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STATUTORY INSTRUMENTS

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**1996 No. 1547**

**FOOD**

**FOOD SAFETY**

**The Food Safety (Fishery Products and  
Live Bivalve Molluscs and Other Shellfish)  
(Miscellaneous Amendments) Regulations 1996**

<i>Made</i>	- - - -	<i>13th June 1996</i>
<i>Laid before Parliament</i>		<i>14th June 1996</i>
<i>Coming into force</i>	- -	<i>8th July 1996</i>

The Minister of Agriculture, Fisheries and Food, the Secretaries of State respectively concerned with health in England and food and health in Wales, acting jointly in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 6(4), 16(1), 17(1), 18(1)(c), 26(3), 48(1) and 49(2) of the Food Safety Act 1990<sup>(1)</sup>, and the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, being Ministers designated<sup>(2)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(3)</sup> in relation to the common agricultural policy of the European Community, in the exercise of the powers conferred on them by the said section 2(2), and in each case in exercise of all other powers respectively enabling them in that behalf, after consultation (so far as is required by section 48(4) of the Food Safety Act 1990) with such organisations as appear to them to be representative of interests likely to be substantially affected, hereby make the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Food Safety (Fishery Products and Live Bivalve Molluscs and Other Shellfish) (Miscellaneous Amendments) Regulations 1996 and shall come into force on 8th July 1996.

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(1) 1990 c. 16; section 4(1) of the Act contains a definition of “the Ministers” which is relevant to the powers being exercised in the making of these Regulations.

(2) S.I. 1972/1811.

(3) 1972 c. 68.

### **Amendment of the Food Safety (Fishery Products) Regulations 1992**

2. The Food Safety (Fishery Products) Regulations 1992<sup>(4)</sup> shall be amended as specified in Schedule 1 to these Regulations.

### **Amendment of the Food Safety (Fishery Products on Fishing Vessels) Regulations 1992**

3. In paragraph (1) of regulation 2 of the Food Safety (Fishery Products on Fishing Vessels) Regulations 1992<sup>(5)</sup> (interpretation) for the definition of “fishery products” there shall be substituted the following definition —

““fishery products” has the same meaning as in the Food Safety (Fishery Products) Regulations 1992;”.

### **Amendment of the Food Safety (Live Bivalve Molluscs and Other Shellfish) (Import Conditions and Miscellaneous Amendments) Regulations 1994**

4. The Food Safety (Live Bivalve Molluscs and Other Shellfish) (Import Conditions and Miscellaneous Amendments) Regulations 1994<sup>(6)</sup> shall be amended as specified in Schedule 2 to these Regulations.

### **Amendment of the Food Safety (Fishery Products) (Import Conditions and Miscellaneous Amendments) Regulations 1994**

5. The Food Safety (Fishery Products) (Import Conditions and Miscellaneous Amendments) Regulations 1994<sup>(7)</sup> shall be amended as specified in Schedule 3 to these Regulations.

### **Revocations**

6. The Regulations specified in column (1) of Schedule 4 to these Regulations are hereby revoked to the extent specified in column (3) of that Schedule.

13th June 1996

*Tony Baldry*  
Minister of State, Ministry of Agriculture,  
Fisheries and Food

Signed by authority of the Secretary of State for Health

6th June 1996

*Cumberlege*  
Parliamentary Under Secretary of State,  
Department of Health

(4) S.I. [1992/3163](#); amended by S.I. [1994/2783](#).

(5) S.I. [1992/3165](#), to which there are amendments not relevant to these Regulations.

(6) S.I. [1994/2782](#).

(7) S.I. [1994/2783](#).

