

## 1995 No. 113

## FOOD

## FOOD SAFETY

**The Food Safety (Fishery Products) (Import Conditions and  
Miscellaneous Amendments) Regulations  
(Northern Ireland) 1995**

*Made* . . . . . 22nd March 1995

*Coming into operation* . . . . . 1st May 1995

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Articles 15(1) and (3), 16(1), 25(3), 26(3), 47(2) and 48(2) of, and paragraphs 2, 5(1) and (2), 6(1) and 7(1) of Schedule 1 to the Food Safety (Northern Ireland) Order 1991(a) and being a designated Department (b) for the purposes of section 2(2) of the European Communities Act 1972(c) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2), and in each case in exercise of all other powers respectively enabling it in that behalf and after consultation in accordance with Article 47(3) of the said Order with such organisations as appear to it to be representative of interests likely to be substantially affected by these Regulations, hereby makes the following Regulations:

*Citation and commencement*

1. These Regulations may be cited as the Food Safety (Fishery Products) (Import Conditions and Miscellaneous Amendments) Regulations (Northern Ireland) 1995 and shall come into operation on 1st May 1995.

*Interpretation*

2.—(1) In these Regulations —

“approved import conditions” means the conditions for the importation of fishery products which are laid down in any Commission Decision listed in Schedule 1;

“aquaculture products” has the same meaning as in the principal Regulations;

“bivalve molluscs” has the same meaning as in the principal Regulations;

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(a) 1991 No 762 (N.I.7) See Article 2(2) for the definitions of “regulations” and “the Department concerned”

(b) S.I. 1972/1811

(c) 1972 c. 68; the definition of the Treaties referred to in section 2(2) was extended by section 1 of the European Economic Area Act 1993 (c. 51)

- “consignment” except in the expression “private consignment” has the same meaning as in the principal Regulations;
- “the Council and Commission Decisions” means the Council and Commission Decisions listed in Schedule 2;
- “the Council Directive” means Council Directive 91/493/EEC(a) of 22 July 1991 laying down the health conditions for the production and placing on the market of fishery products, as adapted for the purposes of the EEA Agreement(b) ;
- “the Derogations Regulations” means the Food Safety (Fishery Products) (Derogations) Regulations (Northern Ireland) 1992(c);
- “the Docks and Carriers Regulations” means the Food Hygiene (Docks, Carriers etc) Regulations (Northern Ireland) 1970(d);
- “EEA Agreement” means the Agreement on the European Economic Area Signed at Oporto on 2nd May 1992(e) as adjusted by the Protocol signed at Brussels on 17th March 1993(f);
- “EEA State” means a State which is a Contracting Party to the EEA Agreement, but until the EEA Agreement comes into force in relation to Liechtenstein does not include the State of Liechtenstein(g);
- “factory vessel” has the same meaning as in the principal Regulations;
- “fishery products” has the same meaning as in the principal Regulations;
- “the Fishing Vessels Directive” means Council Directive 92/48/EEC(h) of 16th June 1992 laying down the minimum hygiene rules applicable to fishery products caught on board certain vessels in accordance with article 3(1)(a)(i) of the Council Directive;
- “import” means import into Northern Ireland, but only if the product in question is not imported from another part of the United Kingdom, the Channel Islands or the Isle of Man;
- “the Import and Export Regulations” means the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993(i);
- “the Live Bivalve Molluscs Directive” means Council Directive 91/492/EEC(j) of 15th July 1991 laying down the health conditions for the production and placing on the market of live bivalve molluscs as adapted for the purposes of the EEA Agreement(k);
- “other shellfish” has the same meaning as in the principal Regulations;

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(a) OJ No. L 268, 24.9.91, p. 15

(b) See paragraph 24 of the basic texts in Annex I to the EEA Agreement

(c) S.R. 1992 No.296

(d) SR&O (N.I.) 1970 No.144, the relevant amending Regulations are S.R. 1991 No.203 and S.R. 1993 No.51

(e) OJ No. L 1, 3.1.94, p. 3

(f) OJ No. L 1, 3.1.94, p. 572

(g) See Article 1(2) of the Protocol Adjusting the Agreement on the European Economic Area

(h) OJ No. L 187, 7.7.92, p. 41

(i) S.R. 1993 No. 304

(j) OJ No. L 268, 24.9.91, p. 1

(k) See paragraph 25 of the basic texts in Annex 1 to the EEA Agreement

“the principal Regulations” means the Food Safety (Fishery Products) Regulations (Northern Ireland) 1993(a);

“private consignment” means a quantity of fishery products which are—

(a) imported as trade samples; or

(b) not being imported by way of trade, and which—

(i) form part of a traveller’s personal luggage, or

(ii) have been sent to an individual in Northern Ireland;

“processed” has the same meaning as in the principal Regulations;

“the Safeguards against Cholera Regulations” means the Imported Food and Feedingstuffs (Safeguards against Cholera) Regulations (Northern Ireland) 1992(b);

“third country” means any country or territory which is not part of the European Economic Area including, until the EEA Agreement comes into force in relation to Liechtenstein, the State of Liechtenstein.

(2) In these Regulations, a reference to a numbered Chapter is to the Chapter in the Annex to the Council Directive bearing that number.

(3) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

#### *General restriction on importing fishery products*

3.—(1) Subject to paragraphs (2) and (3), no person shall import any fishery products which are for human consumption, unless—

(a) except where paragraph (b) or (c) applies, they are products in respect of which all applicable requirements of the Council Directive, the Fishing Vessels Directive, the Live Bivalve Molluscs Directive (allowing for any derogations which have been granted from the conditions set out in those Directives) and the Council and Commission Decisions are satisfied;

(b) if they originate in a third country (including products taken from the sea and then landed in Northern Ireland by the vessel of a third country)(d), and if paragraph (c) does not apply, they are products in respect of which the requirements specified in Schedule 3 are satisfied;

(c) if they are products in respect of which two or more countries have been concerned with their production—

(i) where they have undergone any process or operation in an EEA State or on board a vessel of an EEA State, all applicable requirements of the Council Directive, the Fishing Vessels Directive, the Live Bivalve Molluscs Directive (allowing for any

(a) S.R. 1993 No. 51

(b) S.R.1992 No. 434

(c) 1954 c. 33 (N.I.)

