

No:

EXPORT OF LIVE AQUATIC ANIMALS - BI-VALVE MOLLUSCS ONLY - FOR HUMAN CONSUMPTION TO THE PEOPLE'S REPUBLIC OF CHINA - 7469EHC

NOTES FOR THE GUIDANCE OF OFFICIAL INSPECTORS AND EXPORTERS

1. ****IMPORTANT**** GENERAL PROCEDURES

These notes provide guidance for certifying 'Official Inspectors' (including Environmental Health Officers and Food Safety Officers of Local Authorities and Official Veterinarians acting on behalf of Defra or DAERA). These notes also provide guidance for exporters.

Completion of export health certificate 7469EHC can be carried out at the place of production/processing or at another place, such as at the airport/port of export from the UK.

Production establishments must be UK establishments approved under Regulation (EC) 853/2004 to handle fresh or wild caught or aqua cultured live aquatic animals and can include factory vessels approved by a UK Authority.

These NFG should have been issued to an Official Inspector together with export health certificate 7469EHC. The NFG must not be read as a standalone document but in conjunction with export health certificate 7469EHC. Exporters are strongly advised to obtain full details of the import requirements from importers in China, or their representatives in the UK, in advance of each consignment.

Exporters, their agents, and their consignees, should note that from 1 October 2012 they must be registered with the Chinese Inspection and Quarantine Bureau (AQSIQ) before exports take place. See: <http://ire.eciq.cn>. Exporters should note that it is their responsibility to do this.

2. SCOPE OF THE CERTIFICATE

Export health certificate 7469EHC must be used for the export of live bi-valve molluscs to The People's Republic of China only.

7469EHC can be used for the export of live bi-valve molluscs for human consumption; however, 7469EHC must **NOT** be used for the export of bi-valve molluscs for propagation thereof, nor for the export of other live aquatic products whether or not for human consumption.

For the export of other live aquatic products for human consumption, use 7432EHC.

For the export of dead/non-live fishery products for human consumption, use 7208EHC

For the purposes of 7469EHC:

'**Live bi-valve molluscs**' means all wild caught or farmed / aqua cultured seawater and fresh water bi-valve molluscs; this includes all edible live forms and live products of such animals.

The meaning of '**Live bi-valve molluscs and their products**' excludes live echinoderms, live tunicates and live marine gastropods.

The meaning of all '**wild caught**' seawater and fresh water bi-valve molluscs includes all edible live forms and live products of such animals caught in UK or other waters.

The meaning of '**farmed**' / '**aqua cultured**' seawater and fresh water bi-valve molluscs excludes all edible live forms and live products of such animals which are not farmed or aqua cultured in the UK. This is because of the wording of paragraph IV(2) of 7469EHC.

3. **CERTIFICATION BY AN OFFICIAL INSPECTOR**

7469EHC must only be signed by an Official Inspector [namely, an Environmental Health Officer, a Food Safety Officer or an Official Veterinarian (OV) ¹].

See also, paragraph 4 relating to the provision of specimen stamps to China.

4. **ELIGIBILITY OF FARMS/ESTABLISHMENTS/AQUACULTURE FARMS FOR EXPORT**

Note: 'Farmed' / 'aqua cultured' seawater and freshwater bi-valve molluscs **and** all edible live forms and live products of such animals which are not farmed or aqua cultured in the UK cannot be exported using 7469EHC.

This is because of the wording of paragraph IV(2) of 7469EHC.

Paragraph II. a) of 7469EHC refers:

Farms/establishments wishing to export live aquatic animals and live aquatic animal products to China must be listed and registered by China as approved premises. This includes production plants, freezing vessels, transporting vessels, factory vessels and cold stores.

¹ An Official Veterinarian (OV) on the appropriate export panel for export purposes appointed by the Department for Environment, Food and Rural Affairs (Defra), the Scottish Government Rural Directorate, the Welsh Government Department for Rural Affairs, or the Department of Agriculture, Environment and Rural Affairs (DAERA) in Northern Ireland.

***** IMPORTANT *** REFERENCES TO APPROVAL NUMBERS FROM 01/10/2020**

The UK has reached an agreement with China to update the details of the approval numbers of all UK establishments requiring listing with China. With effect from 01/10/2020 the approval/registration numbers for establishments listed to export bi-valve molluscs to China will cease to have references to "UK" or "EC". From that time, approval/registration numbers will include the central unique identifier code ONLY [five/six alpha-numerical digits for fishery processing establishments under local authority approval].