Signed by authority of the Secretary of State for Wales

6th June 1996

*Jonathan Evans*  
Parliamentary Under Secretary of State, Welsh  
Office

6th June 1996

*George Kynoch*  
Parliamentary Under Secretary of State, Scottish  
Office

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## SCHEDULE 1

## Regulation 2

## AMENDMENTS TO THE FOOD SAFETY (FISHERY PRODUCTS) REGULATIONS 1992

1. In Section C of Part II of Schedule 1, for paragraphs 1 and 2 there shall be substituted the following paragraph—

“1. When chemical checks are to be carried out by the food authority samples must be taken and subjected to laboratory analysis for the control of the following parameters—

(a) TVB-N (Total Volatile Basic-Nitrogen), in respect of which —

(i) the following TVB-N limits must not be exceeded—

— 25 milligrams of nitrogen per 100 grams of flesh for the following species:

*Sebastes* spp.;

*Helicolenus dactylopterus*;

*Sebastichthys capensis*;

— 30 milligrams of nitrogen per 100 grams of flesh for the following species: all species belonging to the Pleuronectidae family (with the exception of halibut: *Hippoglossus* spp.);

— 35 milligrams of nitrogen per 100 grams of flesh for the following species:

*Salmo salar*;

species belonging to the Merlucciidae family;

species belonging to the Gadidae family;

(ii) the reference method to be used for checking the TVB-N limit is the method involving distillation of an extract deproteinized by perchloric acid as set out in Annexes II and III of Commission Decision [95/149/EC](#) of 8th March 1995<sup>(8)</sup> (“the Decision”) read together with Article 3 of the Decision;

(iii) the routine methods which may be used to check the TVB-N limit are those specified in Article 2(3) of the Decision;

(iv) the sample must consist of about 100 grams of flesh, taken from at least 3 different points and mixed together by grinding;

(b) TMA-N (Trimethylamine-Nitrogen);

(c) Histamine, in respect of which—

(i) nine samples must be taken from each batch; these must fulfil the following requirements—

— the mean value must not exceed 100 parts per million (“ppm”);

— two samples may have a value of more than 100 ppm but less than 200 ppm;

— no sample may have a value exceeding 200 ppm;

(ii) these limits apply only to fish species of the following families: Scombridae and Clupeidae; however, fish belonging to these families which have undergone enzyme ripening treatment in brine may have higher histamine levels but not more than twice the above values; examinations must be

<sup>(8)</sup> OJ No. L 97, 29.4.95, p.84.

carried out in accordance with reliable, scientifically recognised methods, such as high-performance liquid chromatography (HPLC).”.

## SCHEDULE 2

Regulation 4

### AMENDMENTS TO THE FOOD SAFETY (LIVE BIVALVE MOLLUSCS AND OTHER SHELLFISH) (IMPORT CONDITIONS AND MISCELLANEOUS AMENDMENTS) REGULATIONS 1994

1. In regulation 3 (general restriction on importing live bivalve molluscs or other shellfish), in paragraph (1)(a)(i), for the words “and the Reference Laboratories Decision are satisfied” there shall be substituted the words “are satisfied and the control system to which they have been subject in accordance with Chapter VI of the Annex to the Council Directive includes provision for the laboratory tests mentioned in paragraph 3 of that Chapter to be carried out at a national reference laboratory responsible for the tasks set out in Article 2.1 of the Reference Laboratories Decision”.

2. In paragraph 1 of Schedule 1 (approved import conditions), after the words “Commission Decision [93/530/EEC](#)” there shall be inserted the words “, Commission Decision [94/767/EC](#)(9) and Commission Decision [96/31/EC](#).” (10)

3. After paragraph 1 of Schedule 1, there shall be added:

“2. Commission Decision [94/777/EC](#) laying down special conditions for the import of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Turkey(11), as amended by Commission Decision [95/275/EC](#)(12) and Commission Decision [96/31/EC](#).

3. Commission Decision [95/174/EC](#) laying down special conditions for the import of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Peru(13).

4. Commission Decision [95/453/EC](#) laying down special conditions for the import of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in the Republic of Korea.(14)

## SCHEDULE 3

Regulation 5

### AMENDMENTS TO THE FOOD SAFETY (FISHERY PRODUCTS) (IMPORT CONDITIONS AND MISCELLANEOUS AMENDMENTS) REGULATIONS 1994

1. In regulation 2(1) (interpretation), in the definition of “the Council and Commission Decisions” the words “Council and” shall be omitted in both places where they appear.

