
STATUTORY INSTRUMENTS

1998 No. 994

The Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998

PART IV

IMPORT CONDITIONS FOR FISHERY PRODUCTS AND LIVE SHELLFISH

Additional conditions relating to certain third country imports of live shellfish

45.—(1) Subject to regulation 46, no person shall import any live shellfish which are for human consumption—

- (a) from a third country;
- (b) from another country or territory within the European Community if those live shellfish do not originate from within the European Economic Area⁽¹⁾, except where those live shellfish 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 of the European Community, except where those live shellfish originate from within the European Economic Area,

unless the conditions specified in paragraph (2) or alternatively, if those live shellfish originate in a country in respect of which the European Commission has adopted approved import conditions for live shellfish and those live shellfish fall within the scope of those approved import conditions, paragraph (3) are satisfied in relation to those live shellfish which he imports.

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

- (a) the live shellfish originate in one of the third countries listed in the Annex to Commission Decision [97/20/EC](#) establishing the list of third countries fulfilling the equivalence conditions for the production and placing on the market of bivalve molluscs, echinoderms, tunicates and marine gastropods;
- (b) the live shellfish shall have been harvested from a production area checked and approved by the competent authority of the State of origin of those shellfish;
- (c) if the live shellfish are for direct human consumption, those live shellfish comprise or are part of a consignment which is accompanied by a numbered, original, duly completed health certificate which—
 - (i) comprises a single sheet of paper,
 - (ii) is drawn up in English and, if necessary, in an official language of the country or territory for which those live shellfish are destined,
 - (iii) contains the information mentioned in the specimen health certificate set out in Annex I to Commission Decision [96/333/EC](#)⁽²⁾ establishing health certification of

⁽¹⁾ See protocol 4 (on rules of origin) annexed to the EEA Agreement, as amended by the Decision of the EEA Joint Committee No. 6/94 amending protocol 4 to the EEA Agreement (OJ No. L95, 14.4.94, p.22).

⁽²⁾ OJ No. L127, 25.5.96, p.33.

live bivalve molluscs, echinoderms, tunicates and marine gastropods from third countries which are not covered by a specific decision, and

- (iv) contains the health attestation mentioned in that specimen health certificate, duly signed, stamped and dated (all of which shall be in a colour different from that of the other printing on the certificate) by an official inspector duly appointed by the competent authority of the State of origin of those shellfish;
- (d) if the live shellfish are for purification in an approved purification centre, for relaying at a designated relaying area or for processing at an approved establishment, those live shellfish comprise or are part of a consignment which is accompanied by a numbered, original, duly completed health certificate which—
- (i) comprises a single sheet of paper,
 - (ii) is drawn up in English and, if necessary, in an official language of the country or territory for which those live shellfish are destined,
 - (iii) contains the information mentioned in the specimen health certificate set out in Annex II to Commission Decision [96/333/EC](#), and
 - (iv) contains the health attestation mentioned in that specimen health certificate, duly signed, stamped and dated (all of which shall be in a colour different from that of the other printing on the certificate) by an official inspector duly appointed by the competent authority of the State of origin of those live shellfish.
- (3) The conditions in paragraph (3) referred to in paragraph (1) are that a person importing live shellfish in circumstances where those live shellfish—
- (a) originate in a third country in respect of which the European Commission has adopted approved import conditions for live shellfish; and
 - (b) fall within the scope of those approved import conditions,
- shall import those live shellfish in accordance with those approved import conditions.