

To: Interested Parties

9 October 2009

Reference: FIN 09/2009

Dear Sir or Madam

IMPORTATION OF FISHERY PRODUCTS AND BIVALVE MOLLUSCS, ECHINODERMS, TUNICATES AND MARINE GASTROPODS FROM CERTAIN NON-EU COUNTRIES (“LIST II” COUNTRIES)

This letter concerns the import of fishery products and bivalve molluscs, echinoderms, tunicates and marine gastropods from certain third countries listed in the Annexes of Commission Regulation (EC) Nos. 1666/2006 and 146/2009 (sometimes known as “List II” countries).

Commission Regulation (EC) No. 2076/2005 (as amended by Regulation (EC) No. 1666/2006, Article 17.2 refers) currently provides transitional arrangements under which the above products can be imported from certain countries which have not yet undergone a Commission inspection to check their hygiene conditions and whether the controls applied by their competent authorities are equivalent to the requirements under EU legislation. The countries concerned are listed in the Annexes of Regulations 1666/2006 and 146/2009. Import is permitted into individual Member States provided certain conditions are met and confirmed by a “bilateral agreement” between the exporting and importing countries.

I am writing to draw to your attention that these measures in Regulation 2076/2005 (as amended) end on 31 December 2009. The Commission has advised that the provision allowing such bilateral agreements will not be extended.

Therefore from 1 January 2010 the UK will no longer be able to import fishery products and bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form under “bilateral agreements” with any non-EU “List II” countries.

Imports of such products will only be allowed entry to the EU from countries (known as “List I”) which meet the full EU import conditions. These “List I” countries are currently listed in the Annex to Decision 2006/766/EC as amended by Decision 2008/156/EC.



However, the Commission is currently examining the guarantees provided by the countries listed in Regulations 1666/2006 and 146/2009 (the “List II” countries). If any of these third countries meet the necessary EU standards, they may be added to the list of approved third countries in Decision 2006/766/EC as amended (the “List I” countries). We will write again when the Commission’s review is completed.

The UK currently has bilateral arrangements with Azerbaijan, Eritrea, Israel, Myanmar and St Helena for the import of fishery products, and Canada and the USA for the import of bivalve molluscs, echinoderms, tunicates and marine gastropods in any form.

The advice contained in this letter should not be taken as an authoritative statement of the law or its interpretation. The opinion of your Home Authority or other enforcement authorities may differ. Only the courts can decide whether in particular circumstances an offence has been committed.

I hope that this is helpful but if you need any further information please let me know. The Agency’s imports section on our website can be found at <http://www.food.gov.uk/imports>

Importers may also register for the Agency’s on-line Guidance and Regulatory Advice on Import Legislation system (GRAIL) by following this link: <https://grail.foodapps.co.uk/grail/general/home.aspx>

Yours sincerely

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Imported Food Branch
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