2. In regulation 3 (general restriction on importing fishery products)—

(a) in paragraph (1)(a), for the words “and the Council and Commission Decisions” there shall be substituted the words “, and the Commission Decisions are satisfied and the control system to which they have been subject in accordance with Chapter V of the annex to the

(9) OJ No. L 305, 30.11.94, p.36.

(10) OJ No. L 9, 12.1.96, p.6.

(11) OJ No. L 312, 6.12.94, p.35.

(12) OJ No. L 167, 18.7.95, p.26.

(13) OJ No. L 116, 23.5.95, p.47.

(14) OJ No. L 264, 7.11.95, p.35.

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Council Directive includes provision for the chemical checks mentioned in paragraph 3 of that Chapter to be carried out at a national reference laboratory responsible for the tasks set out in Article 2.1 of Council Decision [93/383/EEC](#) on reference laboratories for the monitoring of marine biotoxins” (15);

- (b) in paragraph (l)(c)(i), for the words “and the Council and Commission Decisions” there shall be substituted the words “, and the Commission Decisions which relate to that process or operation are satisfied and the control system to which they have been subject in accordance with Chapter V of the annex to the Council Directive includes provision for the chemical checks mentioned in paragraph 3 of that Chapter to be carried out at a national reference laboratory responsible for the tasks set out in Article 2.1 of Council Decision [93/383/EEC](#) on reference laboratories for the monitoring of marine biotoxins”.

3. In regulation 4 (additional conditions relating to certain third country imports), in paragraph (2)(a)(iii), for the words “Commission Decision [93/185/EEC](#) of 15th March 1993” there shall be substituted the words “Commission Decision [95/328/EC](#) of 25th July 1995” (16).

4. In Schedule 1 (approved import conditions)—

- (a) in paragraph 1, after the words “Commission Decision [94/188/EC](#)” there shall be inserted the words “, Commission Decision [94/675/EC](#)(17), Commission Decision [94/675/EC](#) corrigendum(18), Commission Decision [95/164/EC](#).(19) and Commission Decision [96/31/EC](#)” (20);
- (b) in paragraph 2, after the words “Commission Decision [94/341/EC](#)” there shall be inserted the words “, Commission Decision [95/299/EC](#)(21) and Commission Decision [96/31/EC](#)”;
- (c) in paragraph 3, after the words “Faroe Islands” there shall be inserted the words “, as amended by Commission Decision [95/151/EC](#)(22) and Commission Decision [96/31/EC](#)”;
- (d) in paragraph 4, after the words “Commission Decision [94/287/EC](#)” there shall be inserted the words “, Commission Decision [94/674/EC](#)(23), Commission Decision [94/989/EC](#)(24), Commission Decision [95/351/EC](#)(25) and Commission Decision [96/31/EC](#)”;
- (e) in paragraph 5, after the word “Brazil” there shall be inserted the words “as amended by Commission Decision [96/31/EC](#)”;
- (f) in paragraph 6, after the word “Ecuador” there shall be inserted the words “, as amended by Commission Decision [94/840/EC](#)(26), Commission Decision [95/177/EC](#)(27) and Commission Decision [96/31/EC](#)”;
- (g) paragraph 7 shall be deleted;
- (h) in paragraph 8, after the words “Commission Decision [94/469/EC](#)” there shall be inserted the words “, Commission Decision [95/332/EC](#)(28) and Commission Decision [96/31/EC](#)”;
- (i) in paragraph 9, after the word “Singapore” there shall be inserted the words “, as amended by Commission Decision [96/31/EC](#)”;

(15) OJ No. L 166, 8.7.93, p.31.

(16) OJ No. L 191, 12.8.95, p.32.

(17) OJ No. L 268, 19.10.94, p.22.

(18) OJ No. L 298, 19.11.94, p.49.

(19) OJ No. L 108, 13.5.95, p.74.

(20) OJ No. L 9, 12.1.96, p.6.

(21) OJ No. L 184, 3.8.95, p.49.

(22) OJ No. L 100, 3.5.95, p.22.

(23) OJ No. L 267, 18.10.94, p.15.

