

## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) No 809/2011

of 11 August 2011

**amending Regulation (EC) No 2074/2005 as regards documentation accompanying imports of frozen fishery products directly from a freezer vessel**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin<sup>(1)</sup>, and in particular the second paragraph of Article 9 thereof,

Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption<sup>(2)</sup>, and in particular the second paragraph of Article 16 thereof,

Whereas:

- (1) Regulation (EC) No 853/2004 provides *inter alia* that food business operators importing products of animal origin from third countries are to ensure that import only takes place if the requirements of Article 14 of Regulation (EC) No 854/2004 are satisfied.
- (2) Article 14 of Regulation (EC) No 854/2004 provides that a document meeting certain requirements is to accompany consignments of products of animal origin when they are imported into the Union. However, Article 15(3) of that Regulation provides that when fishery products *inter alia* are imported directly from a freezer vessel, that document may be replaced by a document signed by the captain.
- (3) Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council, derogating

from Regulation (EC) No 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004<sup>(3)</sup> set out model health certificates, including one for imports of fishery products, in Annex VI thereto.

- (4) Member States and stakeholder organisations have requested the Commission to establish a model document to be signed by the captain in order to harmonise the information requested and procedures applied when frozen fishery products are imported into the Union directly from a freezer vessel.
- (5) The model document to be signed by the captain should specifically refer to the provisions relevant for handling of fishery products as laid down in Section VIII of Annex III to Regulation (EC) No 853/2004 on board freezer vessels. The model document should also fit into the electronic system for exchange of health certificates and import documents between the National Competent Authorities for health issues in relation to live animals and products of animal origin (TRACES).
- (6) It is therefore appropriate to establish a harmonised model document to be signed by the captain when fishery products are imported into the Union directly from a freezer vessel. Regulation (EC) No 2074/2005 should be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 2074/2005 is amended as follows:

- (1) Article 6 is replaced by the following:

<sup>(1)</sup> OJ L 139, 30.4.2004, p. 55.

<sup>(2)</sup> OJ L 139, 30.4.2004, p. 206.

<sup>(3)</sup> OJ L 338, 22.12.2005, p. 27.

'Article 6

**Model health certificates and documents for imports of certain products of animal origin for the purpose of Regulations (EC) Nos 853/2004 and 854/2004**

1. The models of the health certificates and documents, as referred to in Article 6(1)(d) of Regulation (EC) No 853/2004, to be used when importing products of animal origin listed in Annex VI to this Regulation are set out in that Annex.

2. The model of the document to be signed by the captain, that may replace the document required under Article 14 of Regulation (EC) No 854/2004 when fishery

products are imported directly from a freezer vessel, as provided for in Article 15(3) of that Regulation, is set out in Annex VI to this Regulation.'

(2) Annex VI is amended in accordance with the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 April 2012.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 August 2011.

*For the Commission*  
*The President*  
José Manuel BARROSO

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## ANNEX

Annex VI to Regulation (EC) No 2074/2005 is amended as follows:

(1) The title of Annex VI and Sections I to VI are replaced by the following:

**MODEL HEALTH CERTIFICATES AND DOCUMENTS FOR IMPORTS OF CERTAIN PRODUCTS OF ANIMAL ORIGIN**

SECTION I

**CHAPTER I**

*FROGS' LEGS AND SNAILS*

Health certificates as referred to in Article 6(1)(d) of Regulation (EC) No 853/2004 for imports of frogs' legs and snails shall comply with the models laid down respectively in Part A and Part B of Appendix I to this Annex.

**CHAPTER II**

*GELATINE*

Without prejudice to other specific Union legislation, in particular to legislation on transmissible spongiform encephalopathies and hormones, health certificates as referred to in Article 6(1)(d) of Regulation (EC) No 853/2004 for imports of gelatine and raw materials for the production of gelatine shall comply with the models laid down respectively in Part A and Part B of Appendix II to this Annex.

**CHAPTER III**

*COLLAGEN*

Without prejudice to other specific Union legislation, in particular to legislation on transmissible spongiform encephalopathies and hormones, health certificates as referred to in Article 6(1)(d) of Regulation (EC) No 853/2004 for imports of collagen and raw materials for the production of collagen shall comply with the models laid down respectively in Part A and Part B of Appendix III to this Annex.

**CHAPTER IV**

*FISHERY PRODUCTS*

The health certificate as referred to in Article 6(1)(d) of Regulation (EC) No 853/2004 for imports of fishery products shall comply with the model laid down in Appendix IV to this Annex.

**CHAPTER V**

*LIVE BIVALVE MOLLUSCS*

The health certificate as referred to in Article 6(1)(d) of Regulation (EC) No 853/2004 for imports of live bivalve molluscs shall comply with the model laid down in Appendix V to this Annex.

**CHAPTER VI**

*HONEY AND OTHER APICULTURE PRODUCTS*

The health certificate as referred to in Article 6(1)(d) of Regulation (EC) No 853/2004 for imports of honey and other apiculture products shall comply with the model laid down in Appendix VI to this Annex.

