The following communication, dated 11 November 1991, has been received from the Permanent Delegation of the Commission of the European Communities.

In our communication of 5 May 1991 the Community provided information on measures taken in the context of the outbreak of a cholera epidemic in Peru (L/6845).

In October 1991, the European Community took further measures concerning the importation into the Community of foods originating from certain Latin-American countries affected by cholera. These measures amend and replace other decisions taken previously on the same grounds. At the same time, the scope of some of these measures which so far only applied to Peru, is now extended to Ecuador and Colombia.

The above measures concern the imports of fishery products, on the one hand, and of fruit and vegetables on the other. As far as the latter are concerned, Commission Decision 91/146 of 19 March 1991 concerning importations of such products from Peru, has been replaced by Council Regulation (EEC) No. 3185/91 of 22 October 1991 which will apply to imports originating from affected areas in Peru, Colombia and Ecuador. With respect to fishery products, Commission Decision 91/146 of 19 March 1991 (amended by Decision 91/393 of 30 July 1991) concerning importations of such products from Peru, as well as Decision 91/281 and 91/282 of 5 June 1991, concerning fishery products from Ecuador and Colombia respectively, were amended by Commission Decision 91/541 of 15 October 1991.

The above-mentioned measures, copies of which are annexed, are in accordance with the objectives and procedure of the "Streamlined Mechanism" for reconciling the interests of contracting parties in the event of trade damaging acts (BISD 36S/67).

91-1649
COMMISSION DECISION
of 5 June 1991
concerning importations of fishery and aquaculture products from Ecuador
(91/281/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries, and in particular Article 19 thereof,

Whereas in accordance with Article 19 of Directive 90/675/EEC the necessary decisions shall be adopted in particular concerning the importation of certain products from third countries in which any phenomenon liable to present a serious threat to animal or public health appears or spreads;

Whereas an epidemic of cholera is developing in Ecuador;

Whereas this disease presents a serious threat to public health and whereas the cholera agent may contaminate animals as well as animal products;

Whereas a mission of Community experts has visited Ecuador in order to examine the situation and to study the guarantees necessary to avoid the risk of introducing cholera into the Community;

Whereas fishery and aquaculture products originating in Ecuador must be covered by appropriate guarantees; whereas guarantees given by the competent official authorities of Ecuador must be considered sufficient;

Whereas the above-mentioned guarantees shall apply without prejudice to conditions applicable, despite this exceptional situation, to imports from Ecuador;

Whereas provisions should be laid down to ensure that effective checks can be carried out on products accompanied by certificates in the Member State where they are intended to be released for consumption and that the provisions of this Decision are reviewed where a check on imports reveals the presence of the cholera agent;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Member States shall authorize importation of fishery and aquaculture products from Ecuador provided that each consignment is accompanied by the relevant official certificate issued by the National Fishery Institute (INP) in accordance with the Ecuadorian legislation and containing the following information:

- number and date;
- description of consignment and nature of processing;
- licence number of exporter;
- signature of the official representative of the INP.

Article 2

Member States shall prohibit the reshipment of the products referred to in Article 1 to the territory of the other Member States, unless the products are introduced into a port or airport and that they are destined for another port or airport equipped with an inspection post and that the products are transported, as the case may be, by sea or air.

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Article 3

If, during an import check, the authorities of the Member States discover the presence of the cholera agent, they shall so inform the Commission and other Member States immediately, without prejudice to measures to be taken in respect of the contaminated consignment.

Article 4

The Commission shall follow the development of the situation and this Decision shall be amended immediately in the light of that development and in particular in the case provided for in Article 3.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 5 June 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission
COMMISSION DECISION
of 5 June 1991
concerning importations of fishery and aquaculture products from Colombia
(91/282/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries, and in particular Article 19 thereof,

Whereas in accordance with Article 19 of Directive 90/675/EEC the necessary decisions shall be adopted in particular concerning the importation of certain products from third countries in which any phenomenon liable to present a serious threat to animal or public health appears or spreads;

Whereas an epidemic of cholera is developing in Colombia; whereas this disease presents a serious threat to public health and whereas the cholera agent may contaminate animals as well as animal products;

Whereas a mission of Community experts has visited Colombia in order to examine the situation and to study the guarantees necessary to avoid the risk of introducing cholera into the Community;

Whereas fishery and aquaculture products originating in Colombia must be covered by appropriate guarantees; whereas guarantees given by the competent official authorities of Colombia must be considered sufficient;

Whereas the above-mentioned guarantees shall apply without prejudice to conditions applicable, despite this exceptional situation, to imports from Colombia;

Whereas provisions should be laid down to ensure that effective checks can be carried out on products accompanied by certificates in the Member State where they are intended to be released for consumption and that the provisions of this Decision are reviewed where a check on imports reveals the presence of the cholera agent;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee.

