

To: Interested Parties

25 May 2007

Ref: FIN 07/2007

Dear Sir or Madam

## **Q & A on the Recent Legislative Changes Affecting Imports of Fishery Products and Live Bivalve Molluscs into the UK after 1 May 2007**

You will be aware that amendments to the EU hygiene legislation with regard to imports of fishery products and bivalve molluscs took effect from 1 May 2007. These amendments were previously summarised in our Fishery Information Notes (FINs) FIN 05/2006 of 14 December 2006 and FIN 05/2007 of 25 April 2007. All Fishery Information Notes can be viewed on our webpage at:

[http://www.food.gov.uk/foodindustry/imports/want\\_to\\_import/fisheryproducts/#h\\_8](http://www.food.gov.uk/foodindustry/imports/want_to_import/fisheryproducts/#h_8)

The main changes are outlined in the Q and A as follows:

- introduction of new health certification for the imports of fishery products and live bivalve molluscs to the EU, and the repeal of specific Commission Decisions for list I authorised third countries;
- identification marking for third country consignments of fishery products; and

### GENERAL

#### **1. What information and advice is available and where can it be found?**

The majority of information about importing fishery products and live bivalve molluscs into the EU can be found on our 'Importing Fishery Products and Bivalve Molluscs' web page, located at:

[http://www.food.gov.uk/foodindustry/imports/want\\_to\\_import/fisheryproducts/#h\\_3](http://www.food.gov.uk/foodindustry/imports/want_to_import/fisheryproducts/#h_3)

If you need any further information please contact the Imported Food Division on our Helpline 0207 276 8018 or by email at [imported.food@foodstandards.gsi.gov.uk](mailto:imported.food@foodstandards.gsi.gov.uk)

General advice on imported food products to the UK can be found on our web page at: <http://www.food.gov.uk/foodindustry/imports/>

If you need specific advice about a third country's competent food authority please contact that country's UK Embassy or High Commission. Alternatively most third

countries have UK Embassies staffed with Agricultural Attachés who can advise on contacts for the competent food authority.

## HEALTH CERTIFICATION

**2. *Can I import fishery products from List I third countries using “old style” health certificates?***

Yes. “Old style” health certificates for List I third countries that are signed prior to 1 May 2007 accompanying consignments that arrive in the UK before 30 June 2007 will be accepted. However, after 30 June it is expected that health certificates meet the conditions described in our Fishery Information Note FIN 05/2007 of 25 April.

**3. *What certificates are required for imported fishery products from 1 May 2007?***

Consignments of fishery products and live bivalve molluscs from List I third countries should be accompanied by the new health certificates set out in Annex VI of Commission Regulation 2074/2005 (as amended by Commission Regulation 1664/2006). To ensure that these are appropriately applied to List I and List II authorised third countries please refer to our Fishery Information Note FIN 05/2007 of 25 April.

**4. *My supplier has told me that the new certificates are not available for imports of fishery products. What should I do?***

As explained in the answer to Q. 2 “old style” certificates will be permitted for a short period after 1 May 2007 provided they were signed before that date. When these transitional arrangements have elapsed it will be the responsibility of importers and their suppliers to ensure that the new certificates accompany consignments of fishery products and live bivalve molluscs. When presented at the Border Inspection Post they will be inspected by enforcement authorities and incorrect certification will usually mean that consignments are detained and likely to be refused entry to the EU.

Where third country suppliers have not been issued with, or made aware of the new certification arrangements, we would advise that they consult their competent food authority because without the correct certification the goods may not be allowed into the EU. It is therefore in the interests of importers to speak to their suppliers or where appropriate the Agricultural Attaché at the Embassy of the third country supplier to emphasise the consequences of not having the correct certification.

**5. *What certificates should accompany consignments of fishery products and live bivalve molluscs from List II authorised third countries?***

Although List II authorised third countries are allowed to issue health certificates under the ‘previous certification regime’, the certificates will only be accepted by Border Inspection Posts until 31 December 2007, provided they were signed before 31 October 2007 and are accompanied by animal health attestation for all aquaculture products or live bivalve molluscs. However the Agency recommends

using the new certification as described in Q. 2 and 3 to reduce the administrative burden and avoid delays at the port of entry.

