Agropecuaria (DGPSA) of the Ministerio Agropecuario y Forestal' is capable of effectively verifying the application of the laws in force.
- (4) The modalities for obtaining the health certificate referred to in Article 11(4)(a) of Directive 91/493/EEC must include the definition of a model certificate, the minimum requirements regarding the language(s) in which it must be drafted and the status of the person empowered to sign it.
- (5) Pursuant to Article 11(4)(b) of Directive 91/493/EEC, a mark should be affixed to packages of fishery products giving the name of the non-member country and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin, except for certain frozen products.

(6) Pursuant to Article 11(4)(c) of Directive 91/493/EEC, a list of approved establishments, factory vessels or cold stores must be drawn up, and a list of freezer vessels equipped in accordance with points 1 to 7 of Annex II to Council Directive 92/48/EEC <sup>(3)</sup> must also be drawn up. These lists must be drawn up on the basis of a communication from the DGPSA to the Commission. It is therefore for the DGPSA to ensure compliance with the provisions laid down to that end in Article 11(4) of Directive 91/493/EEC.

(7) The DGPSA has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC and regarding the fulfilment of hygienic requirements equivalent to those laid down by that Directive.

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

HAS ADOPTED THIS DECISION:

#### Article 1

The 'Dirección General de Protección y Sanidad Agropecuaria (DGPSA) of the Ministerio Agropecuario y Forestal' shall be the competent authority in Nicaragua for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

#### Article 2

Fishery and aquaculture products originating in Nicaragua 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;

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 15.

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 31.

<sup>(3)</sup> OJ L 187, 7.7.1992, p. 41.

2. the products must come from approved establishments, factory vessels or cold stores from 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 'NICARAGUA' and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.

*Article 3*

1. Certificates as referred to in Article 2 point 1 must be drawn up in at least one official language of the Member State where the checks are carried out.
2. Certificates must bear the name, capacity and signature of the representative of the DGPSA and the latter's official stamp in a colour different from that of other endorsements.

*Article 4*

This Decision shall come into effect 60 days after its publication in the *Official Journal of the European Communities*.

*Article 5*

This Decision is addressed to the Member States.

Done at Brussels, 16 August 2001.

*For the Commission*

David BYRNE

*Member of the Commission*

ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in Nicaragua and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form

Reference No: .....

Country of dispatch: NICARAGUA

Comptent authority: 'Dirección General de Protección y Sanidad Agropecuria (DGPSA)' of the 'Ministerio Agropecuario y Forestal'

I. Details identifying the fishery products

- Description of fishery/aquaculture products (1):
- species (scientific name):
- presentation of product and typ 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/registration No(s) of establishment(s), factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by the DGPSA 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 Directive 91/493/EEC, Directive 92/48/EEC and Decision 2001/632/EC

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



..... 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.

## ANNEX B

## LIST OF ESTABLISHMENTS AND VESSELS

Approval No	Name	City/Region	Category
505-3	Pescafresca	ANDEN BLUEFIELDS REGION DEL ATLANTICO SUR	PP
505-4	Promarnic	PUERTO CABEZAS REGION DEL ATLANTICO NORTE	PP
505-8	Central American Fisheries	CORN ISLAND REGION DEL ATLANTICO SUR	PP
505-10	Camánica	KM.130 CARRETERA LEÓN CHINANDEGA	PP
505-13	San Gabriel	CASARES CARAZO	PP
505-15	Sahlman Seafoods of Nic.	CIUDAD EL VIEJO CHINANDEGA	PP
505-18	Promasa	CORINTO CHINANDEGA	PP
505-19	Pasenic	CORN ISLAND REGION DEL ATLANTICO SUR	PP
505-20	Mariscos Cuatro Estaciones	MANAGUA	PP
505-24	Carodi Seafoods de Nic.	PUERTO CABEZAS REGION DEL ATLANTICO NORTE	PP
505-27	Pamela Ann (Pesquera Jorge de Nicaragua, SA)	CORINTO CHINANDEGA	ZV
505-29	Procesadora de Mariscos Lat, SA	MANAGUA	PP

PP: Processing plant.  
ZV: Freezer vessel.