

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(91) 311 final

Brussels, 2 August 1991

Proposal for a
COUNCIL REGULATION (EEC)

on imports of fruit and vegetables from certain countries
affected by cholera

(presented by the Commission)

EXPLANATORY MEMORANDUM

On 19 March 1991 the Commission adopted Decision 91/147/CEE¹ adopting protective measures against cholera affecting imports of fruit and vegetables from Peru.

Since then the epidemic has spread to neighbouring countries and there is a possibility that the whole of South America will be affected.

It is planned to repeal the provisional measures adopted by Decision 91/147/EEC. Since no suitable action can be taken under the common agricultural policy to tackle the risks to the European fruit and vegetable consumer, it is necessary for the Council to act under the common trade policy in order to protect consumer health and preserve the unity of the market without unduly affecting trade with third countries.

The attached Regulation sets requirements for importation of fresh and processed fruit and vegetables liable to be contaminated with cholera vibrio.

- it lists the South American regions affected by cholera to which the protective measures apply (Annex I);
- makes importation of products from these areas subject to presentation of a certificate issued by a recognized health authority carrying certain information (Article 2(1), Annex II and III);
- exempts from these requirements certain products carrying no risk of infection (Article 2(2), Annex IV);
- imposes additional requirements in view of the health situation in certain third countries.

1 OJ No L 73, 23.3.1991, p. 35.

The Community may send inspectors to the affected regions (Article 3). When products are imported Member States must check the certification or if under Article 2(2) a certificate is not required check that the requirements of Annex IV are met (Article 4).

If the competent authorities of Member States in which products are to be consumed find cholera vibrio when making a sample check the Commission and the other Member States are to be informed (Article 5).

The Regulation is framed so as to enable the Commission to adopt the rules of application needed and adjust the annexes rapidly and frequently as the changing situation dictates. To this end an ad hoc Commission regulatory committee will be set up (Article 6).

The initial period of application of Regulation will be two years.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the incidence of cholera is rapidly increasing in certain parts of South America; whereas this disease is a serious threat to public health and can be spread by contaminated fruit and vegetables;

Whereas Community experts have visited the regions in question to look at the situation and decide what safeguards are required to prevent any risk of introduction of the disease into the Community;

Whereas their findings indicate that Community measures are required; whereas national measures have been adopted in a number of Member States on imports of fruit and vegetables from certain South American countries; whereas it is incumbent on the Council therefore to adopt common rules that will protect the health of consumers, maintain market unity without unduly affecting trade between the Community and third countries and prevent deflection of trade;

Whereas requirements to be met for imports of fruit and vegetables originating in or consigned from regions affected by cholera should therefore be specified; whereas the list of these regions should therefore be determined;

Whereas these requirements should not be made applicable to products that because of their characteristics, the treatment they are given or the length of time elapsing before they reach the Community present no health risk;

Whereas these requirements should not be made applicable to consignments of fruit and vegetables covered by suitable guarantees from the authorities of the exporting country; whereas it is necessary therefore to specify the recognized health authorities of the countries in question;

Whereas Member States must be able to require presentation of health certificates made out by the authorities of the exporting third country; whereas the requirements pertaining to the issuing of certificates must be specified;

Whereas experts from the Member States and from the Commission should make checks to see whether the health safeguards offered by the third countries concerned are effective;

Whereas the special rules will apply without prejudice to normal requirements pertaining to imports from the third countries in question;

Whereas documentary or identification checks, as appropriate in each case, must be carried out on imported products when they first arrive in the Community; whereas such a check is required in order to guarantee free circulation within the Community; whereas sample checks may also be made in the Member State of consumption to ensure the absence of cholera vibrio;

Whereas a simplified procedure should be set up that will permit continual rapid updating of the rules in line with changes in the epidemiological situation; whereas to this end an ad hoc committee should be set up,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation sets rules applying to imports of

- fruit and vegetables covered by Council Regulations (EEC) No 1035/72¹ or No 827/68²
- processed fruit and vegetable products covered by Council Regulation (EEC) No 426/86³

originating in or consigned from the areas affected by cholera listed in Annex I.

Article 2

1. Products as indicated in Article 1 shall not be admitted for import unless accompanied by an official certificate issued by a health authority shown in Annex II, made out as specified in Annex III.
2. No certificate shall be required for products covered by Annex IV.
3. Products from third countries indicated in Annex V must meet the additional requirements specified therein.

1 OJ No L 118, 20.05.1972, p. 1.

2 OJ No L 151, 30.06.1968, p. 16.

3 OJ No L 49, 27.02.1986, p. 1.

Article 3

Checks may be made on the spot by experts from the Member States or the Commission to see whether the health protection and control guarantees offered by third countries are effective.

Article 4

When products indicated in Article 1 enter the Community the competent authorities of the Member State shall, as appropriate, check

- that the certificate indicated in Article 2(1) meets the requirements set out in Annex III,
- the identity of products exempt from certification under Article 2(2).

Article 5

Member States in which products are to be consumed may carry out sample examinations on products indicated in Article 1. If cholera vibrio is found the competent authorities shall immediately inform the Commission and the other Member States, irrespective of what is to be done with the contaminated consignment.

Article 6

1. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

2. Detailed rules for application of this Regulation and any changes to the Annexes shall be adopted in accordance with the procedure laid down in paragraph 3.
3. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter.
4. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission.

The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

5. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

6. If, on the expiry of a period of one month from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 7

This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Communities.

It shall be valid for two years from that date.

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

Done at Brussels,

For the Council

The President

ANNEX I

Affected areas

Country

Administrative units

Colombia

Departments of Narino and Cauca

Ecuador

Provinces of Chimborazo, El Oro,
Esmeraldas, Guayas, Loja and
Los Rios

Peru

All provinces

ANNEX II

Recognized certifying health authorities

<u>Country</u>	<u>Name</u>
Colombia	<ol style="list-style-type: none">1. Instituto Nacional de la Salud (INS), Bogota2. Servicio Seccional de Salud (SSS) of the Departments of Narino (located at Tasco) and Cauca (located at Popayan)
Ecuador	<ol style="list-style-type: none">1. Instituto Nacional de Higiene y Medicina tropical (INHMT) "Leopoldo Izqueta Perez", Guayaquil
Peru	<ol style="list-style-type: none">1. Centro de Certificaciones Pesqueras (CERPER), El Callao2. Ministerio de Salud, Lima

ANNEX III

Entries to be made on official certificates issued by recognized health authorities:

- Name of authority and if appropriate of the delegated authority or authorities;
- Place of issue, number and date;
- Description of consignment and type of treatment;
- Name and address of treatment plant;
- Attestation that the treatment plant observes proper standards of hygiene in all handling operations and in particular that the water used is treated with chlorine;
- Attestation that the treatment plant is subjected to stringent inspection by officials of the recognized health authority and that all hygienic requirements for processing, presentation and packaging are complied with;
- The health authority's stamp and the signature of the person or persons authorized to sign.

ANNEX IV

A. List of products not subject to restriction

1. Dried vegetables, dried leguminous vegetables, nuts and dried fruit of CN headings 0712, 0713, 0802 and 0813 respectively, and any fruit and vegetable dried to an a_w value below 0.85.
2. All fruit and vegetables transported under normal conditions, including moisture conditions, when the journey time is at least 14 days.

B. List of products given a specific treatment and not subject to restriction

1. Fruit and vegetables and juices or pulps of these in hermetically sealed tins, jars and bottles heated for preservation to more than 70°C throughout after sealing.
2. Fruit and vegetables in tins, jars and bottles preserved in an acid medium of pH below 4.5.
3. Frozen fruit and vegetables previously heat-treated to more than 70°C throughout and packaged under proper hygienic conditions in the countries concerned.

ANNEX V

Special requirements (Article 2(3))

Country of consignment

Addition requirements

Peru

The certificate indicated in Article 2(1) must be accompanied by an official numbered and dated attestation, issued by the Ministry of Health, that there is no cholera vibrio on the products making up the consignment.

ISSN 0254-1475

COM(91) 311 final

DOCUMENTS

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Catalogue number : CB-CO-91-357-EN-C

ISBN 92-77-74972-5

Office for Official Publications of the European Communities
L-2985 Luxembourg