

To: Interested Parties

14 December 2006

Reference: FSH 082

Dear Sir or Madam

**Amendments to the hygiene legislation affecting fishery products, bivalve molluscs and the status of fish oils.**

I am writing to inform you of amendments to the hygiene legislation with regard to requirements for fishery products, bivalve molluscs and the status of fish oil for human consumption. A synopsis of these changes is provided and for your convenience I have listed in the annex to this letter the new legislation with their Official Journal numbers and references to relevant sections. Copies of the legislation are available on the EUR-Lex webpage at:

<http://eur-lex.europa.eu/JOHtml.do?uri=OJ:L:2006:320:SOM:EN:HTML>

**Synopsis of changes affecting fishery products and live bivalve molluscs**

**1. Imports**

Existing health certification for imports of fishery products and live bivalve molluscs from 'List 1' countries is to be modified in accordance with those models set down in Annex VI of Commission Regulation 1664/2006. Appendix IV and V of Annex VI cover fishery products and live bivalve molluscs respectively. To allow third countries time to adapt their legislation the repeal of existing Commission Decisions has been delayed until 1 May 2007. These Decisions will not be replaced.



Appendix V, part B requires additional model health attestation for bivalve molluscs belonging to the species *Acanthocardia tuberculatum* (*Mediterranean cockle*).

Commission Decision 2006/766/EC sets down revised lists of 'List I' third countries for import of fishery products and bivalve molluscs, echinoderms, tunicates and marine gastropods. Commission Decision 1666/2006/EC sets down revised lists of 'List II' third countries for import of the same products. These changes will shortly be reflected on our 'Importing Fishery Products and Bivalve Molluscs' webpage, located at:

[http://www.food.gov.uk/foodindustry/imports/want\\_to\\_import/fisheryproducts/](http://www.food.gov.uk/foodindustry/imports/want_to_import/fisheryproducts/)

## 2. Fish oils.

Commission Regulation 1662/2006 brings fish oils within the scope of the fishery products definition, adding new requirements as Part E in Section VIII on fishery products under Regulation 853/2004. Part E requires that raw materials used in the preparation of fish oil for human consumption must derive from fishery products deemed fit for human consumption, be prepared in an approved establishment or vessel and transported and stored in a hygienic condition.

These changes will have an impact on the imports of fish oils into the EU. However, by way of derogation as laid out in Article 1 of Commission Regulation 1666/2006 food business operators can continue until 31 October 2007 to import fish oils from establishments in third countries previously approved (by third country competent authorities) for that purpose. Only after 1 May 2007 will the new health certification as detailed above for fishery products be required.

## 3. Health standards for live bivalve molluscs.

Annex I of Commission Regulation 1664/2006 now allows for the Lawrence method to be used as an alternative method for the detection of toxins responsible for Paralytic Shellfish Poison (PSP)

Commission Regulation 1666/2006 now provides for competent authorities to continue to classify shellfish harvesting areas as Class B when 90% of shellfish samples do not exceed the limit for this Class set down in the official controls Regulation 854/2004.

I hope you find this information helpful, however, please note that this advice is not an authoritative statement of the law or its interpretation. The opinion of your Home Authority or other enforcement authorities may differ and only the courts can decide whether in a particular circumstance an offence has been committed.

Should you or your colleagues wish to discuss any of the above changes in more detail please feel free to contact me.

Yours faithfully

Michael Talbot  
Fish and Shellfish Hygiene  
Primary Production Division

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## ANNEX

**1. Commission Regulation (EC) No 1662/2006 – OJ L 320/1**

Amending Regulation 853/2004 laying down specific hygiene rules for food of animal origin.

*[Annex II paragraph 2]*

**2. Commission Regulation (EC) No 1666/2006 – OJ L 320/47**

Amending Regulation 2076/2005 laying down transitional arrangements for the implementation of Regulations 853/2004, 854/2004 and 882/2004

*[Article 1 & the Annex]*

**3. Commission Regulation (EC) No 1664/2006 – OJ L 320/13**

Amending Regulation 2074/2005 implementing measures for certain products of animal origin intended for human consumption and repealing certain implementing measures.

*[Article 1 & 2, Annex I & 6]*

**4. Commission Decision 2006/765 – OJ L 320/50**

Repealing certain implementing acts concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption.

*[Article 1]*

**5. Commission Decision 2006/766 – OJ L 320/53**

Establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, marine gastropods and fisher products are permitted.

*[Article 1,2 & 3, Annex I & II]*

**6. Commission Decision 2006/767 – OJ L329/58**

Amending Commission Decision 2003/804/EC and 2003/858/EC as regards certification requirements for live molluscs and live fish of aquaculture origin thereof intended for human consumption. *[Contact: Dave Mullen, DEFRA, 0207 904 5640]*