Fishery products, live bivalve molluscs and by-products thereof: rules for imports from Greenland

2010/0097(CNS) - 23/04/2010 - Legislative proposal

PURPOSE: to lay down rules regarding imports into the EU from Greenland of fishery products, live bivalve molluscs, echinoderms, tunicates, marine gastropods and by-products thereof.

PROPOSED ACT: Council Decision.

LEGAL BASE: Article 203 of the Treaty on the Functioning of the European Union.

IMPACT ASSESSMENT: no impact assessment was carried out.

BACKGROUND: Greenland and the EU intend to enter into a sanitary arrangement on fish, fishery products, bivalve molluscs, tunicates and echinoderms (live and not alive) for human consumption as well as by-products derived from these sources, f.x. fish meal or fish oil. The objective of such an arrangement would be that Greenland can trade these commodities with the Union on the basis of internal market rules, provided that Greenland transposes EU sanitary and, where appropriate, animal health rules on fishery products, live bivalve molluscs and by-products derived from these sources.

The legal relationship between the Union and Greenland rests on two pillars:

- as Greenland is one of the overseas countries and territories (OCT), the relationship is primarily governed by rules which mainly provide for EU support to OCTs in order to promote their economic and social development and to establish close economic relations between them and the EU as a whole;
- the rules also contain provisions on trade, in particular duty free access to the EU of products originating in the OCTs. Otherwise, OCTs must - as they are not part of the single market - comply with the obligations imposed on third countries, inter alia in respect of health standards.

The Danish Veterinary and Food Administration (DVFA), through its Regional Veterinary and Food Control Authority in Greenland, the ‘Fodevareregion Nord’, is acting as the competent authority in Greenland in this field, and is responsible for the effective implementation of the relevant EU sanitary and animal health legislation for the products concerned. The DVFA has provided official assurances that Greenland does comply with the rules of the relevant EU provisions, including import controls. The proposal is accompanied by a political statement expressed through a joint declaration by the EU, and Greenland and Denmark to strengthen further cooperation between the EU and Greenland, based on broadly shared interests, to the mutual benefit of trade and to endow their mutual relations with a long term perspective.

CONTENT: this proposal sets out the **general rules** concerning trade between the EU and Greenland in fishery products, live bivalve molluscs, echinoderms, tunicates, marine gastropods and by-products thereof. Member States shall authorise imports into the EU of the products coming from Greenland, in accordance with Union legislation on trade within the Union. The importation of the products into the Union shall be subject to the following conditions:

- the effective transposition and implementation in Greenland of the applicable rules laid down in Union legislation concerning animal health, food safety and the common organisation of the market in fishery products, relating to the products;
- the drawing up and keeping up to date by the competent authority in Denmark and Greenland of a list of feed and food business operators which have been registered, in accordance with Article 31 of Regulation (EC) No 882/2004;
- the conformity of consignments of products dispatched to the EU from Greenland with the applicable rules laid in Union legislation concerning animal health, food safety and the common organisation of the market in fishery products;
- the correct application of the rules laid down in Union legislation concerning animal health and food safety and the common organisation of the market in fishery products, to introduction of the products into Greenland.

Monitoring plans for aquaculture animals: Denmark and Greenland shall submit for approval by the Commission monitoring plans for the detection of the presence of residues and substances in aquaculture animals in Greenland, in accordance with Directive 96/23/EC.

Checks on products imported into Greenland from third countries: veterinary checks shall be carried out on consignments of the products introduced into Greenland from third countries in accordance with the rules laid down in Directive 97/78/EC. To facilitate those veterinary checks, the Commission will provide to the competent authorities of Denmark and Greenland references of the products to the Combined Nomenclature Codes listed in Annex I to Commission Decision 2007/275/EC. 2. Proposals for border inspection posts in Greenland shall be submitted to the Commission for approval in accordance with Article 6(2) of Directive 97/78/EC. The list of border inspection posts approved for Greenland shall be included in the list of border inspection posts in the Member States, approved in accordance with Directives 91/496/EEC and 97/78/EC.

Information system: data on movements and trade in the products in Greenland shall be transmitted in the Danish language via the integrated computerised veterinary system (TRACES) in accordance with Decision 2004/292/EC. The notification of aquatic diseases concerning the products in Greenland shall be transmitted via the animal disease notification system (ADNS), in accordance with Directive 82/894/EEC and Decision 2005/176/EC. The notification of direct or indirect risks to human health deriving from the products in Greenland shall be transmitted via the rapid alert system for feed and food (RASFF) established by Regulation (EC) No 178/2002.

Identification mark: consignments of the products dispatched to the EU from Greenland shall be marked with the identification mark for Greenland, 'GL', in accordance with the rules set out in Regulation (EC) No 853/2004.

Confirmation of compliance with the conditions laid down in the Decision: Denmark and Greenland shall provide written confirmation that the necessary measures for the application of the Decision have been taken.

FINANCIAL IMPLICATIONS: the proposal has no implication for the Community budget.