

To: Interested Parties

27 October 2009

Reference: FIN 12/2009

Dear Sir or Madam

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

My letter of 9 October 2009 (ref FIN 09/2009) informed you that, from 1 January 2010, the UK will no longer be able to import fishery products and bivalve molluscs, echinoderms, tunicates and marine gastropods under “bilateral agreements” with non-EU “List II” countries.

I also said in my letter that I would write again with regard to the Commission’s review of those non-EU countries listed as “List II” and whether they would be added to the list of approved non-EU countries (“List I”) so that imports of the above products can be allowed to enter the EU.

The Commission reported on their review at the 16 October meeting of the Standing Committee on the Food Chain and Animal Health (SCoFCAH) and have drafted a Decision which will amend Commission Decision 2006/766/EC (which lists those non-EU countries and territories from which imports of fishery products and bivalve molluscs, echinoderms, tunicates and marine gastropods are permitted, i.e. List I countries).

Firstly, when published, it is expected that the new Decision will:

- amend Annex I of Decision 2006/766/EC so that Canada and Greenland are added to the list of non-EU countries from which imports are permitted of live, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods for human consumption.
- replace Annex II of Decision 2006/766/EC so that Angola, Azerbaijan, Benin, Congo, Eritrea, the Solomon Islands, Saint Helena and Togo are added to the list of non-EU countries from which imports of certain fishery products are permitted. Some restrictions apply to some of these countries and it is understood that these are likely to be:



- Azerbaijan – only caviar permitted
- Congo – only fishery products caught, gutted (where appropriate), frozen and packed in their final packaging at sea permitted
- St Helena – country approval will not include the islands of Tristan da Cunha and Ascension
- Togo – only live lobsters permitted

You are advised that, as the US has not been added to the draft Annex I then imports will no longer be permitted of live, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods for human consumption from the US when the new measures take effect (see below).

Similarly as neither Israel nor Myanmar are included in the draft Annex II of Decision 2006/766/EC, then imports of fishery products will no longer be permitted from these countries when the new measures take effect (see below). However we understand that FVO missions to Israel and Myanmar were due to take place in October and we will write again if the positions for these countries change.

Secondly, the Decision will also amend the titles of Annexes I and II of Decision 2006/766/EC.

- The title of Annex I is to be amended to read “List of third countries from which imports are permitted of live, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods for human consumption” with a footnote –
  - “including those covered by the definition of fishery products in point 3.1, Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council (OJ L139, 30.4.2004, p. 55)”.
- Annex II is to be replaced and the title will read “List of third countries and territories from which imports are permitted of fishery products for human consumption, other than those covered by Annex I of this Decision”

Finally, these new measures will take effect from 1 January 2010. Consignments from those countries which will move to “List I” status can continue without interruption, but for those countries which have not been moved to “List I” then consignments of affected products can only be accepted at BIPs after 1 January 2010 providing they are accompanied by health certificates dated up to and including 31 December 2009.

We will write again when the Decision to amend Commission Decision 2006/766/EC is published.

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

Ian Grist  
Imported Food Branch  
Food Safety Implementation & Delivery Division