The format of the approval/registration number including the "UK" prefix and the "EC" suffix shall continue to be used and entered in the relevant sections of 6288EHC export health certificates signed before and up to 30/09/2020.

The format of the approval/registration number without the "UK" prefix and the "EC" suffix shall be used and entered in the relevant sections of 6288EHC export health certificates signed after 30/09/2020.

Illustrative example:

Format to be used in export health certificates SIGNED BEFORE 01/10/2020	Format to be used in export health certificates SIGNED AFTER 30/09/2020
UK AB123 EC	AB123

Consignments certified before 30/09/2020 (which must contain 'UK' and 'EC' references in the approval/registration number) will be accepted for export to China upon arrival within a cross-over period of 3 months after 30/09/2020.

THE NEW FORMAT APPLICABLE FROM 01/10/2020 MUST BE USED IN ALL DOCUMENTS ASSOCIATED WITH EXPORTS OF BI-VALVE MOLLUSCS TO CHINA, INCLUDING INTERNAL MOVEMENT CERTIFICATES OR SUPPORT HEALTH ATTESTATIONS SIGNED FROM THAT DATE.

The Chinese authorities will expect that the details of the establishments entered onto the certificate are both correct, consistent and in accordance with their own records of approved establishments. Approval codes, and other details, should exactly match the details as listed on the China GACC veterinary authorities' website.

In addition to this, specimen copies of the official stamps of Official Inspectors carrying out the export certification must be provided to China before exports take place.

The exporter or Official Inspector must submit Form for additional information (an electronic version of the form is available from APHA Carlisle or DAERA) and must be completed and submitted electronically back to APHA Carlisle for plants in GB and to DAERA for plants in Northern Ireland.

APHA Centre for International Trade
Hadrian House, Wavell Drive,
Rosehill Industrial Estate,
Carlisle
CA1 2TB.

Tel. 01228 403600 (Option 2, then option 4)

E-mail: LiveAnimalExports@apha.gsi.gov.uk

Sea Fisheries Inspectorate,
DAERA,
Rathkeltair House,
Market Street,
Downpatrick,
Co. Down.
BT30 6AJ

Email: Jim.watts@daera-ni.gov.uk; Jim.hayes@daera-ni.gov.uk

The Official Inspectors must complete form ET133 providing details of all Official Inspectors' names, Official Inspectors' stamps, and Official Inspectors' Signatures for authorised signatories to certify the export of live aquatic animals to the Republic of China. It is important that specimen copies are provided of all different stamps that may be used such as specimen copies of the stamp(s) of the Official Inspectors' Local Authority or, in the case of an Official Veterinarian (OV), a specimen stamp of the OV. The specimen stamps must be fully legible and not smudged. Any numbers or characters in the stamps must be unambiguous - for example a '3' must not be a possible '8'. The specimen stamps must be in any colour other than black. The ET133 form must be scanned and returned by e-mail to APHA Carlisle.

It is the responsibility of the exporter to ensure that the name, address and registration number of the premises is correct in every detail. The exporter must note that it is important that all the details are consistent with all information of name and address etc that will be used on labelling and other paperwork. Discrepancies may cause consignments to be delayed and rejected in China.

Exporters should discuss with Official Inspectors how the completed form with electronic copies of stamps will be sent to APHA/DAERA. The Official Inspector may wish to send the form to APHA/DAERA themselves to ensure control of the use of their stamps.

It is the responsibility of the exporter to ensure that the completed form has been sent to APHA/DAERA.

APHA and DAERA will send the information on to Defra in London for onward transmission to be registered by the central authority (GACC) in China.

The list maintained in China is based on information provided to China by Defra. At present, if additional registrations are necessary, transmissions of information to China will be made every three months. Several weeks must be allowed for the information to be registered in China and to be sent on to the local portal offices of the authorities in China (**China's** entry-exit inspection and quarantine administration (CIQ)). Exporters must note that this process may be delayed and that it cannot be guaranteed how long this will take since it is an internal matter for the Chinese authorities.

