COUNCIL DIRECTIVE 95/71/EC

of 22 December 1995

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 of 16 June 1992 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 identification terms as fishery products frozen in establishments on land; whereas the Annex to Directive 91/493/EEC should therefore 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:

Article 1

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

(1) Chapter I (II) (5) shall be 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) shall be replaced by the following:

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

(3) Chapter IV (IV), point 1 shall be replaced by the following:

'Fresh, frozen and thawed products used for processing must comply with the requirements set out in I, II or III of this Chapter.'

(4) The first sentence of Chapter IV (IV) (4) (d) shall be replaced by the following:

'(d) samples must be taken of production each day at predetermined intervals to ensure the efficacy of sealing or of any other method of hermetic closure.'

(5) In Chapter IV (V) (3) (c) the verb 'destroy' shall be replaced by the verb 'kill'.

(6) The first sentence of the second paragraph of Chapter V (II) (3) (A) (b) shall be replaced by the following:

'These limits apply only to fish species of the following families: *scombridae, clupeidae, engraulidae and coryphaenidae.*'

(7) Chapter VII shall be replaced by the following:

'CHAPTER VII

IDENTIFICATION

Without prejudice to the provisions of 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.

[1] OJ No L 268, 24. 9. 1991, p. 15. Directive as amended by the 1994 Act of Accession.
[2] OJ No L 187, 7. 7. 1992, p. 41.