(d) See Council Regulation (EEC) No 802/68 on the Common Definition of the Concept of the Origin of Goods, and protocol 4 to the EEA Agreement as amended by the Decision of the EEA Joint Committee No. 6/94 amending protocol 4 to the EEA Agreement on rules of origin (OJ No.L95, 14.4.94, p. 22)

derogations which have been granted from the conditions set out in those Directives) and the Council and Commission Decisions which relate to that process or operation are satisfied, and

- (ii) where they have undergone any process or operation in a third country or on board a vessel of a third country, the requirements specified in Schedule 3 which relate to that process or operation are satisfied; and

(d) any additional conditions imposed under regulation 4 are satisfied, in relation to those fishery products which he imports.

(2) Paragraph (1) shall not apply to a person importing a private consignment—

- (a) from a country or territory within the European Community unless that consignment is a consignment of trade samples which weighs more than 10 kilograms; or
- (b) from any other country or territory if that consignment weighs 1 kilogram or less.

(3) Paragraphs 1 to 6 of Schedule 3 shall not apply to aquaculture products.

*Additional conditions relating to certain third country imports*

4.—(1) Subject to paragraphs (3) and (4), no person shall import any fishery products which are for human consumption—

- (a) from a third country;
- (b) from another country or territory within the European Community if those fishery products do not originate from within the European Economic Area, unless those products were in free circulation in that country or territory within the European Community;
- (c) from an EEA State which is not also a member State, unless those fishery products originate from within the European Economic Area, unless the conditions in paragraph (2) are satisfied in relation to those fishery products which he imports.

(2) The conditions referred to in paragraph (1) are that—

- (a) except in the circumstances set out in sub-paragraph (b), the fishery products comprise or are part of a consignment which is accompanied by a duly completed health certificate which—
  - (i) comprises a single sheet,
  - (ii) is drawn up in English and, where appropriate, in an official language of the country or territory for which those fishery products are destined,
  - (iii) contains the information mentioned in the specimen health certificate set out in the Annex to Commission Decision 93/185/EEC of 15th March 1993(a) laying down certain

transitional measures concerning the certification of fishery products from third countries in order to facilitate the switchover to the arrangements laid down in the Council Directive, and

- (iv) contains the health attestation mentioned in that specimen health certificate, duly signed and dated by an official inspector duly appointed by the competent authority of the state of origin of those fishery products;
- (b) a person importing fishery products in circumstances where—
  - (i) those fishery products originate in a third country in respect of which the European Commission has adopted approved import conditions, and
  - (ii) those approved import conditions relate to those fishery products, shall import those fishery products in accordance with those approved import conditions.
- (3) Fishery products which—
  - (a) originate in a third country;
  - (b) were caught in their natural environment; and
  - (c) have not or had not been on land prior to their importation into the European Community,

need not be accompanied by any health certificate which would otherwise be required under paragraph (2).

(4) Paragraph (1) shall not apply to a person importing a private consignment, if that consignment weighs 1 kilogram or less.

*Amendment of the Food Hygiene (General) Regulations (Northern Ireland) 1964*

5. For regulation 3A of the Food Hygiene (General) Regulations (Northern Ireland) 1964(a) (exception for premises where fishery products are handled) there shall be substituted—

*“Fishery products exceptions*

3A.—(1) Regulations 5, 6, 8, 9 and 11 to 22 shall not apply to or to a person at an establishment or factory vessel within the meaning of the Food Safety (Fishery Products) Regulations (Northern Ireland) 1993 which has been approved under regulation 8 of those Regulations.

(2) Regulations 5, 6, 8, 9 and 11 to 22 shall not apply to or to a person at a market registered under regulation 12 of the Food Safety (Fishery Products) Regulations (Northern Ireland) 1993.”.

(3) In sub-paragraph (bb) of regulation 23(2) of the Food Hygiene (General) Regulations (Northern Ireland) 1964, after “shellfish products” there shall be inserted “to which the Food Safety (Fishery Products) Regulations (Northern Ireland) 1993 apply”.

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(a) S.R. 1964 No. 129; the relevant amending Regulations are S.R.1993 No. 51

*Amendment of the Docks and Carriers Regulations*

6. For regulation 3A of the Docks and Carriers Regulations (exception for premises and places where fishery products are handled) there shall be substituted—

*“Fishery products exceptions*

3A.—(1) Regulations 5, 8 and 10 to 21 shall not apply to or to a person at an establishment or factory vessel within the meaning of the Food Safety (Fishery Products) Regulations (Northern Ireland) 1993 which has been approved under regulation 8 of those Regulations.

(2) Regulations 5, 8 and 11 to 21 shall not apply to a person at a market registered under regulation 12 of the Food Safety (Fishery Products) Regulations (Northern Ireland) 1993.”.

*Amendment of the Safeguards against Cholera Regulations*

7. The amendments to the Safeguards against Cholera Regulations set out in Schedule 4 shall have effect.

*Amendment of the Derogations Regulations*

8. The amendments to the Derogations Regulations set out in Schedule 5 shall have effect.

*Amendment of the Imported Food (Bivalve Molluscs and Marine Gastropods from Japan) Regulations (Northern Ireland) 1992*

9. In paragraph (2) of regulation 1 of the Imported Food (Bivalve Molluscs and Marine Gastropods from Japan) Regulations (Northern Ireland) 1992(a) (interpretation), for the definition of “relevant bivalve mollusc or marine gastropod” there shall be substituted—

“ “relevant bivalve mollusc or marine gastropod” means any bivalve mollusc or marine gastropod originating in Japan which is not a frozen or processed bivalve mollusc of the family Pectinidae;”.

*Amendment of the principal Regulations*

10. The amendments to the principal Regulations set out in Schedule 6 shall have effect.

*Amendment of the Food Safety (Fishery Products on Fishing Vessels) Regulations (Northern Ireland) 1993*

11. After paragraph (2) of Regulation 6 of the Food Safety (Fishery Products on Fishing Vessels) Regulations (Northern Ireland) 1993(b) there shall be inserted—

“(3) Article 33 of the Food Safety (Northern Ireland) Order 1991 (powers of entry) shall apply for the purposes of these Regulations as though—

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(a) S.R. 1992 No. 333

(b) S.R. 1993 No. 53

- (a) any reference to premises included a reference to a fishing vessel (in so far as it does not already do so(a)); and
- (b) any reference to the occupier included a reference to the master or other person in charge of the fishing vessel.”.

