

**COMMISSION DECISION
of 23 December 2003**

**laying down special conditions governing imports of fishery products from Kenya, and repealing
Decision 2000/759/EC**

(notified under document number C(2003) 5027)

(Text with EEA relevance)

(2004/39/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 Kenya to verify the conditions under which fishery products are produced, stored and dispatched to the Community.
- (2) The requirements in the legislation of Kenya 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 Fisheries Department (FD), is capable of effectively verifying the implementation of the legislation in force.
- (4) The FD has provided official assurances regarding compliance with the standards for health controls and monitoring of 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.
- (5) It is appropriate to lay down detailed provisions concerning fishery products imported into the Community from Kenya, in accordance with Directive 91/493/EEC.
- (6) 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 of 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 FD to the Commission.

- (7) Commission Decision 2000/759/EC of 1 December 2000 repealing Decision 1999/253/EC on protective measures with regard to certain fishery products from or originating in Kenya and Tanzania and amending the health certification for fishery products originating or proceeding from Kenya ⁽³⁾, provides for the addition of a certain mention to the health certificate accompanying the fishery products imported from Kenya. Since this Decision provides for a new model of health certificate, it is appropriate to repeal Decision 2000/759/EC.
- (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 Fisheries Department (FD), shall be the competent authority in Kenya 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 Kenya shall meet the requirements set out in Articles 3, 4 and 5.

Article 3

1. 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.
2. The health certificate shall be drawn up in at least one official language of the Member State where the checks are carried out.

⁽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⁾ OJ L 304, 5.12.2000, p. 18.

3. The health certificate shall bear the name, capacity and signature of the representative of the FD, 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 word 'KENYA' 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

Decision 2000/759/EC is repealed.

Article 7

This Decision shall apply from 28 February 2004.

Article 8

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 Kenya and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form

Reference No:

Country of dispatch: KENYA

Competent authority: Fisheries Department (FD)

I. Details identifying the fishery products

- Description of fishery/aquaculture products (1):
 - Species (scientific name):
 - Presentation of product and type of treatment (2):
- 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 FD 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:
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.....

(1) Delete where applicable.

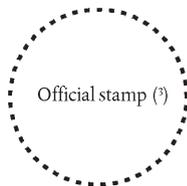
(2) Live, refrigerated, frozen, salted, smoked, preserved, etc.

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 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 official inspector hereby certifies that any person working on and/or handling the fishery or aquaculture products above described have satisfactorily undergone the medical supervision laid down in Chapter III, point II B of the Annex to Directive 91/493/EEC.
- The official inspector hereby certifies that the fishery products specified above were produced under a system of monitoring checks as laid down in chapter V, point II.3.B of the Annex to the Directive 91/493/EEC, and the results of these checks are satisfactory.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/493/EEC, Directive 92/48/EEC and Decision 2004/39/EC.

Done at , on

(Place) (Date)



.....
Signature of official inspector (°)

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

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

ANNEX II

LIST OF ESTABLISHMENTS AND VESSELS

N° d'agrément/ Approval No	Nom/Name	Ville/City Région/Region	Date limite d'agrément/ Approval limit	Catégorie/ Category
02/LA/KEN	W.E. Tilley (Muthaiga) Ltd	PO Box 11880 — Nairobi		PP
03/LC/KEN	East African Sea Foods Ltda	PO Box 2354 — Kisumu		PP
04/LC/KEN	Afro Meat Ltd	PO Box 1163 — Kisumu		PP
09/LE/KEN	Prinsal Enterprises Ltd	PO Box 590 — Migori		PP
10/LB/KEN	Transafrica Fisheries Ltd	PO Box 80492 — Mombasa		PP
08/LC/KEN	Peche Foods	PO Box 1064 — Kisumu		PP
05/LD/KEN	Capital Fish (K) Ltd	PO Box 607 — Homa Bay		PP
16/LC/KEN	Fish Processors (Two Thousand) Ltd	PO Box 9083 — Kisumu		PP
18//LA/KEN	Samlaki (2000) Ltd	PO Box 31567 — Nairobi		PP
19/LB/KEN	Sea Harvest (K) Ltd	PO Box 2175 — Mombasa		PP
12/WB/KEN	MV. Alpha Manyara (East African Sea Food Ltd)	PO Box 40268 — Mombasa		ZV
13/WB/KEN	MV. Alpha Serengeti (East African Sea Food Ltd)	PO Box 40268 — Mombasa		ZV
14/WB/KEN	MV. Alpha Amboseli (East African Sea Food Ltd)	PO Box 40268 — Mombasa		ZV
15/WB/KEN	MV. Venture II (Basta and Sons Ltd)	PO Box 80782 — Mombasa		ZV

Category Legend:

PP: Processing plant/Etablissement.

ZV: Navire congelateur/Freezer Vessel.