HAS ADOPTED THIS DECISION:

Article 1

Member States shall authorize importation of fishery and aquaculture products from Colombia provided that each consignment is accompanied by the relevant official certificate issued by the Ministry of Health in accordance with Colombian legislation and containing the following information:

- number and date;
- description of consignment and nature of processing;
- licence number of exporter;
- signature of the official representative of the Ministry of Health.

Article 2

Member States shall prohibit the reshipment of the products referred to in Article 1 to the territory of other Member States, unless the products are introduced into a port or airport and that they are destined for another port or airport equipped with an inspection post and that the products are transported, as the case may be, by sea or air.

Article 3
If, during an import check, the authorities of the Member States discover the presence of the cholera agent, they shall so inform the Commission and the other Member States immediately, without prejudice to measures to be taken in respect of the contaminated consignment.

Article 4
The Commission shall follow the development of the situation and this Decision shall be amended immediately in the light of that development and in particular in the case provided for in Article 3.

Article 5
This Decision is addressed to the Member States.

Done at Brussels, 5 June 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission
COMMISSION DECISION
of 30 July 1991
amending Decision 91/146/EEC concerning protective measures against cholera in Peru
(91/393/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries, and in particular Article 19 thereof,

Whereas Commission Decision 91/146/EEC of 19 March 1991 concerning protective measures against cholera in Peru, permits the importation into Community territory of certain consignments of fisheries products covered by appropriate guarantees given by the official Peruvian authorities;

Whereas in the particular case of trout produced and exported by Piscifactorias de Los Andes SA in the province of Concepción which has been declared free of cholera by the official Peruvian authorities the appropriate guarantees are satisfactory;

Whereas, nevertheless, each consignment exported to the Community should be accompanied by an attestation from the official authorities that the province is free of cholera;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee.

HAS ADOPTED THIS DECISION:

Article 1

Article 2 of Decision 91/146/EEC is replaced by the following:

Article 2

The prohibition laid down in Article 1 shall not apply:

1. to consignments of sea fisheries products with the exception of bivalve molluscs and fishery products from artisanal fisheries originating in Peru and accompanied by an official certificate delivered by Cerper (public enterprise for the certification of fisheries products of Peru) comprising the following elements:

- number and date;
- description of consignment and nature of treatment;
- registration and approval number of the factory;
- attestation that the factory is subject to stringent inspection by officers of Cerper;
- attestation that the processing methods conform to Cerper Circular 70-021/91 of 21 February 1991;
- signature of an official representative of Cerper;

2. consignments of rainbow trout (salmo gairdneri) produced by Piscifactorias de Los Andes SA and accompanied by the official certificate referred to in 1 together with an attestation from the Peruvian Ministry of Health that at the date of despatch no case of cholera had been detected in the province of Concepción.

Article 2

This Decision is addressed to the Member States.


For the Commission
Ray MAC SHARRY
Member of the Commission

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2 OJ No. L 73, 20.3.1991, p. 34
COMMISSION DECISION
of 15 October 1991

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,


Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Article 3 of Decision 91/146/EEC and Articles 2 of Decisions 91/281/EEC and 91/282/EEC are hereby replaced by the following Article:

"Member States shall not authorize reconsignment to the territory of other Member States of the products referred to in the preceding Article until there has been an inspection of each lot imported, comprising at least a conformity check of the documents and an identity check of the lots. This inspection shall be carried out without prejudice to any additional checks which may be performed by the competent authorities of the Member State of destination."

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 15 October 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission

2 OJ No. L 268, 24.9.1991, p. 56
3 OJ No. L 73, 20.3.1991, p. 34
4 OJ No. L 142, 6.6.1991, pp. 43 and 44
I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No. 3185/91 of 22 October 1991
adopting measures for the import of fruit and vegetables from certain countries affected by cholera

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 the cholera vibrio can, inter alia, contaminate 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 third countries; whereas it is incumbent upon the Council therefore to adopt common rules which will protect the health of consumers, maintain market unity without unduly affecting trade between the third countries and the Community 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 be specified; whereas the list of these regions should therefore be determined and provision should be made for the origin or place of consignment of the products to be mentioned on the accompanying document;

Whereas these requirements should not be made applicable to products which, because of their characteristics, the treatment they are given or the length of time spent in transport present no risk of contamination;

Whereas, further, these requirements should not be made applicable to consignments of fruit and vegetables covered by suitable guarantees from the official authorities of the exporting third country; whereas it is necessary therefore to specify the recognized health authorities of the third 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 drawing up and 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 applied effectively;

Whereas the aforementioned safeguards 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 products intended for import 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 Community rules in line with changes in the epidemiological situation as regards cholera; whereas, to this end, a Commission ad hoc committee should be set up;

Whereas bananas should be excluded from the scope of this Regulation since the ripening processes which these products undergo cancel out all risks of the cholera vibrio being introduced into the Community,
HAS ADOPTED THIS REGULATION:

Article 1

This Regulation sets rules applying to imports of:


- processed fruit and vegetable products covered by Regulation (EEC) No. 426/86⁵, as last amended by Regulation (EEC) No. 1943/91⁶;

- other fruit and vegetables falling within Chapters 7, 8 and 20 of the combined nomenclature and not covered by the above-mentioned Regulations, with the exception of bananas;

originating in, or consigned from, the countries listed in Annex I which are affected by a cholera epidemic caused by the cholera vibrio of the 01 El Tor biotype, Inaba serotype.

