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COMMISSION DECISION

of 30 January 2002

concerning certain protective measures with regard to the products of animal origin imported from China

(notified under document number C(2002) 387)

(Text with EEA relevance)

(2002/69/EC)

(OJ L 30, 31.1.2002, p. 50)

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries⁽¹⁾, and in particular Article 22(1) thereof,

Whereas:

- (1) Under Directive 97/78/EC the necessary measures must be adopted as regards the import of certain products from third countries where any cause likely to constitute a serious risk to animal or human health appears or is spreading.
- (2) Under Directive 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition⁽²⁾ the necessary measures must be adopted as regards the import of certain products from third countries and intended for animal nutrition, where any cause likely to constitute a serious danger to animal or human health appears or is spreading.
- (3) Under Council Directive 96/23/EC on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC⁽³⁾, the production process of animals and primary products of animal origin shall be monitored for the purpose of detecting the presence of certain residues and substances in live animals, their excrements and body fluids and in tissue, animal products, animal feed and drinking water.
- (4) Following the detection of chloramphenicol in certain aquaculture and fishery products imported from China, the Commission adopted Decision 2001/699/EC, concerning certain protective measures with regard to certain fishery and aquaculture products intended for human consumption and originating in China and Vietnam⁽⁴⁾.
- (5) Furthermore, an inspection visit to China carried out on the spot by Community experts has identified serious shortcomings as regards veterinary medicines regulation and the residue control system in live animals and animal products, which may lead to the presence of harmful residues, including chloramphenicol, in products intended for human or animal consumption, presenting a risk to their health.
- (6) The inspection visit has also revealed a severe non-observance by the Chinese competent authorities of the numerous commitments and guarantees they have provided to the Commission, as regard the control of residues and substances which may be a danger to public and animal health.
- (7) Therefore it is necessary to suspend the imports of products of animal origin from China intended for human or animal

⁽¹⁾ OJ L 24, 30.1.1998, p. 9.

⁽²⁾ OJ L 333, 29.12.2000, p. 81.

⁽³⁾ OJ L 125, 23.5.1996, p. 10.

⁽⁴⁾ OJ L 251, 20.1.2001, p. 11.

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consumption. Nevertheless, a derogation should be provided for casings and fishery products except crustaceans, which are caught, frozen and packed in their final packaging at sea and landed directly on Community territory, such products not being concerned by the risk identified above.

- (8) Also, with a view to minimize negative trade effects in a manner proportionate to the management of the risk, this Decision authorizes the imports into the Community, during a period of 6 weeks, of consignments which have left China before the entry into force of this Decision, on condition that they are subjected to intensified monitoring and testing to ensure their safety.
- (9) This Decision shall be reviewed in the light of information provided by the competent authorities of China, any results from the increased monitoring and testing carried out by Member States on consignments arriving before 14 March 2002 and, if necessary, on the basis of the results of a new inspection visit carried out on the spot by Community experts.
- (10) 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 all products of animal origin imported from China and intended for human consumption or animal feed use.

Article 2

1. Member States shall prohibit the imports of products referred in Article 1.

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2. By derogation from paragraph 1, Member States shall authorise the imports of products listed in Annex I and II of the present Decision in accordance with the following provisions, in addition to the provisions of Directive 97/78/EC. In the case of products listed in Annex II, imports shall be authorized only if the results of the test referred to in Article 3 are favourable.

Article 3

1. Until 30 September 2002 Member States shall, using appropriate sampling plans and detection methods, subject 20 % of all consignments of products imported from China and listed in the Annex II to the present Decision, to a chemical test in order to ensure that the products concerned do not present a hazard to human health. This test must be carried out, in particular, with a view to detecting the presence of residues of veterinary drugs, pesticides, contaminants and prohibited substances.

2. Member States shall immediately inform the Commission of the results of the test referred to in paragraph 1, by means of the Rapid Alert System for food and feed, set up by Regulation (EC) No 178/2002.

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Article 4

All expenditures incurred by the application of this Decision shall be charged to the consignor, the consignee or their agent.

Article 5

Member States shall modify the measures they apply to trade to bring them into line with this Decision. They shall immediately inform the Commission thereof.

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Article 6

This Decision shall be reviewed on the basis of the information and guarantees provided by the Chinese competent authorities, the results of the tests referred to in Article 3 and, if necessary, the results of an on the spot inspection visit by Community experts.

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Article 7

This Decision is addressed to the Member States.

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ANNEX I

List of products of animal origin intended for human consumption or animal feed use authorised to be imported into the Community

- Fishery products, which are caught, frozen and packaged in their final packaging at sea and landed directly on Community territory, excluding all crustaceans except those caught in the Atlantic Ocean referred to below, and excluding: entire fish, fish deheaded and gutted and fish fillets from species listed in Annex II which require testing
- Entire crustaceans caught in the Atlantic Ocean, which have not undergone any preparation or processing operation other than freezing and packaging in their final package at sea and landed directly on Community territory
- Gelatine

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ANNEX II

List of products of animal origin intended for human consumption or animal feed use authorised to be imported into the Community, subject to a chemical test under the conditions of Article 3

- Entire fish, fish deheaded and gutted and fish fillets from the following species caught at sea:
 - Alaska pollack (*Theragra chalcogramma*)
 - cod (*Gadus* spp.)
 - redfish (*Sebastes* spp.)
- Casings