(24) OJ No. L 378, 31.12.94, p.64.

(25) OJ No. L 203, 29.8.95, p.13.

(26) OJ No. L 352, 31.12.94, p.21.

(27) OJ No. L 117, 24.5.95, p.30.

(28) OJ No. L 192, 15.8.95, p.42.

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- (j) in paragraph 10, after the word “Indonesia” there shall be inserted the words “, as amended by Commission Decision [95/34/EC](#)(29) and Commission Decision [96/31/EC](#)”;
  - (k) in paragraph 11, after the word “Thailand” there shall be inserted the words “, as amended by Commission Decision [94/704/EC](#)(30), Commission Decision [95/178/EC](#)(31) and Commission Decision [96/31/EC](#)”; and
  - (l) in paragraph 12, after the words “New Zealand” there shall be inserted the words “, as amended by Commission Decision [94/705/EC](#)(32), Commission Decision [95/179/EC](#)(33), Commission Decision [95/310/EC](#)(34) and Commission Decision [96/31/EC](#)”.
5. After paragraph 12 of Schedule 1, there shall be added:
- “13. Commission Decision [94/766/EC](#) laying down special conditions governing the import of fishery and aquaculture products originating in Taiwan(35), as amended by Commission Decision [96/31/EC](#).
  - 14. Commission Decision [94/778/EC](#) laying down special conditions for the import of frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Turkey(36), as amended by Commission Decision [96/31/EC](#) .
  - 15. Commission Decision [95/30/EC](#) laying down special conditions governing imports of fishery and aquaculture products originating in Morocco(37), as amended by Commission Decision [95/298/EC](#)(38).
  - 16. Commission Decision [95/90/EC](#) laying down special conditions governing the import of fishery and aquaculture products originating in Albania(39), as amended by Commission Decision [95/235/EC](#)(40).
  - 17. Commission Decision [95/173/EC](#) laying down special conditions governing imports of fishery and aquaculture products originating in Peru(41), as amended by Commission Decision [95/311/EC](#)(42).
  - 18. Commission Decision [95/190/EC](#) laying down special conditions governing imports of fishery and aquaculture products originating in the Philippines(43).
  - 19. Commission Decision [95/454/EC](#) laying down special conditions governing the import of fishery and aquaculture products originating in the Republic of Korea(44).”.
6. In Schedule 2—
- (a) for the title to that Schedule “The Council and Commission Decisions” there shall be substituted the following title:“THE COMMISSION DECISIONS”;
  - (b) in paragraph 5, the reference to Council Decision [93/383/EEC](#) on reference laboratories for the monitoring of marine biotoxins shall be replaced by the following: “Commission Decision [95/149/EC](#) fixing the total volatile basic nitrogen (TVB-N) limit values for

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(29) OJ No. L 44, 28.2.95, p.67.  
(30) OJ No. L 285, 4.11.94, p.28.  
(31) OJ No. L 117, 24.5.95, p.35.  
(32) OJ No. L 285, 4.11.94, p.33.  
(33) OJ No. L 117, 24.5.95, p.40.  
(34) OJ No. L 186, 5.8.95, p.70.  
(35) OJ No. L 305, 30.11.94, p.31.  
(36) OJ No. L 312, 6.12.94, p.40.  
(37) OJ No. L 42, 24.2.95, p.32.  
(38) OJ No. L 184, 3.8.95, p.48.  
(39) OJ No. L 70, 30.3.95, p.27.  
(40) OJ No. L 156, 7.7.95, p.82.  
(41) OJ No. L 116, 23.5.95, p.41.  
(42) OJ No. L 186, 5.8.95, p.78.  
(43) OJ No. L 123, 3.6.95, p.20.  
(44) OJ No. L 264, 7.11.95, p.37.

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certain categories of fishery products and specifying the analysis methods to be used.”  
(45).