*Amendment of the Import and Export Regulations*

12. The amendments to the Import and Export Regulations set out in Schedule 7 shall have effect.

*Enforcement and penalties*

13. For the purposes of the Import and Export Regulations—

- (a) the conditions set out in regulations 3 and 4 shall be treated as animal and public health requirements; and
- (b) those requirements shall be enforced as animal and public health requirements—
  - (i) by a district council or the Department of Agriculture for Northern Ireland, whichever has the responsibility under the Import and Export Regulations for enforcing animal and public health requirements in the particular circumstances of the case,
  - (ii) in accordance with the procedures set out in the Import and Export Regulations, and
  - (iii) subject to the penalties and other sanctions set out in the Import and Export Regulations.

*Revocations*

14. Regulations 20, 21(1) and 22 of the principal Regulations are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 22nd March 1995.

(L.S.)

*D. A. Baker*

Assistant Secretary

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(a) See the definition of “premises” in Article 2(2) of the Food Safety (Northern Ireland) Order 1991, and Article 2 of the Food Safety (1991 Order) (Specified Ships and Aircraft) Order (Northern Ireland) 1991, SR 1991 No. 481

**Approved import conditions**

1. Commission Decision 93/436/EEC laying down special import conditions governing imports of fishery products originating in Chile(a), as amended by Commission Decision 93/620/EC(b) and Commission Decision 94/188/EC(c).
2. Commission Decision 93/437/EEC laying down special import conditions governing imports of fishery products originating in Argentina(d), as amended by Commission Decision 93/525/EEC(e) and Commission Decision 94/341/EC(f).
3. Commission Decision 93/494/EEC laying down special conditions governing imports of fishery products originating in the Faroe Islands(g).
4. Commission Decision 93/495/EEC laying down special conditions governing imports of fishery products originating in Canada(h), as amended by Commission Decision 93/606/EC(i) and Commission Decision 94/287/EC(j).
5. Commission Decision 94/198/EC laying down special conditions governing the import of fishery and aquaculture products originating in Brazil(k).
6. Commission Decision 94/200/EC laying down special conditions governing the import of fishery and aquaculture products originating in Ecuador(l).
7. Commission Decision 94/205/EC laying down special conditions for the import of frozen or processed scallops and other Pectinidae originating in Japan(m).
8. Commission Decision 94/269/EC laying down special conditions governing imports of fishery and aquaculture products originating in Colombia(n), as amended by Commission Decision 94/469/EC(o).
9. Commission Decision 94/323/EC laying down special conditions governing imports of fishery products originating in Singapore(p).
10. Commission Decision 94/324/EC laying down special conditions governing imports of fishery and aquaculture products originating in Indonesia(q).
11. Commission Decision 94/325/EC laying down special conditions governing imports of fishery and aquaculture products originating in Thailand(r).
12. Commission Decision 94/448/EC laying down special conditions governing imports of fishery and aquaculture products originating in New Zealand(s).

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(a) OJ No. L 202, 12.8.93, p. 31  
 (b) OJ No. L 297, 2.12.93, p. 27  
 (c) OJ No. L 89, 6.4.94, p. 21  
 (d) OJ No. L 202, 12.8.93, p. 42  
 (e) OJ No. L 252, 9.10.93, p. 30  
 (f) OJ No. L 151, 17.6.94, p. 41  
 (g) OJ No. L 232, 15.9.93, p. 37  
 (h) OJ No. L 232, 15.9.93, p. 43  
 (i) OJ No. L 289, 24.11.93, p. 26  
 (j) OJ No. L 122, 17.5.94, p. 38

(k) OJ No. L 93, 12.4.94, p. 26  
 (l) OJ No. L 93, 12.4.94, p. 34  
 (m) OJ No. L 99, 19.4.94, p. 38  
 (n) OJ No. L 115, 6.5.94, p. 38  
 (o) OJ No. L 194, 29.7.94, p. 85  
 (p) OJ No. L 145, 10.6.94, p. 19  
 (q) OJ No. L 145, 10.6.94, p. 23  
 (r) OJ No. L 145, 10.6.94, p. 30  
 (s) OJ No. L 184, 20.7.94, p. 16



**The Council and Commission decisions**

1. Commission Decision 93/25/EEC approving certain treatments to inhibit the development of pathogenic micro-organisms in bivalve molluscs and marine gastropods(a).
2. Commission Decision 93/51/EEC on the microbiological criteria applicable to the production of cooked crustaceans and molluscan shellfish(b).
3. Commission Decision 93/140/EEC laying down the detailed rules relating to the visual inspection for the purpose of detecting parasites in fishery products(c).
4. Commission Decision 93/351/EEC determining analysis methods, sampling plans and maximum limits for mercury in fishery products(d).
5. Council Decision 93/383/EEC on reference laboratories for the monitoring of marine biotoxins(e).

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(a) OJ No. L 16, 25.1.93, p. 22  
(b) OJ No. L 13, 21.1.93, p. 11  
(c) OJ No. L 56, 21.1.93, p. 42  
(d) OJ No. L 144, 16.6.93, p. 23  
(e) OJ No. L 166, 8.7.93, p. 31

**Specified health conditions (based on articles 3 and 10 of  
the Council Directive)**

1.—(1) Fishery products caught in their natural environment shall have been caught and, where appropriate, handled for bleeding, heading, gutting and the removal of fins, and chilled or frozen on board a fishing vessel in accordance with hygiene conditions which are at least as stringent as those contained in the Annexes to the Fishing Vessels Directive.

(2) For the purposes of sub-paragraph (1), Annex II of the Fishing Vessels Directive shall apply as if point 9 were omitted.

2. Where fishery products have at any time been handled on board a factory vessel—

(a) that factory vessel and that handling of those fishery products shall have been in accordance with health conditions which are at least as stringent as those contained in Chapter I;

(b) those fishery products shall have been subject on board that factory vessel to a system of visual inspection which is at least as stringent as that contained in Commission Decision 93/140/EEC laying down the detailed rules relating to the visual inspection for the purpose of detecting parasites in fishery products.

3. Where, prior to processing, the fishery products were live bivalve mollusc or other shellfish, those bivalve molluscs or other shellfish shall, prior to that processing, have been produced in accordance with health conditions in relation to the production of live bivalve molluscs or other shellfish which are at least as stringent as those contained in the Live Bivalve Molluscs Directive.

4. Any processing (in particular any cooking) of shrimps or molluscs on board a factory vessel shall have been undertaken—

(a) in accordance with such of—

(i) the conditions set out in point 7 of section IV of Chapter IV,

(ii) the standards and other obligations set out in Commission Decision 93/51/EEC on the microbiological criteria applicable to the production of cooked crustaceans and molluscan shellfish, and

(iii) the approved treatments set out in Commission Decision 93/25/EEC approving certain treatments to inhibit the development of pathogenic micro-organisms in bivalve molluscs and marine gastropods,

as are appropriate in the particular circumstances of the case; and

(b) with equipment which was in accordance with the requirements set out in point 5 of section I of Chapter III.

