

**COMMISSION DECISION
of 23 December 2003**

laying down special conditions governing imports of fishery products from Serbia and Montenegro

(notified under document number C(2003) 5008)

(Text with EEA relevance)

(2004/37/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⁾, and in particular Article 11 thereof,

Whereas:

- (1) An inspection has been carried out on behalf of the Commission in Serbia and Montenegro to verify the conditions under which fishery products are produced, stored and dispatched to the Community.
- (2) The above conditions do not pertain to Kosovo, as defined by the United Nations Security Council Resolution 1244 of 10 June 1999, which is the subject to international civil administration by the United Nations Mission in Kosovo (UNMIK). It is therefore not possible to include the imports of fishery products from Kosovo in this Decision.
- (3) The requirements in the legislation of Serbia and Montenegro on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC.
- (4) In particular, the Ministry of Agriculture, Forestry and Water Management of the Republic of Montenegro (MAFWM), is capable of effectively verifying the implementation of the legislation in force.
- (5) The MAFWM has provided official assurances regarding compliance with the standards for health controls and monitoring of wild, whole fresh seawater fishery products as 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.
- (6) It is appropriate to lay down detailed provisions concerning fishery products imported into the Community from Serbia and Montenegro, in accordance with Directive 91/493/EEC. These provisions should include that only wild, whole fresh seawater fishery products may be authorised for imports into the Community.

- (7) It is also necessary to draw up a list of approved establishments, factory vessels, or cold stores, and a list of freezer vessels equipped in accordance with the requirements of Council Directive 92/48/EEC of 16 June 1992 laying down the minimum hygiene rules applicable to fishery products caught on board certain vessels in accordance with Article 3(1)(a)(i) of Directive 91/493/EEC ⁽²⁾. Those lists should be drawn up on the basis of a communication from the MAFWM to the Commission.
- (8) It is appropriate for this Decision to be applied 45 days after its publication providing for the necessary transitional period.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The Ministry of Agriculture, Forestry and Water Management of the Republic of Montenegro (MAFWM), shall be the competent authority in Serbia and Montenegro ⁽³⁾ identified for the purposes of verifying and certifying compliance of fishery products with the requirements of Directive 91/493/EEC.

Article 2

Fishery products imported into the Community from Serbia and Montenegro shall meet the requirements set out in Articles 3, 4 and 5.

Article 3

1. Fishery products shall be whole fresh fish from wild seawater catches.

⁽¹⁾ OJ L 268, 24.9.1991, p. 15; Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 187, 7.7.1992, p. 41.

⁽³⁾ Not including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999.

2. Each consignment shall be accompanied by a numbered original health certificate in accordance with the model set out in Annex I and comprising a single sheet, duly completed, signed and dated.

3. The health certificate shall be drawn up in at least one official language of the Member State where the checks are carried out.

4. The health certificate shall bear the name, capacity and signature of the representative of the MAFWM, and the latter's official stamp in a colour different from that of the endorsements.

Article 4

The fishery products shall come from approved establishments, factory vessels, or cold stores, or from registered freezer vessels listed in Annex II.

Article 5

All packages shall bear the words 'SERBIA AND MONTE-NEGRO' and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters, except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods.

Article 6

This Decision shall apply from 28 February 2004.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 23 December 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

HEALTH CERTIFICATE

for fishery products from Serbia and Montenegro and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form

Reference No:

Country of dispatch: SERBIA AND MONTENEGRO

Competent authority: Ministry of Agriculture, Forestry and Water Management of the Republic of Montenegro (MAFWM)

I. Details identifying the fishery products

— Description of fishery products:

— Species (scientific name):

— Presentation of product:

— Code number (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 number(s) of establishment(s), factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by MAFWM for export to the EC:

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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:

.....

IV. Health attestation

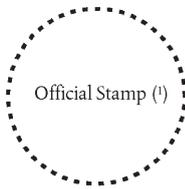
The official inspector hereby certifies that the fishery products specified above:

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, packaged and, where appropriate, 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 2004/37/EC.

Done at ,
 (Place) (Date)



.....
 Signature of official inspector (1)

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

(1) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

ANNEX II

LIST OF ESTABLISHMENTS AND VESSELS

Approval No	Name	City/Region	Approval limit	Category
79	Antivari d.o.o	Bar		PP
331	Albamont Rozafa d.o.o	Bar		PP

Category Legend:

PP: Processing plant.