#### SCHEDULE 4

Regulation 6

#### REVOCATIONS

(1) Regulations revoked	(2) References	(3) Extent of revocation
The Imported Food and Feedingstuffs (Safeguards against Cholera) Regulations 1991	S.I. <a href="#">1991/2486</a>	The whole Regulations
The Imported Food and Feedingstuffs (Safeguards against Cholera) (Amendment) Regulations 1991	S.I. <a href="#">1991/2934</a>	The whole Regulations
The Imported Food (Bivalve Molluscs and Marine Gastropods from Japan) Regulations 1992	S.I. <a href="#">1992/1601</a>	The whole Regulations
The Imported Food and Feedingstuffs (Safeguards against Cholera) (Amendment) Regulations 1992	S.I. <a href="#">1992/2364</a>	The whole Regulations
The Food Safety (Fishery Products) (Import Conditions and Miscellaneous Amendments) Regulations 1994	S.I. <a href="#">1994/2783</a>	Regulations 9 and 11 and Schedule 4

#### EXPLANATORY NOTE

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

These Regulations make miscellaneous amendments to the Food Safety (Fishery Products) Regulations 1992, the Food Safety (Fishery Products on Fishing Vessels) Regulations 1992, the Food Safety (Live Bivalve Molluscs and Other Shellfish) (Import Conditions and Miscellaneous Amendments) Regulations 1994 and the Food Safety (Fishery Products) (Import Conditions and Miscellaneous Amendments) Regulations 1994. The majority of the amendments implement

(45) OJ No. L 97, 29.4.95, p.84.



Commission Decisions concerning the import conditions for fishery products and live bivalve molluscs and other shellfish from specified countries outside the European Economic Area. It is an offence to import a product unless the requirements of those Decisions are complied with.

Regulation 2 and Schedule 1 amend Section C of Part II of Schedule 1 to the Food Safety (Fishery Products) Regulations 1992 (chemical checks) to add Commission Decision [95/149/EC](#) relating to the limits of total volatile basic nitrogen (TVB-N) in certain categories of fishery products and specifying the analysis methods to be used. It also clarifies which provisions apply to the analysis of histamine levels.

Regulation 3 clarifies the definition of “fishery products” in the Food Safety (Fishery Products on Fishing Vessels) Regulations 1992.

Regulation 4 and Schedule 2 amend the Food Safety (Live Bivalve Molluscs and Other Shellfish) (Import Conditions and Miscellaneous Amendments) Regulations 1994 to update the list of Commission Decisions which impose conditions on the import of live bivalve molluscs and other shellfish from outside the European Economic Area.

Regulation 5 and Schedule 3 amend the Food Safety (Fishery Products) (Import Conditions and Miscellaneous Amendments) Regulations 1994. The substantive amendments clarify which are the relevant provisions of Council Decision [93/383/EEC](#), substitute Commission Decision [95/328/EC](#) for Commission Decision [93/185/EEC](#) with reference to the specimen health certificate on which health certificates must be modelled where no approved import conditions for fishery products have been agreed, and update the list of Commission Decisions which impose conditions on the import of fishery products from outside the European Economic Area.

Regulation 6 and Schedule 4 revoke the Imported Food and Feedingstuffs (Safeguards against Cholera) Regulations 1991, the Imported Food and Feedingstuffs (Safeguards against Cholera) (Amendment) Regulations 1991 and the Imported Food and Feedingstuffs (Safeguards against Cholera) (Amendment) Regulations 1992 together with a provision from the Food Safety (Fishery Products) (Import Conditions and Miscellaneous Amendments) Regulations 1994. Those Regulations implemented Council Regulation [\(EEC\) No 3185/91](#) (OJ. No. L 303, 1.11.91, p.1) and related Commission Decisions prohibiting the import of food and feedingstuffs from Colombia, Ecuador, Peru and Brazil. Those Commission Decisions have been superseded and Council Regulation 3185/91 lapsed through effluxion of time. They also revoke the Imported Food (Bivalve Molluscs and Marine Gastropods from Japan) Regulations 1992 prohibiting the import of bivalve molluscs and marine gastropods from Japan and an amendment to those Regulations in the Food Safety (Fishery Products) (Import Conditions and Miscellaneous Amendments) Regulations 1994.

These Regulations do not impose any new financial burden on industry.