The exporter should ask their importer in China to check with the local CIQ office to ensure that the relevant details have been registered. It is the responsibility of the exporter to ensure that this has occurred. Only then may exports take place (but see also paragraph 1 above regarding registration of exporters, agents and consignees).

Official Inspectors and exporters must note that exports may be at risk if exports commence before China has registered the details of the exporter and the specimen stamps.

Farms/establishments wishing to be approved for export to China must be in full compliance with EU hygiene rules. Farms / establishments which are not in compliance with EU hygiene rules must not export. It is the responsibility of the Food Business Operator and the Official Inspector to check on this it is the responsibility of the Official Inspector to refuse to provide export certification if necessary.

5. GENERAL CONSIDERATIONS RELATING TO COMPLETION OF THE CERTIFICATE

HANDWRITTEN OR ALTERED VERSIONS OF 7469EHC ARE INVALID. Any insertions must be typed. The only permitted handwritten entry is the signature of the Official Inspector. If necessary, the final date of certification can be entered using an inked rubber stamp in any ink colour **OTHER THAN BLACK.**

The Certificate must be signed and stamped with the Official Inspector's stamp in any colour **OTHER THAN BLACK.**

Any authorised deletions that cannot be entered electronically or typed, must be made using a ruler and a fine black pen. Diagonal deletions must **NOT** be used. Each line to be deleted must be ruled out providing an effect similar to that of typewritten deletions.

Certificate numbering: Each certificate will be uniquely numbered when it is issued by APHA or DAERA. Local Authority inspectors should note that they do not have to produce a separate numbering system.

Foreign text: The Official Inspector should note that the foreign text in 7469EHC is an official translation of the English text and the Official Inspector is accordingly authorised to complete the 7469EHC, even if they are unable to read and understand the meaning of the foreign text.

Once a certificate has been issued, a certified copy must be sent within 7 days of signature to APHA Carlisle or DAERA. The Official Inspector must keep a copy for his/her own records. Copies should be retained for three years.

6. GUIDANCE ON CERTIFICATION STANDARDS

- 6.1. Export health certificate 7469EHC must be completed according to latest guidance from the Official Inspector's/Environmental Health Officer's regulatory body.

Additional guidance on food control at ports, and contact details for ports, will shortly be available from the Association of Port Health Authorities at:

<http://www.porthhealth.co.uk/index.html>

Guidance for Official Veterinarians is available at:

<http://www.rcvs.org.uk/advice-and-guidance/guide-to-professional-conducts-for-veterinary-surgeons/d-certification-12-principles/>

The Official Inspector may wish to seek guidance from other Official Inspectors or from APHA or DAERA (see paragraph 4 above) if they need advice on completion of certain parts of this certificate.

- 6.2. The inspection of the products for export is at the discretion of the Official Inspector based on objective evidence, and where appropriate, the policies and procedures of the Local Food Authority. See paragraphs 6.7, 6.8 and 6.9 for detailed guidance on documentary, identity and physical checks. When each consignment is not examined completely, the Official Inspector must be able to justify what proportion of the consignments for export are inspected, either routinely or randomly, to be able to provide certification.

An audit trail including, if necessary, information providing the basis for certification, must be kept by the Official Inspector in case discrepancies with any consignment are subsequently identified and also in case audits are required. See the paragraphs below on certification procedure for further guidance.

- 6.3. The Official Inspector must exercise reasonable precautions and due diligence when relying on information provided by the exporter or other third parties to ensure that the information is correct and that certification can be carried out.

6.4. **CERTIFICATION PROCEDURE**

Completion of export health certificate 7469EHC can be carried out at the place of production or at another place, such as at the airport/port of export from the UK.

If export certification is provided at a place remote from the production plant (such as an airport or port), it is the responsibility of the exporter to liaise, well in advance, with the certifying Official Inspector(s) to:

- a) inform the Official Inspectors of the need for such certification and the expected timings;
and
- b) ensure that all necessary documentation is provided for the Official Inspectors

Certification is based on the satisfaction of the Official Inspector that:

- The product meets the conditions of the Health Attestation in Part IV of the Export Health Certificate (See Section 10 of these Notes)
- Any supporting evidence is correct, accurate, and pertains to the product intended for export
- There are no apparent discrepancies between the consignment and the documentation accompanying it (not limited to the requirements of the Export Health Certificate)

A number of checks will be relevant, to satisfy the Official Inspector of the points above. When exporters have demonstrated consistent compliance with the export requirements, including traceability, product labelling and identification, and consistency between consignments and documentation, Official Inspectors may use their professional judgement to decide on the need for specific checks if they do not have reasons to consider that they are necessary.