5.—(1) Subject to sub-paragraphs (2) and (3), during and after landing, fishery products caught in their natural environment shall have been handled in accordance with Chapter II.

(2) Sub-paragraph (1) shall not apply to processed bivalve molluscs or other shellfish.

(3) Where the competent authority of a country or territory within the European

Community other than Northern Ireland has authorised the transfer of fishery products *ex quay* into containers for immediate delivery to an approved establishment or registered auction or wholesale market to be checked there, a check on the conditions of landing is not required.

6. Where gutting of the fishery products is or was possible from a technical and commercial viewpoint, those fishery products shall have been gutted as soon as possible after they have been caught or landed.

7. Aquaculture products—

- (a) shall have been slaughtered under appropriate conditions of hygiene within the meaning of article 3(3)(a) of the Council Directive;
- (b) shall not have been soiled with earth, slime or faeces; and
- (c) which were not processed immediately after having been slaughtered, shall have been kept chilled.

8. At establishments on land, all fishery products shall have been handled and, where appropriate, packaged, prepared, processed, frozen, defrosted, stored hygienically and inspected in accordance with requirements at least as stringent as—

- (a) the general conditions for establishments on land set out in Chapter III; and
- (b) where appropriate, the special conditions for handling fishery products set out in—
  - (i) Chapter IV,
  - (ii) Commission Decision 93/25/EEC approving certain treatments to inhibit the development of pathogenic micro-organisms in bivalve molluscs and marine gastropods,
  - (iii) Commission Decision 93/51/EEC on the microbiological criteria applicable to the production of cooked crustaceans and molluscan shellfish, and
  - (iv) Commission Decision 93/140/EEC laying down the detailed rules relating to the visual inspection for the purpose of detecting parasites in fishery products.

9. Fishery products landed in a third country shall have been subject in that country to a system of health control and monitoring at least as stringent as the arrangements for checking and monitoring fishery products contained in—

- (a) Chapter V;
- (b) Commission Decision 93/351/EEC determining analysis methods, sampling plans and maximum limits for mercury in fishery products; and
- (c) Council Decision 93/383/EEC on reference laboratories for the monitoring of marine biotoxins.

10. Fishery products shall have been appropriately packaged in accordance with Chapter VI.

11. Fishery products shall have been stored and transported under satisfactory conditions of hygiene in accordance with Chapter VIII.

12. Fishery products which are to be placed on the market live shall have been kept at all times under the most suitable survival conditions.

**Amendments to the Safeguards against Cholera Regulations**

1. In paragraph (2) of regulation 1 (interpretation)—
  - (a) in the definition of “affected country” the words “Brazil, Colombia, Ecuador or” shall be omitted;
  - (b) the definition of “proper authority” shall be omitted.
2. The following provisions shall be omitted—
  - (a) regulation 3 (prohibition on importation of fish products from Ecuador and Colombia);
  - (b) regulation 4 (prohibition on importation of fish products from Brazil);
  - (c) Schedule 2 (particulars to be contained in documents relating to fish and bivalve molluscs from Colombia and Ecuador); and
  - (d) Schedule 3 (contents of SIF certificate relating to fish and heat-treated bivalve molluscs (and their products) from Brazil).
- 3.—(1) In paragraph (1) of regulation 5 (prohibition on export to other member States of fish products and bivalve molluscs originating in an affected country), “other than Brazil” shall be omitted.
  - (2) In regulation 5(2)(a), “or 3” shall be omitted
4. In paragraph (1) of regulation 6 (offences), “3(1), 4(1) or (2)” shall be omitted.
5. In regulation 8 (authentication of certificates), from paragraph (b) to the end shall be substituted by—
  - “(b) to be duly authorised by CERPER or the Peruvian Ministry of Health to sign such a certificate,shall be deemed, until the contrary is proved, to have been duly given, made or issued by authority of CERPER or the Peruvian Ministry of Health, as the case may be.”.

**Amendments to the Derogations Regulations**

1.—(1) In paragraph (2) of regulation 1 (interpretation)—

(a) in the definition of “the Council Directive”, after “fishery products”, there shall be inserted “as adapted for the purposes of the EEA Agreement(a)”;

(b) after the definition of “derogation” there shall be inserted—

“ “EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(b) as adjusted by the Protocol signed at Brussels on 17th March 1993(c);”;

(c) for the definition of “fishery products” there shall be substituted—

“ “fishery products” means—

(a) all seawater or freshwater animals, including their roes; and

(b) parts of such animals except in circumstances where they—

(i) are combined (in whatever way) with other foodstuffs, and

(ii) comprise less than 10 per cent of the total weight of the combined foodstuffs,

but excluding aquatic mammals, frogs and aquatic animals covered by Community Acts other than the Council Directive, and parts of such mammals, frogs and aquatic animals;”;

(d) for the definition of “processed product” there shall be substituted—

“processed” means—

(a) except in relation to bivalve molluscs or other shellfish, having undergone a chemical or physical process such as the heating, smoking, salting, dehydration or marinating of chilled or frozen products, or a combination of these various processes;

(b) in relation to bivalve molluscs or other shellfish, any process or any combination of processes such as those referred to in sub-paragraph (a) unless as a result of that process or combination of processes the bivalve molluscs or other shellfish remain alive;”.

(2) In regulation 1(4), after sub-paragraph (c) there shall be inserted—

“(d) a reference to the competent authority or the supervisory authorities shall be treated as if it were a reference to the district council.”.

2.—(1) In the Schedule, (requirements of Chapters I, II, III and IV of the Annex), in column (1)—

(a) in paragraph 2(a) of Section I of Chapter I (conditions applicable to factory vessels — conditions concerning design and equipment), for “holds” there shall be substituted “holes”;

(b) After paragraph 5 of Section II of Chapter I, there shall be inserted—

“5A.—(1) Subject to sub-paragraph (2), any on-board processing (in particular any cooking) of shrimps or molluscs must be undertaken in accordance with such of—

(a) See paragraph 24 of the basic texts in Annex I to the EEA Agreement

(b) OJ No. L 1, 3.1.94, p. 3

(c) OJ No. L 1, 3.1.94, p. 572

- (a) the approved treatments set out in Commission Decision 93/25/EEC approving certain treatments to inhibit the development of pathogenic micro-organisms in bivalve molluscs and marine gastropods; and
- (b) the standards and other obligations set out in Commission Decision 93/51/EEC on the microbiological criteria applicable to the production of cooked crustaceans and molluscan shellfish, as are appropriate in the particular circumstances of the case.
- (2) For the purposes of Commission Decision 93/51/EEC—
- (a) the reference in article 2 to a processing plant shall be treated as if it were a reference to a factory vessel;
- (b) the reference in article 3(1) to the requirements of article 6 of the Council Directive shall be treated as if it were a reference to Schedule 5 to the Food Safety (Fishery Products) Regulations (Northern Ireland) 1993; and
- (c) the reference to competent authorities in the first indented paragraph of article 3(2) shall be treated as a reference to the district council which approved the factory vessel in question.”;
- (c) In Section IV of Chapter IV (conditions for processed products)—
- (i) in paragraph 2, from “approved” to “Member State” there shall be substituted “a form of treatment mentioned in the Annex to Commission Decision 93/25/EEC approving certain treatments to inhibit the development of pathogenic micro-organisms in bivalve molluscs and marine gastropods”;
- (ii) in paragraph 4(c) for “another approved laboratory” there shall be substituted “a laboratory recognised by the competent authority”;
- (iii) for paragraph 7(c), there shall be substituted—
- “(f) every manufacturer must carry out microbiological checks at regular intervals, complying with the standards and other obligations set out in Commission Decision 93/51/EEC on the microbiological criteria applicable to the production of cooked crustaceans and molluscan shellfish, but for the purposes of that Commission Decision—
- (i) the reference in article 3(1) to the requirements of article 6 of the Council Directive shall be treated as if it were a reference to Schedule 5 to the Food Safety (Fishery Products) Regulations (Northern Ireland) 1993; and
- (ii) the reference in the first indented paragraph of article 3(2) to competent authorities shall be treated as a reference to the district council which approved the establishment in question.”;
- (d) in paragraph 1 of Section V of Chapter IV (conditions concerning parasites), for the final unnumbered sub-paragraph there shall be substituted—
- “This inspection must be carried out in accordance with the rules set out in Commission Decision 93/140/EEC laying down the detailed rules relating to the visual inspection for the purpose of detecting parasites in fishery products, but for the purposes of that Commission Decision—
- (a) the competent authority to which article 4 of that Decision refers is the district council; and

(b) the provisions referred to in that article (the provisions in accordance with which a sampling plan must be drawn up) are those specified in Schedule 5 to the Food Safety (Fishery Products) Regulations (Northern Ireland) 1993.”

(2) In column (2) of the Schedule, (whether derogation possible and limitations), opposite paragraph 5A of section II of Chapter I, there shall be inserted “no”.

**Amendments to the Principal Regulations**

1. In paragraph (2) of regulation 1 (interpretation)—

(a) before the definition of “aquaculture products” there shall be inserted—

““approved import conditions” has the same meaning as in the Import Conditions Regulations;”;

(b) after the definition of “batch” there shall be inserted—

““bivalve molluscs” means any filter-feeding lamellibranch molluscs;”;

(c) in the definition of the Council Directive, after “fishery products” there shall be inserted “, as adapted for the purposes of the EEA Agreement(a)”;

(d) after the definition of “drinking water” there shall be inserted—

““EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(b) as adjusted by the Protocol signed at Brussels on 17th March 1993(c);

“EEA State” means a State which is a Contracting Party to the EEA Agreement, but until the EEA Agreement comes into force in relation to Liechtenstein does not include the State of Liechtenstein(d);”;

(e) for the definition of “fishery products” there shall be substituted—

““fishery products” means—

(a) all seawater or freshwater animals, including their roes; and

(b) parts of such animals except in circumstances where they—

(i) are combined (in whatever way) with other foodstuffs and

(ii) comprise less than 10% of the total weight of the combined foodstuffs,

but excluding aquatic mammals, frogs and aquatic animals covered by Community Acts other than the Council Directive and parts of such mammals, frogs and aquatic animals;”;

(f) after the definition of “frozen products” there shall be inserted—

““the Import Conditions Regulations” means the Food Safety (Fishery Products) (Import Conditions and Miscellaneous Amendments) Regulations (Northern Ireland) 1995;

“imported” means imported into Northern Ireland, but only if the product in question was not imported from another part of the United Kingdom, the Channel Islands or the Isle of Man;”;

(g) after the definition of “the Order” there shall be inserted—

““other shellfish” means echinoderms, tunicates or marine gastropods;”;

(h) for the definition of “processed product” there shall be substituted—

““processed” means—

(a) except in relation to bivalve molluscs or other shellfish, having undergone a chemical or physical process such as the heating,

(a) See paragraph 24 of the basic texts in Annex 1 to the EEA Agreement

(b) OJ No. L 1, 3.1.94, p. 3

(c) OJ No. L 1, 3.1.94, p. 572

(d) See article 1(2) of the Protocol Adjusting the Agreement on the European Economic Area



smoking, salting, dehydration or marinating of chilled or frozen products, or a combination of these various processes;

- (b) in relation to bivalve molluscs or other shellfish, any process or any combination of processes such as those referred to in sub-paragraph (a), unless as a result of that process or combination of processes the bivalve molluscs or other shellfish remain alive.”.

2. For regulation 2 there shall be substituted—

*“Placing fishery products on the market*

2.—(1) Subject to paragraph (2), no person shall place on the market for human consumption any fishery products, unless—

- (a) if they have been handled on board a United Kingdom, Channel Islands or Isle of Man fishing vessel, the applicable requirements of the Fishing Vessels Directive, as provided for in—
- (i) the Food Safety (Fishery Products on Fishing Vessels) Regulations (Northern Ireland) 1993(a),
  - (ii) the Food Safety (Fishery Products on Fishing Vessels) Regulations 1992 (b), or
  - (iii) any law passed by the legislature of any of the Channel Islands or of the Isle of Man which is intended to give effect to the results to be achieved by that Directive in so far as it applies to those islands, are satisfied in relation to those fishery products which he places on the market;
- (b) if they have been handled on board a United Kingdom, Channel Islands or Isle of Man factory vessel, the applicable requirements of the Annex and the Council and Commission Decisions, as provided for in—
- (i) Chapter I of the Schedule to the Food Safety (Fishery Products) (Derogations) Regulations (Northern Ireland) 1992(c),
  - (ii) Chapter I of the Schedule to the Food Safety (Fishery Products) (Derogations) Regulations 1992(d), or
  - (iii) any law passed by the legislature of any of the Channel Islands or of the Isle of Man which is intended to give effect to the results to be achieved in relation to the conditions applicable to factory vessels by that Annex and those Decisions, in so far as they apply to those islands, are satisfied in relation to those fishery products which he places on the market;
- (c) if they were landed in the United Kingdom, the Channel Islands or the Isle of Man, during and after landing the applicable requirements of the Annex which relate to landings, as provided for in—
- (i) Chapter II of the Schedule to the Food Safety (Fishery Products) (Derogations) Regulations (Northern Ireland) 1992,
  - (ii) Chapter II of the Schedule to the Food Safety (Fishery Products) (Derogations) Regulations 1992, or
  - (iii) any law passed by the legislature of any of the Channel Islands or of the Isle of Man which is intended to give effect to the results to be

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(a) S.R. 1993 No. 53  
 (b) S.I. 1992/3165  
 (c) S.R. 1992 No. 296  
 (d) S.I. 1992/1507

achieved in relation to landing requirements by that Annex, in so far as it applies to those islands

are satisfied in relation to those fishery products which he places on the market;

- (d) at establishments on land in the United Kingdom, the Channel Islands or the Isle of Man, they have been handled and, where appropriate, packaged, prepared, processed, frozen, defrosted, stored hygienically and inspected in accordance with the applicable requirements of Chapters III and IV of the Annex and of the Council and Commission Decisions, as provided for in—
- (i) Chapters III and IV of the Schedule to the Food Safety (Fishery Products) (Derogations) Regulations (Northern Ireland) 1992,
  - (ii) Chapters III and IV of the Schedule to the Food Safety (Fishery Products) (Derogations) Regulations 1992, or
  - (iii) any law passed by the legislature of any of the Channel Islands or of the Isle of Man which is intended to give effect to the results to be achieved by those Chapters of that Annex and those Decisions in so far as they apply to those islands;
- (e) they—
- (i) in Northern Ireland, have been subject to such of the health control and monitoring described in Schedule 1 as is appropriate in the particular circumstances of the case,
  - (ii) if they have been in Great Britain, have been subject to such of the health control and monitoring described in Schedule 1 to the Food Safety (Fishery Products) Regulations 1992(a) as is appropriate in the particular circumstances of the case, or
  - (iii) if they have been in the Channel Islands or the Isle of Man, have been subject to such of the health control and monitoring described in Chapter V of the Annex, as provided for in any law passed by the legislature of any of the Channel Islands or of the Isle of Man which is intended to give effect to the results to be achieved by that Chapter, in so far as it applies to those islands and is appropriate in the particular circumstances of the case,
- unless the competent authority authorised the transfer of those fishery products *ex quay* to an approved establishment or registered auction or wholesale market to be checked there, in which case a check on the conditions of landing is not required;
- (f) they shall have been appropriately packaged in accordance with Schedule 2;
- (g) they comprise or form part of a consignment which bears an identification mark—
- (i) unless head (ii), (iii) or (iv) applies, which is in accordance with Schedule 3,
  - (ii) which, if they comprise or form part of a consignment which has been given an identification mark in accordance with Schedule 3 of the Food Safety (Fishery Products) Regulations 1992 is in accordance with that Schedule,

- (iii) which, if they comprise or form part of a consignment which has been given an identification mark in accordance with any law of another EEA State, the Isle of Man or the Channel Islands, and that law is intended to give effect to the results to be achieved by Chapter VII of the Annex, in so far as it applies to those territories, is in accordance with that law,
- (iv) which, if those fishery products originate in a country in respect of which the European Commission has adopted approved import conditions, is in accordance with those approved import conditions, but an identification mark is not required in relation to fishery products which have been landed in a third country in respect of which the European Commission has not adopted any approved import conditions;
- (h) they have been stored and transported under satisfactory conditions of hygiene, in accordance with Schedule 4;
- (i) if they are imported products, prior to importation such of the requirements specified in regulations 3 and 4 of the Import Conditions Regulations as are applicable to his case are satisfied in relation to those fishery products which he places on the market; and
- (j) any additional requirements contained in regulations 3 to 6 which relate to those fishery products are satisfied in relation to those products which he places on the market.

(2) Sub-paragraphs (a) to (c) of paragraph (1) shall not apply to aquaculture products or to processed bivalve molluscs or other shellfish.”

3. For regulation 4 (placing aquaculture products on the market) there shall be substituted—

*“Placing aquaculture products on the market”*

4. No person shall place fishery products which are aquaculture products on the market for human consumption, unless—

- (a) they have been slaughtered under appropriate conditions of hygiene within the meaning of article 3(3)(a) of the Council Directive;
- (b) they have not been soiled with earth, slime or faeces;
- (c) if they were not processed immediately after being slaughtered, they have been kept chilled.”

4. For regulation 5 of the principal Regulations (placing processed bivalve molluscs and other shellfish on the market) there shall be substituted—

*“Placing processed bivalve molluscs or other shellfish on the market”*

5.—(1) Subject to paragraphs (2) and (3), no person shall place fishery products which are processed bivalve molluscs or other shellfish on the market for human consumption unless prior to processing, there were satisfied in relation to those processed bivalve molluscs or other shellfish those of the requirements set out in regulation 10 of the Food Safety (Live Bivalve Molluscs and Other Shellfish) Regulations (Northern Ireland) 1993(a) to which those products would have been subject if, when they were processed, they had instead been placed on the market as live bivalve molluscs or other shellfish.

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(a) S.R. 1993 No. 52; the relevant amending Regulations are S.R. 1995 No. 112

(2) For the purposes of paragraph (1), regulation 10 of the Food Safety (Live Bivalve Molluscs and Other Shellfish) Regulations (Northern Ireland) 1993 shall apply as if, where reference is made in regulation 10(1)(b) and (4) of those Regulations to transportation to an approved dispatch centre, reference had also been made to transportation to an establishment or factory vessel which has been approved in accordance with—

- (a) regulation 8;
- (b) regulation 9 of the Food Safety (Fishery Products) Regulations 1992;
- (c) any law passed by the legislature of any of the Channel Islands or of the Isle of Man which is intended to give effect to the results to be achieved in relation to the approval of establishments on land and factory vessels by the Council Directive, in so far as it applies to those islands,

and the requirements in relation to movement documents or permanent transport authorisations set out in regulation 10(1)(b) and Schedule 2 of the Food Safety (Live Bivalve Molluscs and Other Shellfish) Regulations (Northern Ireland) 1993 shall apply as if modified accordingly.

(3) Paragraph (1) shall not apply to imported fishery products which were processed before they were imported.”

5. In paragraph (7) of regulation 8 (approval of factory vessels and establishments) for “centre” there shall be substituted “factory vessel or establishment which is”.

6.—(1) In regulation 10 (obligations on proprietors of establishments and factory vessels), after “specified in Schedule 5” there shall be inserted “as apply to an establishment or a factory vessel”.

(2) After regulation 10 there shall be inserted—

*“Additional obligation for masters of certain third country vessels*

10A. Without prejudice to article 4 of Council Regulation (EC) No. 1093/94 setting the terms under which fishing vessels of a third country may land directly and market their catches at Community ports(a), the master of a factory vessel of a third country shall, before landing any fishery products in Northern Ireland which are for placing on the market, give the district council for the port at which he intends to land those fishery products notice of arrival of at least 24 hours.”.

7.—(1) For paragraphs (1) and (2) of regulation 12 (registration of wholesale and auction markets that are not establishments), there shall be substituted—

“(1) Subject to any applicable derogation, no person shall operate a wholesale or auction market which is not an establishment for the purposes of these Regulations because fishery products are only displayed for sale or sold by wholesale there, unless that market has been registered with the relevant district council.

(1A) An application for registration pursuant to paragraph (1) shall be in writing and shall be accompanied by such supplementary information, documents, plans and diagrams as are necessary to enable the district council to determine the application, having regard to the requirements of paragraphs 3 to 7 of Chapter II of the Schedule to the Food Safety (Fishery Products)

(Derogations) Regulations (Northern Ireland) 1992 (requirements during and after landing).

(1B) In every case the district council shall notify the applicant in writing of the result of the application and in the case of refusal of the reasons for that refusal.

(2) The relevant district council shall register a market in respect of which an application is made only if it is satisfied that the market meets such of the requirements in the Council Directive as apply to it, save in so far as—

(a) there is in force in respect of that market any derogation; and

(b) the terms on which that derogation was granted are complied with.”

(2) After regulation 12(3) there shall be inserted—

“(4) Where an appeal against a refusal by a district council to register a market is made to a court of summary jurisdiction in accordance with Article 37(1)(c) of the Order as applied by regulation 17(3), the applicant may continue to operate the market to which the appeal relates until such time as the appeal is finally determined.”

8. In the table in paragraph (2) of regulation 13 (sales by fishermen of small quantities of fishery products)—

(a) in Column (a) (species), above “Oysters” there shall be inserted “Cockles”; and

(b) in Column (b) (maximum amount), opposite “Cockles” in Column (a) there shall be inserted “25.0 tonnes”.

9. Paragraph (2) of regulation 14 (functions of the Department and district councils) shall be omitted.

10. In paragraph (2) of regulation 15 (offences and penalties), after “10” there shall be inserted “10A,”.

11.—(1) In paragraph (1) of regulation 17 (application of provisions of the Order), sub-paragraph (e) shall be omitted.

(2) After paragraph (2) of regulation 17 there shall be inserted—

“(2A) Article 33 of the Order (powers of entry) shall apply for the purposes of these Regulations as though—

(a) any reference to premises included a reference to a fishing or factory vessel (in so far as it does not already do so(a)); and

(b) any reference to the occupier included a reference to the master or other person in charge of the fishing or factory vessel.”

(3) In paragraph (3) of regulation 17, after “under regulation 8” there shall be inserted “or in relation to a decision to refuse an application for registration under regulation 12”.

12.—(1) In sub-paragraph (c) of the unnumbered paragraph in Part I of Schedule 1 (health control and monitoring of production conditions)—

(a) for “registered in a member State of the European Community” there shall be substituted “wherever registered”;

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(a) See the definition of “premises” in Article 2(2) of the Food Safety (Northern Ireland) Order 1991, and Article 2 of the Food Safety (1991 Order) (Specified Ships and Aircraft) Order (Northern Ireland) 1991, SR 1991 No. 481

- (b) in head (i), after “conditions for approval” there shall be inserted “(where applicable)”; and
  - (c) in head (iv), before “identification marks” there shall be inserted “any necessary”.
- (2) After Section C of Part II of Schedule 1 there shall be inserted—

*“D. Microbiological analyses*

1.—(1) Subject to paragraph (2), the microbiological standards applicable to the production of cooked crustaceans and molluscan shellfish are those set out in Commission Decision 93/51/EEC on the microbiological criteria applicable to the production of cooked crustaceans and molluscan shellfish(a).

(2) For the purposes of sub-paragraph (1), the reference in article 2 of Commission Decision 93/51/EEC to a processing plant shall be treated as if it were a reference to an establishment or factory vessel which has been approved for processing fishery products in accordance with regulation 8.

2.—(1) The sampling programme to be established in accordance with article 3 of Commission Decision 93/51/EEC, as provided for in—

- (a) paragraph 5A of Section II of Chapter I; and
- (b) paragraph 7(c) of Section IV of Chapter IV,

of the Schedule to the Food Safety (Fishery Products) (Derogations) Regulations (Northern Ireland) 1992 shall be monitored by the district council which approved the establishment or factory vessel in question.

(2) For the purposes of sub-paragraph (1)—

- (a) the reference in article 3(1) of Commission Decision 93/51/EEC to the requirements of article 6 of Directive 91/493/EEC shall be treated as if it were a reference to the provisions of Schedule 5; and
- (b) the reference in the first indented paragraph of article 3(2) of that Commission Decision to competent authorities shall be treated as if it were a reference to the district council mentioned in sub-paragraph (1).”.

13. In the third indented paragraph of Schedule 5 (obligations of proprietor), for “advice issued by the Department concerning suitable performance assessment schemes” there shall be substituted “guidance issued by the Department”.

**Amendments to the Import and Export Regulations**

1 In paragraph (1) of regulation 2 (interpretation)—

(a) after the definition of “authorised officer” there shall be inserted—

“ “bivalve molluscs” means filter-feeding lamellibranch molluscs;”;

(b) the definition of “live bivalve molluscs” shall be omitted; and

(c) after the definition of “official veterinary surgeon” there shall be inserted—

“ “other shellfish” means echinoderms, tunicates or marine gastropods;”.

2. For regulation 5 (application of Part II) there shall be substituted—

*“Application of Part II*

5. This Part shall apply in relation to—

(a) trade between Northern Ireland and any Member State in products of animal origin originating within the European Communities;

(b) trade with other Member States in products of animal origin which—

(i) originate outside the European Communities, and

(ii) are in free circulation in Member States; and

(c) imported fishery products which—

(i) originate outside the European Communities,

(ii) were caught in their natural environment, and

(iii) have not or had not been on land prior to their importation into the European Communities.”.