Article 2

1. Products as indicated in Article 1 must be accompanied by a certificate showing the administrative unit of origin or consignment.

2. Products originating in, or consigned from, administrative units referred to in Annex I shall be admitted for import only if they are accompanied by an official certificate issued by the health authority specified in Annex II and giving the entries provided for in Annex III.

3. No certificate shall be required for products covered by Annex IV if they fulfil the conditions specified therein and providing an accompanying document specifies:

- the date of embarkation of the products; and

- as appropriate, one of the treatments referred to in Annex IV, Part A.1 or Part B.1, 2 or 3.

4. The products originating in, or consigned from, certain third countries appearing in Annex V must comply with the additional conditions specified therein.

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 applied effectively.

Article 4

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

- that the certificate referred to in Article 2 (2) meets the requirements set out in Annex III;

- the identity of products exempt from certification pursuant to Article 2 (3).

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 by the competent authorities, they shall immediately inform the Commission and the other Member States thereof, irrespective of what is to be done with the contaminated consignment.

Article 6

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

¹ OJ No. L 118, 20.5.1972, p. 1
² OJ No. L 150, 15.6.1991, p. 8
³ OJ No. L 151, 30.6.1968, p. 16
⁴ OJ No. L 85, 30.3.1989, p. 3
⁵ OJ No. L 49, 27.2.1986, p. 1
⁶ OJ No. L 175, 4.7.1991, p. 1
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. 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.

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.

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 21st day following its publication in the Official Journal of the European Communities.

It shall expire two years after its entry into force. However, six months before this Regulation expires, the Commission shall present to the Council a report on the situation of the cholera epidemic with a view to deciding whether this Regulation should be extended should this prove necessary.

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

Done at Luxembourg, 22 October 1991.

For the Council

The President

P. BUKMAN
## ANNEX I

### Affected Areas

<table>
<thead>
<tr>
<th>Country</th>
<th>Administrative units affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colombia</td>
<td>Departments of Amazonas, Antioquia, Caldas, Cauca, Choco, Córdoba, Cundinamarca, Huila, Meta, Nanín, Guaviare, Santa Fé de Bogota, Santander, Trolima and Valle del Cauca.</td>
</tr>
<tr>
<td>Ecuador</td>
<td>The provinces of Azuay, Bolivar, Cañar, Carchi, Chimborazo, Cotopaxi, El Oro, Esmeraldas, Galápagos, Guayas, Imbabura, Loja, Los Ríos, Manabí, Pastaza, Pichincha, Sucumbios, Tungurahua and Zamora-Chinchipe.</td>
</tr>
<tr>
<td>Peru</td>
<td>All provinces.</td>
</tr>
</tbody>
</table>
### Annex II

**Recognized Certifying Health Authorities**

<table>
<thead>
<tr>
<th>Country</th>
<th>Name of recognized health authority</th>
</tr>
</thead>
</table>
| Colombia | 1. Instituto Nacional de la Salud (INS), Bogota.  
2. Servicio Seccional de Salud (SSS) of the Departments mentioned in Annex I. |
| Ecuador | Instituto Nacional de Higiene y Medicina Tropical (INHMT) "Leopoldo Izqueta Pérez", Guayaquil |
| Peru | 1. Centro de Certificaciones Pesqueras (Cerper), El Callao.  
Annex III

Entries to be Made on Official Certificates Issued by Recognized Health Authorities

- Name of recognized health 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 establishment.

- Attestation that the establishment meets the health conditions required to ensure proper standards of hygiene in handling operations and in particular that the establishment employs a system whereby the water used is treated with chlorine or uses some other equivalent process.

- Attestation that the establishment 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 restrictions

1. Dried vegetables, dried leguminous vegetables, nuts and dried fruit falling within CN Codes 0712, 0713, 0802 and 0813 respectively, and any fruit and vegetables dried to a value below 0.85.

2. All fruit and vegetables transported under normal conditions, including controlled temperature and moisture conditions, when the journey time is at least twenty-one 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 Referred to in Article 2 (4)**

<table>
<thead>
<tr>
<th>Country of consignment</th>
<th>Additional requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peru</td>
<td>The certificate indicated in Article 2 (2) 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.</td>
</tr>
</tbody>
</table>