SECTION II

*MODEL DOCUMENT TO BE SIGNED BY THE CAPTAIN*

The document to be signed by the captain, that may replace that required under Article 14 of Regulation (EC) No 854/2004 when frozen fishery products are imported directly from a freezer vessel, as provided for in Article 15(3) of that Regulation, shall comply with the model document laid down in Appendix VII to this Annex.'

(2) The following Appendix VII is added:

*'Appendix VII to Annex VI*

**MODEL DOCUMENT, TO BE SIGNED BY THE CAPTAIN, ACCOMPANYING IMPORTS WHEN FROZEN  
FISHERY PRODUCTS ARE IMPORTED DIRECTLY INTO THE EUROPEAN UNION FROM A FREEZER VESSEL**

<b>Part I : Details of dispatched consignment</b>	I.1. Consignor		I.2. Certificate reference No		I.2.a.			
	Name							
	Address		I.3.					
	Postal code		I.4.					
	Tel.							
	I.5. Consignee			I.6.				
	Name							
	Address							
	Postal code							
	Tel.							
	I.7. Country of origin		ISO code	I.8.		I.9. Country of destination	ISO code	I.10.
	I.11. Place of origin		I.12.					
	Name		Approval number					
	I.13.		I.14.					
I.15.		I.16. Entry BIP in EU						
		I.17.						
I.18.		I.19. Commodity code (HS code)						
		I.20. Quantity						
I.21.		I.22. Number of packages						
I.23.		I.24. Type of packaging						
I.25. Commodities certified for:								
Human consumption <input type="checkbox"/>								
I.26.		I.27. For import or admission into EU		<input type="checkbox"/>				
I.28. Identification of the commodities								
Species (Scientific name)		Number of packages		Net weight				

## COUNTRY

## Fishery products

I.(bis) **Other information**

Fishing area(s):

IMO/Lloyd's number (if issued) or call sign of the vessel:

Fishing Period:                      Start date: .../.../...                      Stop date: .../.../...

## II. Health attestation

II.a. Certificate reference number

II.b.

II.1. **Public health attestation**

I, the undersigned, declare that

- the vessel appears on the list of vessels from which imports to the European Union are permitted (being "EU-listed");
- the vessel has a programme based on the HACCP principles in order to control hazards;
- the part of the vessel where fishery products are handled, equipment, containers and the cold storage for fishery products are kept clean and maintained in good repair and condition;
- the fishery products have been protected from contamination and from the effects of the sun or any other source of heat as soon as possible after they have been taken on board, and that they have been handled in a way that prevents bruising and other damage;
- the fishery products have not been contaminated by fuel, bilge water or pests;
- the slaughter, bleeding, heading, gutting, removing fins, have been carried out hygienically as soon as possible after capture, and the products have been washed immediately and thoroughly. Viscera and parts that may constitute a danger to public health has been removed as soon as possible and kept apart from products intended for human consumption;
- only clean seawater has been used as alternative to potable water for the handling and washing of the fishery product;
- the fishery products have been subjected to a visual examination for the purpose of detecting visible parasites, and fishery products that are obviously contaminated with parasites are not placed on the market for human consumption;
- freezing has been carried out hygienically as soon as possible after capture;
- frozen fishery products have been kept at a temperature of not more than – 18 °C in all parts of the product, except whole fish initially frozen in brine intended for the manufacture of canned food may be kept at a temperature of not more than – 9 °C;
- frozen blocks have been hygienically and adequately wrapped before landing;
- the packages have been marked with an identification mark indicating the approval number of the freezer vessel and the flag state;
- the wrapping material is not a source of contamination and has been stored in such a manner that it has not been exposed to a risk of contamination.

**Notes part I:**

- Box reference I.1: Name and address (street, town and region/province/state, as applicable), telephone and fax numbers or the e-mail address of the owner of/ the responsible for the vessel.
- Box reference I.2: A unique document number according to your own classification.
- Box reference I.5:
 

The name and address (street, town and post code) of

  - the physical or legal person to whom the consignment is imported directly to the Member State of destination.

**COUNTRY****Fishery products**

- Box reference I.7: The country of which the vessel issuing this document is flying the flag.
- Box reference I.11: The name of the freezer vessel and approval number as listed in accordance with Article 12 of Regulation (EC) No 854/2004 from which the fishery products are imported directly.
- Box reference I.19: Use the appropriate harmonised system (HS) code of the World Customs Organisation under the chapter 03.03.
- Box reference I.20: Total net weight in kilo as sum from I.28.
- Box reference I.22: Sum from I.28.
- Box reference I.25: Tick the box "Human consumption".
- Box reference I.27: Tick the box if final destination is EU.
- Box reference I.28: List the various species with scientific name, number of packages and net weight.

Captain of the freezer vessel

Name (in capital letters):

Date:

Stamp:

Signature: