



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.10.1995
COM(95) 490 final

Proposal for a

COUNCIL DIRECTIVE

**amending the Annex to Directive 91/493/EEC laying down the health conditions for the
production and the placing on the market of fishery products**

(presented by the Commission)

Explanatory memorandum

The Community laid down the health conditions for the production and the placing on the market of fishery products in July 1991 (Directive 91/493/EEC). Minimum hygiene rules aboard fishing vessels were subsequently adopted by the Council in June 1992 (Directive 92/48/EEC).

The application of these rules by the Member States from 1 January 1993 revealed certain difficulties with the placing on the market of fishery products frozen on board vessels which are not considered to be factory vessels within the meaning of Directive 91/493/EEC but which are covered by Directive 92/48/EEC. A number of technical amendments must therefore be made to the Annex to Directive 91/493/EEC to permit the marketing of such products.

The amendments presented in the form of a proposal for a Directive do not affect the body of Directive 91/493/EEC but only its Annex. Article 13 of Directive 91/493/EEC lays down that any amendments to the Annex are to be adopted by the Council, acting by a qualified majority on a proposal from the Commission.

The proposed amendments concern:

- the compulsory packaging of fish fillets and slices, reserving this operation to land-based establishments and factory vessels;
- clarification regarding processing operations carried out aboard factory vessels;
- the identification of fishery products placed on the Community market.

These amendments, which in no way affect the high level of protection of public health, adjust the rules to take better account of the existing situation with regard to the production of frozen fish in the Community. This is a purely technical adjustment intended to facilitate the application of Community legislation and in particular the measures intended to ensure the free circulation of foodstuffs of animal origin.

Proposal for a Council Directive
amending the Annex to Directive 91/493/EEC laying down the health conditions for the
production and the placing on the market of fishery products

THE COUNCIL OF THE EUROPEAN UNION,

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 13 thereof,

Having regard to the proposal from the Commission,

Whereas Council Directive 92/48/EEC laying down the minimum hygiene rules applicable to fishery products obtained on board certain vessels in accordance with Article 3(1)(a)(i) of Directive 91/493/EEC⁽²⁾ provides that freezer vessels shall be entered in a list kept regularly up to date by the competent authority;

Whereas fishery products obtained on board freezer vessels which meet the hygiene requirements laid down in Directive 92/48/EEC should be permitted to be placed on the market on the same terms as fishery products frozen in establishments on land; whereas the Annex to Directive 91/493/EEC should be amended accordingly;

Whereas certain problems of application reported by the Member States call for the clarification of certain technical aspects of Directive 91/493/EEC, to enable the provisions to be uniformly applied in the Community, especially in connection with the identification of fishery products marketed,

HAS ADOPTED THIS DIRECTIVE:

⁽¹⁾ OJ No L 268, 24.9.1991, p. 15

⁽²⁾ OJ No L 187, 7.7.1992, p. 41

Article 1

The annex to Directive 91/493/EEC is hereby amended as follows:

1. Chapter I(II)(5) is replaced by the following:

"5. On-board processing of fishery products must be carried out under the conditions of hygiene laid down in section II, points 2 and 3, section IV and section V of Chapter IV of this Annex."

2. The second sentence of Chapter IV(I)(3) is replaced by the following:

"Fillets and slices must not remain on work tables any longer than is necessary for their preparation, and they must be protected from contamination by appropriate wrapping."

3. The first sentence of the second paragraph of Chapter V(II)(3)(b) is replaced by the following:

"These limits apply only to fish species of the following families: *Scombridae*, *Clupeidae* and *Engraulidae*."

4. Chapter VII is replaced by the following:

"CHAPTER VII
IDENTIFICATION MARKS

Without prejudice to the requirements laid down in Directive 79/112/EEC, it must be possible to trace for inspection purposes the establishment of dispatch of consignments of fishery products, by means either of labelling or of the accompanying documents.

For that purpose, the following information must appear on the packaging or in the accompanying documents:

- the country of dispatch, which may be written out in full or shown as an abbreviation, using capital letters, i.e., for the Member States of the Community, one of the following: B, DK, D, EL, E, F, IRL, I, L, NL, P, UK, AT, FI, SE.

- [REDACTED]**
- identification of the establishment or factory vessel by its official approval number or, in the case of marketing from a freezer vessel of products covered by point 7 of Annex II of Directive 92/48/EEC, the identification number of the vessel, or, in the case of separate registering of auction or wholesale markets as laid down in the third subparagraph of Article 7(1) of this Directive, the registration number of the auction or wholesale market.
 - one of the following abbreviations: CE, EC, EG, EK, EF, EY.

All the letters and figures must be fully legible and grouped together on the packaging in a place where they are visible from the outside without any need to open the said packaging."

Article 2

1. The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1996. They shall notify the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the day of its publication in the Official Journal of the European Communities.

Article 4

This Directive is addressed to the Member States.

Done at Brussels

For the Council
The President

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