

COMMISSION DECISION

of 19 April 2004

amending Decision 95/30/EC to lay down the conditions for imports from Morocco of bivalve molluscs belonging to the species *Acanthocardia tuberculatum* harvested and processed under the conditions of Decision 96/77/EC

(notified under document number C(2004) 1386)

(Text with EEA relevance)

(2004/367/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products⁽¹⁾, and in particular Article 11(1) thereof,

Whereas:

- (1) Commission Decision 95/30/EC⁽²⁾ lays down special conditions governing imports of fishery and aquaculture products originating in Morocco.
- (2) Scientific studies carried out on bivalve molluscs of the species *Acanthocardia tuberculatum* harvested in production areas with high toxicity level of paralytic shellfish poison (PSP), have shown that suitable heat treatment can guarantee a reduction in the level of PSP to an undetectable level when the initial level of contamination does not exceed 300 µg per 100 g of mollusc flesh.
- (3) On the basis of those scientific studies, the Commission adopted Decision 96/77/EC of 18 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 Council Directive 91/492/EEC⁽³⁾.
- (4) Decision 96/77/EC authorises Spain, under certain conditions, to harvest bivalve molluscs of the species *Acanthocardia tuberculatum* in areas where the PSP level in the edible parts of those molluscs is more than 80 µg per 100 g but less than 300 µg per 100 g. Those bivalve molluscs may be intended for human consumption after having undergone, after processing, a test lot by lot to verify that they do not contain a PSP level detectable by the bioassay method.
- (5) Morocco has also bivalve molluscs of the species *Acanthocardia tuberculatum* resources with a level of PSP in the edible parts of more than 80 µg per 100 g but less than 300 µg per 100 g.

- (6) Morocco has provided guarantees regarding the application of the conditions laid down in Decision 96/77/EC, to bivalve molluscs of the species *Acanthocardia tuberculatum*.
- (7) Imports from Morocco of processed and canned bivalve molluscs of the species *Acanthocardia tuberculatum* harvested and processed in accordance with conditions fulfilling the health requirements laid down in Directive 91/493/EEC and the harvesting and processing conditions laid down in Decision 96/77/EC should be authorised.
- (8) Decision 95/30/EC should therefore be amended accordingly.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 95/30/EC is amended as follows:

1. In Article 2, the following paragraph 4 is added:
 - '4. processed and canned bivalve molluscs belonging to the species *Acanthocardia tuberculatum* must be accompanied by:
 - (a) an additional health attestation in accordance with the model set out in Annex A; and
 - (b) the analytical results of the test demonstrating that the molluscs do not contain a paralytic shellfish poison (PSP) level detectable by the bioassay method.'
2. In Annex A, the text in the Annex to this Decision is added.

Article 2

This Decision shall apply from 24 April 2004.

⁽¹⁾ OJ L 268, 24.9.1991, p. 15. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 42, 24.2.1995, p. 32. Decision as last amended by Decision 97/581/EC (OJ L 237, 28.8.1997, p. 26).

⁽³⁾ OJ L 15, 20.1.1996, p. 46.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 April 2004.

For the Commission
David BYRNE
Member of the Commission

ANNEX

'ADDITIONAL HEALTH ATTESTATION

for processed bivalve molluscs belonging to the species *Acanthocardia tuberculatum* and intended to be exported from Morocco to the European Community

The official inspector hereby certifies that the processed bivalve molluscs of the species *Acanthocardia tuberculatum*, certified in the health certificate reference No:

1. were harvested in production areas clearly identified, monitored and authorised by the DEMA for the purpose of Decision 2004/367/EC, and where the PSP level in the edible parts of these molluscs is lower than 300 µg for 100 g;
2. were transported in containers or vehicles sealed by the DEMA, directly to the establishment

.....
 ;
 (Name and official approval number of the establishment, especially authorised by DEMA to carry out their treatment)

3. were accompanied during the transport to this establishment by a document issued by the DEMA which authorises the transport, attesting to the nature and quantity of the product, area of origin and establishment of destination;
4. were subjected to the heat treatment defined in the Annex to Decision 96/77/EC;
5. do not contain a PSP level detectable by the bioassay method, as demonstrated by the attached analytical report(s) of the test undertaken on each lot included in the consignment covered by this attestation.

The official inspector hereby certifies that the DEMA have verified that the "own health" checks implemented in the establishment referred to in point 2 are specifically applied to the heat treatment referred in point 4.

The undersigned official inspector hereby declares he/she is aware of the provisions of Decision 96/77/EC and that the attached analytical report(s) correspond(s) to the test carried out in the products after processing.

Done at, on,
 (Place) (Date)



.....
 Signature of official inspector (1)
 (Name in capital letters, capacity and qualification of person signing)

(1) The color of the stamp and signature must be different from that of the other particulars in the certificate.