3. In regulation 13 (application of Part III), after paragraph (b) there shall be inserted “with the exception that this Part shall not apply to imports to which regulation 5(c) applies”.

4.—(1) In each of the provisions to which sub-paragraph (2) refers, after “bivalve molluscs” there shall be inserted “or other shellfish”.

(2) The provisions referred to in paragraph (1) are regulation 15(1) (import procedure), regulation 16(1) and (2) (import procedure on fishery products), regulation 17(b) and (c) (free zones and free warehouses), regulation 18(3) (transshipment under customs control) and regulation 19(3) (consignments posing a risk to health and illegal consignments).

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations create import conditions for fishery products imported into Northern Ireland, other than those which are imported from Great Britain, the Channel Islands or the Isle of Man. In the process of so doing, they implement the remaining parts of Council Directive 91/493/EEC laying down the health conditions for the production and placing on the market of fishery products which were not implemented by the Food Safety (Fishery Products) Regulations (Northern Ireland) 1993 ("the principal Regulations").

These Regulations also implement, in relation to both imports and in relation to domestic production, the additional health conditions contained in Commission Decision 93/25/EEC approving certain treatments to inhibit the development of pathogenic micro-organisms in bivalve molluscs and marine gastropods, Commission Decision 93/51/EEC on the microbiological criteria applicable to the production of cooked crustaceans and molluscan shellfish, and Commission Decision 93/140/EEC laying down the detailed rules relating to the visual inspection for the purpose of detecting parasites in fishery products. Commission Decision 93/351/EEC determining analysis methods, sampling plans and maximum limits for mercury in fishing products and Council Decision 93/383/EEC on reference laboratories for the monitoring of marine biotoxins are both implemented in relation to imported fishery products only, as these Decisions do not require legislation for their implementation in relation to domestic fishery products.

Regulation 2 is an interpretation provision. Regulation 3 sets out the general conditions under which all fishery products must be imported into Northern Ireland, other than imports from Great Britain, the Channel Islands or the Isle of Man. There are, however, exemptions in relation to private consignments. There are also certain additional requirements in relation to imports of fishery products originating outside the European Economic Area, and these are contained in regulation 4. These additional requirements include compliance with any approved import conditions agreed by the European Commission with particular non-EEA countries, and a list of the Commission Decisions containing those approved import conditions is given in Schedule 1. Where no approved import conditions have been agreed, except in relation to products which are or were landed by third country vessels at European Community ports, importers are required to have a health certificate modelled on the specimen health certificate contained in the Annex to Commission decision 93/185/EEC.

Regulations 5 and 6 make amendments to the Food Hygiene (General) Regulations (Northern Ireland) 1964, and the Food Hygiene (Docks Carriers etc) Regulations (Northern Ireland) 1970. These amendments modify the application of those sets of Regulations in relation to places where fishery products are handled and the result is a set of partial and full exemptions from other hygiene requirements for, and for people at, markets registered under regulation 12 of the principal Regulations, and establishments and factory



vessels approved under regulation 8 of the principal Regulations. There are also certain partial exemptions from certain temperature control requirements for cooked and chilled crustacean or molluscan shellfish.

Regulation 7 and Schedule 4 make amendments to the Imported Food and Feedingstuffs (Safeguards against Cholera) Regulations (Northern Ireland) 1992 ("the 1992 Regulations"), implementing Commission Decisions 94/199/EC, 94/201/EC and 94/270/EC. These Commission Decisions repealed earlier cholera safeguard measures in relation to fishery products from Brazil, Ecuador and Colombia. Because of these repeals, amendments are made to the 1992 Regulations, the effect of which is that the 1992 Regulations no longer cover imports from those countries.

Regulation 8 and Schedule 5 make various amendments to the Food Safety (Fishery Products) (Derogations) Regulations (Northern Ireland) 1992 ("the Derogations Regulations"). The amendments to regulation 1 of the Derogations Regulations clarify what is meant by a fishery product and processing of products, and similar amendments have also been included in the changes to the principal Regulations set out in Schedule 6. Schedules 5 and 6 also contain the various amendments which implement Commission Decisions 93/25/EEC, 93/51/EEC and 93/140/EEC domestically, both in relation to factory vessels and establishments on land. There are some other amendments made to the Derogations Regulations to correct earlier drafting errors.

Regulation 9 implements Commission Decision 94/206/EC by amending the Imported Food (Bivalve Molluscs and Marine Gastropods from Japan) Regulations (Northern Ireland) 1992 so as to limit the application of the import prohibition contained in those Regulations to bivalve molluscs and marine gastropods other than frozen or processed scallops and other Pectinidae.

Some of the amendments to the principal Regulations which are made by virtue of regulation 10 and Schedule 6 have already been referred to. These amendments also include a number of technical changes in the principal Regulations, but there are also some other, more substantive changes. These include: expanding the placing on the market provisions to accommodate both the new import conditions contained in these Regulations and products coming from Great Britain, the Channel Islands or the Isle of Man; changes to the registration requirements and related procedures for wholesale and auction markets which are not establishments, as defined in the principal Regulations; the removal of a power held by the Department to direct district councils in relation to how often they exercise their function; and the inclusion of a power of entry in relation to fishing and factory vessels.

Masters of vessels from third countries also now have to give district councils 24 hours notice of the intention to arrive at a port, and modifications are made to the general monitoring responsibilities for district councils at ports. There is a new exemption for fishermen placing on the market small

quantities of cockles, and the mechanism for deciding whether a laboratory is recognised is altered so that district councils have to have regard to guidance issued by the Department generally, rather than advice issued by the Department concerning suitable performance assessment schemes.

Regulation 11 contains an amendment to the Food Safety (Fishery Products on Fishing Vessels) Regulations (Northern Ireland) 1993 conferring a power of entry in relation to fishing vessels.

Regulation 13 stipulates that the import conditions contained in regulations 3 and 4 should be enforced through the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993 and regulation 12 and Schedule 7 make various amendments to those Regulations. These amendments make checks on imports of live echinoderms, tunicates and marine gastropods the responsibility of an authorised officer of a district council, not an official veterinary surgeon, and checks on animal and public health requirements for direct landings of third country fishery products are made subject to the same procedure as exists for similar member State imports, thereby implementing article 18(3) of Council Directive 90/675/EEC laying down the principles governing the organisation of veterinary checks on products entering the European Community from third countries.

Regulation 14 contains some consequential revocations to the principal Regulations.