- 6.5. Before certification is provided, a check must be carried out at the production premises to ensure full compliance with food safety requirements. A visit for these purposes is not necessary if such checks have already been made and the Official Inspector has no reason to consider that there has been a significant change since then. It is for the Official Inspector to decide if, depending on the timing of the last inspection, an additional inspection is required. For remote certification, the Official Inspector may wish to obtain confirmation of compliance from the appropriate Authority in any format agreed between the two parties.
- 6.6. Before issuing 7469EHC to a particular company for the first time, in all cases, an additional full audit must be carried on the company's traceability systems. If significant concerns are noted, 7469EHC must not be issued. Subsequent audits must be carried out based on the judgement of the Official Inspector.
- 6.7. When carrying out documentary checks, the documents with the consignment must be checked to ensure that the details of the premises of origin are correct, that those premises are EU approved, and that the documented nature of the product is consistent with the consignment. The documents must contain details of EU approval of the plant, species of the product, exporter and importer details, number of pieces and weights (gross as well as net) and identification marks (e.g. batch/package numbers) of the live aquatic animals product being exported and provide means to correlate them to the consignment. The Official Inspector will also need to check on the origin of the products (i.e. whether wild caught or farmed and the area(s) of sourcing).
- 6.8. The consignment details, for example, the number of boxes and weights, must be in conformity with the products specified on the documentation and labelling. The Official Inspector must verify the number of packages / boxes / containers. In large consignments, an estimate of the number of packages / boxes / containers in the consignment can be carried out.
- 6.9. The packaging must be new (or clean, if re-usable), in good condition, and not broken or visibly contaminated.

Broken packages are not acceptable and must trigger a thorough inspection, if observed.

Verification of the contents of packages / boxes / containers is at the Official Inspector's discretion (see paragraph 6.4) and it is for the Official Inspector to decide whether they need to open some, any, or all, of the containers / boxes in a consignment to establish that the contents are as described on the accompanying documentation.

If any containers/boxes in a consignment are opened, this inspection must be carried out in appropriate conditions and using procedures to avoid contamination of the product. If packaging is opened/undone during this inspection, the product must be closed/repackaged as necessary. Shipping marks as recorded at paragraph 1(c) on the EHC should not be changed.

When checks specific for export purposes or otherwise raise concerns that export requirements are not consistently met, Official Inspectors must refuse further certification until deficiencies are rectified or require additional checks and/or inspections to be completed, until they are satisfied that they are no longer required.

6.10 **Inconsistent information:** If documentary, identity or physical checks suggest inconsistencies between the information provided and the products for export, the Official Inspector must inform the APHA Centre for International Trade - Carlisle or DAERA.

7. CERTIFICATION AT THE PLACE OF PRODUCTION OR ELSEWHERE

7.1. If certification is provided at the place of production, 7469 EHC can be certified from personal knowledge or by reference to information provided by the food business operator.

7.2 CERTIFICATION AT A PLACE REMOTE FROM THE PRODUCTION PLANT:

The Official Inspector can provide certification at a place which is remote from the production plant, on the basis of the presence of the EC identification mark and by reference to records provided by the plant operator.

If certification is to be provided at a place (such as an airport) remote from the place of production, the exporter will need to liaise, well in advance, with the local Environmental Health Office for the place of production and the certifying Official Inspector at the place of certification, to inform the certifying Official Inspector of the need for such certification, the expected timings, and to ensure that all necessary contact information and required documentation is provided by the exporter (and, if required by the certifying Official Inspector, any documentation from the local Environmental Health Office for the plant). If certification is carried out at a place remote from the place of production, the documents sent with the consignment must be in a format acceptable to the certifying officer. It is suggested that documents such as microbiological records (if required) can be provided electronically.

It is the exporter's responsibility to ensure that communication with the Official Inspector occurs. If this does not take place, it is likely that the export may be delayed and the consignment may then not be exported.

