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STATUTORY INSTRUMENTS

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**1998 No. 994**

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

**PART IV**

**IMPORT CONDITIONS FOR FISHERY PRODUCTS AND LIVE SHELLFISH**

**General restriction on importing fishery products**

**42.** Subject to regulation 46, no person shall import any fishery products which are for human consumption unless they are products in respect of which—

- (a) the applicable requirements of the Fishery Products Directive, the Fishing Vessels Directive, the Live Bivalve Molluscs Directive and the Fishery Products Decisions are satisfied (the requirements of these Directives and Decisions which are capable of being applicable in these circumstances are those mentioned in Part IV of Schedule 1); and
- (b) any additional conditions imposed under regulation 43 are satisfied.

**Additional conditions relating to certain third country imports of fishery products**

**43.—**(1) Subject to paragraph (4) and regulation 46, 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<sup>(1)</sup>, except where 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 of the European Community, except where those fishery products originate from within the European Economic Area,

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

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

- (a) if dispatched to Great Britain from their country of origin—
  - (i) before 22nd April 1998—
    - (aa) have their country of origin shown clearly on their labelling, and
    - (bb) are only to be marketed in the British Islands or in an EEA State other than the United Kingdom according to the derogation mentioned in article

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(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).

3.2 of Commission Decision [97/296/EC](#)(2) drawing up the list of third countries from which the import of fishery products is authorised for human consumption,

- (ii) on or after 22nd April 1998, originate in one of the third countries listed in Part II of the Annex to Commission Decision [97/296/EC](#);
  - (b) come from an approved establishment or vessel inspected by a competent authority of the State of origin of those products;
  - (c) 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 fishery products are destined,
    - (iii) contains the information mentioned in the specimen health certificate set out in the Annex to Commission Decision [95/328 EC](#)(3) of 25th July 1995 establishing health certification for fishery products from third countries which are not yet covered by a specific decision, 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 products; and
  - (d) if they are or include processed shellfish, the processed shellfish (or parts thereof) 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(4), but this paragraph shall not apply to adductor muscles, completely separated from viscera and gonads, of wild pectinidae.
- (3) The conditions in paragraph (3) referred to in paragraph (1) are that a person importing fishery products in circumstances where those products—
- (a) originate in a third country in respect of which the European Commission has adopted approved import conditions for fishery products; and
  - (b) fall within the scope of those approved import conditions,
- shall import those products in accordance with those approved import conditions.

(4) 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) or (3).

(5) In paragraph (1) 22nd April 1998 means the date on which the derogation mentioned in article 3.2 of Commission Decision [97/296/EC](#) comes to an end or, if that date is deferred, the deferred date.

#### **General restriction on importing live shellfish**

**44.**—(1) Subject to paragraph (2) and regulation 46, no person shall import any live shellfish which are for human consumption, unless (without prejudice to any restrictions imposed under the

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(2) OJ No. L122, 14.5.97, p.21.

(3) OJ No. L191, 12.8.95, p.32.

(4) OJ No. L6, 10.1.97, p.46.

Fish Health Regulations 1992(5) or the Shellfish and Specified Fish (Third Country Imports) Order 1992(6)—

- (a) they are products in respect of which the applicable requirements of the Live Bivalve Molluscs Directive are satisfied (the requirements of this Directive which are capable of being applicable in these circumstances are those mentioned in Part V of Schedule 1); and
- (b) any additional conditions imposed under regulation 45 are satisfied,

in relation to those live shellfish which he imports.

(2) Live bivalve molluscs belonging to the species *Acanthocardia tuberculatum* may be imported from Spain which were harvested from production areas where the paralytic shellfish poison level in the edible parts of these molluscs is higher than 80 micrograms per 100 grams but lower than 300 micrograms per 100 grams, but only if the conditions set out in articles 2 and 3 of Commission Decision 96/77/EC(7) of 18th January 1996 establishing the conditions for the harvesting and processing of certain bivalve molluscs coming from areas where the paralytic shellfish poison level exceeds the limit laid down by the Live Bivalve Molluscs Directive are satisfied in relation to those molluscs which are imported from such production areas.

#### **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(8), 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,

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(5) S.I.1992/3300; amended by S.I. 1993/2255, 1994/1448 and 1995/886.

(6) S.I. 1992/3301.

(7) OJ No. L15, 20.1.96, p.46.

(8) 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).

- (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<sup>(9)</sup> establishing health certification of 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.

#### **Exemption for private consignments**

- 46.** This Part 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.

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<sup>(9)</sup> OJ No. L127, 25.5.96, p.33.