**6. *New Zealand, the USA and Canada have equivalence agreements with the UK for imports of certain products of animal origin. What certificates should accompany consignments of fishery products and live bivalve molluscs from these countries?***

**New Zealand** – Commission Decision 2003/56/EC (as amended by 2006/855/EC) lays down the certification requirements for importing animal products from New Zealand. The new health certificate for fishery products and live bivalve molluscs from New Zealand can be found at Annex V of Decision 2006/855/EC.

**USA** – Commission Decision 2006/199/EC, which lays down specific conditions for imports of fishery products from the USA, was not repealed from 1 May 2007 by Article 2 of Commission Regulation (EC) No 1664/2006 and the certification requirements in Decision 2006/199/EC still apply. However, we are also aware that as a result of discussions between the EU and USA on equivalence arrangements, a draft proposal for fishery products is due to be discussed at SCOFCAH.

**USA** – Imports of live bivalve molluscs which have been certified prior to 31 October 2007 and imported by 31 December 2007 can be accompanied by the certificate under Commission Decision 96/333/EC. Consignments certified from 31 October 2007 should be accompanied by the certificate for live bivalve molluscs in Annex VI of Commission Regulation 2074/2005 (as amended by Commission Regulation 1664/2006).

**Canada** – Commission Decision 93/495/EEC, which lays down special conditions for imports of fishery products from Canada, was repealed from 1 May 2007 by Article 2 of Commission Regulation (EC) No 1664/2006, and the model health certificate in this Regulation should be used. However, the Commission forwarded two versions of the model health certificate which, although they vary from the original model, should be accepted by Border Inspection Posts (BIPs). Copies of these versions are attached to the covering email for reference purposes. The BIPs have been informed of this position and you may wish to contact the BIP at the point of entry of your consignment(s) if further information is needed.

**Canada** – Imports of live bivalve molluscs which have been certified prior to 31 October 2007 and imported by 31 December 2007 can be accompanied by the certificate under Commission Decision 96/333/EC. Consignments certified from 31 October 2007 should be accompanied by the certificate for live bivalve molluscs in Annex VI of Commission Regulation 2074/2005 (as amended by Commission Regulation 1664/2006).

## IDENTIFICATION MARKING.

**7. *What identification marking (previously referred to as health marking) is needed on fishery product imports?***

The requirements for identification marking of fishery products can be found in Annex II of Regulation 853/2004, laying down specific hygiene rules for food of animal origin. These requirements detail the form of the mark, when and how it should be applied.

Marks on consignments of fishery products imported from third countries do not need to be oval in shape, unlike those specified for use within the European Community. However, they must contain the country of origin's name or its ISO abbreviation followed by the approval number of the establishment where the fishery products were manufactured, processed or packaged prior to export. This approval number must match with an establishment and its number on the list of that country's approved establishments. To view the current list of approved third countries for List I countries (set out in Decision 2006/766/EC) and their approved establishments please use the following link to the Commission website <http://circa.europa.eu/irc/sanco/vets/info/data/listes/ffp.html>. Details of List II countries with which the UK has bilateral arrangements and approved establishments are on our website at [http://www.food.gov.uk/foodindustry/imports/want\\_to\\_import/fisheryproducts/#h\\_6](http://www.food.gov.uk/foodindustry/imports/want_to_import/fisheryproducts/#h_6)

Further information on the requirements for identification marking can be found in our Fishery Information Note FIN/06/2007 of 10 May.

**8. *Do consignments of imported fishery products require the identification mark to appear on both inner and outer packages?***

For information about where the identification mark should be applied to consignments of fishery products please see our Fishery Information Note FIN/06/2007 of 10 May.

**9. *What marks are requested on retail packs?***

Where fishery products or live bivalve molluscs are in packages for direct supply to the final consumer i.e. retail packs it is sufficient to apply the identification mark to the exterior of the package only. The inner wrapping would not need to be marked if present, eg. a box of surimi fish sticks would have to be marked but each individual wrapper on each stick would not.

**10. *Is different marking needed for imported bulk, large packages or containers of fishery products?***

Where bulk, large packages or containers of fishery products or live bivalve molluscs are imported for further handling, processing, wrapping and packaging, the identification mark need only be applied to the external surface of the container or package. Alternatively where accompanying documentation contains the identification mark then it is not necessary to copy the mark to the exterior surface of the container or package, however we would recommend that the markings are applied as good practice.

The advice contained in this letter should not be taken as an authoritative statement of the law or its interpretation. Only the courts can decide whether in particular circumstances an offence has been committed.

Yours sincerely

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