8. PRODUCTION MODE, CATCHMENT/AQUACULTURE AREA AND CATCH VESSEL NAME

Table II of 7469EHC refers: For each different product in a consignment, the exporter must declare whether the product was wild caught or cultured, the area of culture or catch, and for wild caught products, the name and number of the vessel.

The Food and Agriculture Office Major Fishing Areas code must be inserted in the appropriate column (Wild Caught or Aquaculture). See:

<http://www.fao.org/fishery/area/search/en>

The area coding may, as far as possible, be reduced to an area as described in the FAO link.

Not applicable boxes must be left blank.

9. LABELLING

9.1. The packaging / containers must be marked with the EC approval

number for the production plant. The packaging / containers must be marked with the country of origin, if not already included in the establishment stamp.

Labelling must be present in line with China's requirements: (The following notes are adapted from the Chinese Regulations on Inspection and Quarantine of Entry and Exit Aquatic Products. (Note that Defra does not guarantee that these are correct - see paragraph 12 below)) - see:

http://jckspa.qgsiq.gov.cn/dwyxspjy/jblggjglbf/200903/t20090312_108517.htm)

The products shall have on their internal and external packaging, clear and distinguishable Chinese* and English marks, which shall indicate the following matters:

Commodity name and formal (Latin) name, specification (i.e. quantities), date of production, batch number and preservation conditions of the aquatic products;

(Defra comment regarding 'preservation': If the products are at ambient temperature and without any other means of preservation, there is no need to record this. If the products are chilled, record this as such.)

Production method, including: sea fishing, freshwater fishing and farming;

(Defra comment regarding 'production method': If the products are wild caught use the words 'sea fishing' or 'freshwater fishing'. If the products are farmed or aquacultured use the word 'farming'.)

Producing area, including: fishing sea areas of the live aquatic animals or country or region where the freshwater live aquatic animals are caught or produced, and the country or region where the last breeding phase of bred products is located;

(Defra comment regarding 'producing area': See paragraph 8 above. Use terminology as explained in the FAO link).

Names and registration numbers of the production farms/establishments;

(Defra comment regarding 'production farms/ establishments': Include only details of the actual production / exporting plant.)

People's Republic of China must be indicated as the destination.

(*Regarding Chinese text/characters on labels/packaging: The Official Inspector must note that it is the responsibility of the producer/exporter to ensure that the Chinese text/characters on the label/packaging are a correct translation of the English text/characters, even if the Official Inspector is able to read and understand the meaning of the Chinese text/characters).

10. HEALTH INFORMATION

- 10.1. **In summary:** Paragraphs IV. (1), (2)(i), (3), (4), (5) and (6) of 7469EHC can be signed on the basis of compliance with EU Regulations particularly Regulations 852/2004, 853/2004 and 854/2004. In the UK, the EU Regulations are implemented by the Food Hygiene Regulations 2006. Compliance with the EU and Food Hygiene Regulations can be accepted, provided the EC Identification Mark is present on the packaging of the products.

Accordingly, the Official Inspector can certify this on the basis that the premises have approved status, combined with personal knowledge of the plant, and/or by reference to records provided by the plant operator and on the basis of the presence of the EC Identification Mark.

If the export certification is carried out at a place which is remote from the production plant, the certifying Official Inspector can certify paragraph IV on the basis of the presence of the EC identification mark and/or, at the discretion of the Official Inspector, by reference to records provided by the plant operator. If such records are required, where possible, the Official Inspector should request access to such records in advance. If such remote certification is carried out the Official Inspector will need to seek a signed declaration from the producer regarding paragraph IV(2)(ii) (see paragraph 10.4 below).

10.2. APPROVAL OF THE ESTABLISHMENT:

Paragraph IV. (1) refers: The Official Inspector may certify this declaration on the basis of personal knowledge or the basis of information provided by the producer.

10.3. MONITORING AND SUPERVISION OF THE AQUACULTURE AREA AND FREEDOM FROM OIE LISTED DISEASES:

Paragraph IV (2) (i) refers: The Official Inspector may certify this paragraph on behalf of the Department on the basis of the following guidance. Written authority from APHA or DAERA is not required to certify this paragraph.

The Official Inspector may certify the first sentence of paragraph IV (2)(i) regarding supervision and monitoring of the relevant aquaculture area on the basis that the aquatic environment in the UK is supervised and monitored according to OIE standards by CEFAS in England and Wales, Scottish Government in Scotland and AFBI/DAERA in Northern Ireland.

The Official Inspector may certify the second sentence of paragraph IV. (2)(i) regarding the absence of an outbreak report of OIE listed diseases by checking the appropriate website of CEFAS, SG or AFBI/DAERA for the absence of current records of the relevant diseases i.e. OIE listed diseases of bivalve molluscs listed below (this list is from: <http://www.oie.int/international-standard-setting/aquatic-manual/access-online/>) in the relevant aquaculture area. The relevant aquaculture area is the actual area in which the animals are farmed / aquacultured.

Official Inspectors should note that country clearance for absence of disease is not required and that freedom from relevant diseases can be certified providing that the relevant OIE listed diseases relevant to the types of animals for export are not recorded as present in the area in which the animals were wild caught or farmed.

The Official Inspector should record the date and time that the relevant web-site(s) was accessed in case this needs to be checked in the event of an audit or if problems occur.

Diseases of molluscs	
Disease	OIE chapter
Infection with abalone herpes-like virus	Chapter 2.4.1
Infection with <i>Bonamia exitiosa</i>	Chapter 2.4.2
Infection with <i>Bonamia ostreae</i>	Chapter 2.4.3
Infection with <i>Marteilia refringens</i>	Chapter 2.4.4
Infection with <i>Perkinsus marinus</i>	Chapter 2.4.5
Infection with <i>Perkinsus olseni</i>	Chapter 2.4.6
Infection with <i>Xenohaliotis californiensis</i>	Chapter 2.4.7

See the following web sites for reports of disease (these are updated if an outbreak of disease occurs):

CEFAS in England and Wales: <http://www.defra.gov.uk/aahm/disease/>

Scottish Government in Scotland:
<http://www.scotland.gov.uk/Topics/marine/Fish-Shellfish/FHI/monitoring/designatedareas>

DAERA in Northern Ireland: <https://www.daera-ni.gov.uk/publications/northern-ireland-marine-disease-control-compartments>

10.4. FREEDOM FROM ANIMAL DISEASES AND PARASITES:

Paragraph IV. (2)(ii) refers. This paragraph referring to animal diseases or parasitic diseases can be signed on the basis of the absence of clinical signs and compliance with the applicable requirements in EU law relating to aquatic animal health. If the aquatic animals for export are obviously clinically affected or obviously abnormal or obviously parasitised, the exporter should be aware that the consignment may be rejected. The exporter should, therefore, remove animals from the consignment which, in their judgement, are obviously abnormal or affected with disease including parasites. This declaration is not interpreted to mean that the aquatic animals for export are free from all diseases or all parasites.

If the producer or Official Inspector are aware that an outbreak of disease which is caused by a zoonotic pathogen has occurred in the aquatic animals for export, exports to China must not be allowed until the outbreak has been resolved and clearance has been given by the Food Standards Agency.

10.5. HANDLING ETC OF PRODUCTS IN ACCORDANCE WITH A HACCP PLAN:

Paragraph IV. (3) refers: The Official Inspector may certify this declaration on the basis of information provided by the producer. See also paragraph 10.7 below.

10.6. RESIDUES OF HEAVY METALS:

Paragraph IV(4) refers: In respect of certifying that no residues of heavy metals exceeding the limits in Chinese and European Regulations have been detected, firstly the Official Inspector should note that, for these purposes, the Chinese and European standards have been accepted as equivalent.

Regulation (EC) 1881/2006 (setting maximum levels for certain contaminants in foodstuffs), sets limits for heavy metals (and other substances such as dioxins and PCBs, polycyclic aromatic hydrocarbons (PAH)) in animals including molluscs. The heavy metals listed are lead, mercury, cadmium and tin.

The products must also comply with Council Directive 96/23/EC, which is implemented in the UK by the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997, and a programme referred to as the National Surveillance Scheme (NSS).

If testing under the NSS carried out by the FSA in E/W/S/NI detects residues of heavy metals (including arsenic) in products supplied for human consumption, this would be traced back and further investigations would then be done. This would include residues detected as the result of monitoring programmes carried out in live fishery products. Such surveys by FSA may be targeted following data from the monitoring of shellfish waters by the Environment Agencies under Directive 2006/113/EC of the European Parliament and of the Council of 12 December 2006 on the quality required of shellfish waters.

Producers and Official Inspectors should note that with regards to sampling for chemical contaminants in live fishery products, the overriding position of the FSA is that the food business operator has the responsibility for ensuring that checks are made to ensure that contamination does not exceed the levels laid out in Regulation (EC) 1881/2006 and as necessary with additional sampling requirements for products being exported.

If food business operators do their own end product testing they should inform local authorities when permitted levels are exceeded. If monitoring is carried out by local authorities and the 1881/2006 levels are exceeded, the local authority should inform the FSA and appropriate follow up action taken.

10.7. ABSENCE OF PATHOGENIC BACTERIA:

Paragraph IV. (5) refers: The EU has specific microbiological criteria for food products - Regulation (EC) No 2073/2005 on the microbiological criteria for foodstuffs refers. This Regulation is implemented in the UK by the Food Hygiene Regulations 2006. In respect of certifying the absence of pathogenic bacteria, the Official Inspector can certify this on the basis that the premises have approved status, combined with personal knowledge of the plant, and/or by reference to records provided by the plant operator and on the basis of the presence of the EC Identification Mark.

In addition, the presence of an established HACCP plan with evidence of implementation of that plan will provide appropriate evidence of a microbiological testing programme appropriate for the product concerned and as required under the EU Hygiene regulations. A HACCP plan must be present at the processing premises and satisfactory results must have been maintained. If satisfactory results have not been maintained, it is the responsibility of the producer/exporter to cease exporting, until satisfactory results have again been achieved. The Official Inspector must not issue certification until satisfactory results have been achieved again.

10.8. VETERINARY AND SANITARY REQUIREMENTS INCLUDING IN RESPECT OF DSP AND PSP TOXINS:

Paragraph IV(6) refers: The declaration that "The products meet veterinary and sanitary requirements...under EU regulations 853/2004 and are fit for human consumption..." can be certified on the basis of the presence of the EC identification mark which indicates compliance with EU rules including Council Directive 96/23/EC, which is implemented in the UK by the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997, and a programme referred to as the National Surveillance Scheme (NSS).

As regards veterinary and sanitary requirements including in respect of DSP and PSP toxins (diarrhoeic and paralytic shellfish toxins), this can be certified on the basis that monitoring is carried out under the NSS and as appropriate by the food business operator (FBO). Surveillance under the NSS is carried out by the Centre for Environment, Fisheries and Aquaculture Science (CEFAS) on behalf of FSA in England, Wales and Scotland and by the Agri-Food and Biosciences Institute (AFBI) in Northern Ireland. Testing may also be carried out directly by the FBO, indeed Regulation 853/2004 specifies that "food business operators (FBOs) must ensure that live bivalve molluscs placed on the market for human consumption meet the standards laid down" in the Regulation.

The required monitoring for DSP specifically includes testing for the lipophilic toxins okadaic acid (OA), dinophysistoxins (DTX) and pectenotoxins (PTX) together, yessotoxins (YTX) and azaspiracids (AZA). This is what FBOs have to demonstrate for compliance with EU legislation.

Accordingly with respect to DSP and PSP, if this testing is carried out it can be certified that the products meet veterinary and sanitary requirements, including in respect of DSP and PSP toxins, under EU Regulation 853/2004....".

11. DESTINATION OF PRODUCTS AND MEANS OF TRANSPORT:

Paragraphs III(c) refers: The Official Inspector should ensure that the full details of the means of transport is included at this paragraph e.g. "By air freight, flight number BA1234".

12. COSTS OF EXPORT CERTIFICATION

Official Inspectors and exporters must note that charging for this export certification is a matter for them to agree on.

13. DISCLAIMER

This certificate is provided on the basis of information available at the time and may not necessarily comply fully with the requirements of the importing country. It is the exporter's responsibility to check the certificate against any relevant import permit or any advice provided by the competent authority in the importing country. If these do not match, the exporter must contact the APHA Centre for International Trade - Carlisle OR DAERA, via the link or e-mail address below:

<http://www.gov.uk/government/organisations/animal-and-plant-health-agency/about/access-and-opening#centre-for-international-trade-carlisle>

DAERA - Email: Jim.watts@daera-ni.gov.uk; Jim.hayes@daera-ni.gov.uk

