



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.05.1997  
COM(97) 209 final

Amended proposal for a

COUNCIL DIRECTIVE

amending the Annex to Directive 91/492/EEC laying down the health conditions  
for the production and the placing on the market of live bivalve molluscs

(presented by the Commission pursuant to Article 189 a (2)  
of the EC Treaty)



## EXPLANATORY MEMORANDUM

On 18 October 1996 the Commission adopted and presented to the Council in accordance with Article 11 of Directive 91/492/EEC laying down the health conditions for the production and the placing on the market of live bivalve molluscs a proposal for a Directive amending the Annex to that Directive as regards checks on the toxin, ASP.

As a result of an outbreak of viral gastro-enteritis following the consumption of uncooked oysters in the Community, an investigation carried out by the Commission indicates that there is an urgent need to improve the requirements of the Directive for identifying the origin of bivalve molluscs at all points in the distribution chain. Identification will require a standard registration document to be drawn up by the Commission for each stage of marketing.

As this improvement is urgently needed, the Commission has decided not to await a comprehensive amendment of Directive 91/492/EEC but to alter its original proposal pursuant to Article 189A(2) of the Treaty.

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The Commission presented the abovementioned proposal to the Council on 18 October 1996. Following a review by the Commission the following amendments have been made to the original proposal:

**1. After the fourth whereas, the following whereas are added:**

'Whereas experience has shown that the registration document for the identification of batches of live bivalve molluscs provided for in point 6 of Chapter II of the Annex to Directive 91/492/EEC should contain information concerning the health status of the area of origin and any purification or relaying operations that have been carried out on the molluscs;

Whereas it must be possible to trace the origin of bivalve molluscs placed on the market; whereas to do this it should be possible to link the information shown on the registration document with each batch placed on the market in a register kept by the dispatch centre;

Whereas a standard registration document would be more easily understood by operators and inspection services regardless of the language in which it is drawn up; whereas such standard document should be introduced by the Commission;'

**2. Point 6 of Chapter II of the Annex is replaced by the following:**

'6. A registration document for the identification of batches of live bivalve molluscs during transport from the production area to a dispatch centre, purification centre, relaying area or processing plant will be issued by the competent authority upon request by the gatherer. For each batch, the gatherer must complete legibly and indelibly the relevant sections of the registration document which must contain the following information:

- the gatherer's identity and address;
- the date of harvesting;
- the location of the production area described in as precise detail as is practicable or by a code number;
- the health status of the production area as referred to in Chapter I;
- the shellfish species and quantity indicated in as precise detail as is practicable;
- the approval number and place of destination for wrapping, relaying, purification or processing.

The registration document must be dated and signed by the gatherer.

The registration documents must be numbered regularly and in sequence. The competent authority must keep a register containing the numbers of registration documents together with the names of the persons collecting live bivalve molluscs to whom the documents were issued. The registration document for each batch of live bivalve molluscs must be date-stamped upon delivery of a batch to a dispatch centre, purification centre, relaying area or processing plant and must be kept by operators of such centres, areas or plants for at least three months.

However, if gathering is carried out by the same staff operating the dispatch centre, purification centre, relaying area or processing plant of destination, the registration document may be replaced by a permanent transport authorization granted by the competent authority.

A standard registration document will be introduced by the Commission in accordance with the procedure laid down in Article 12.'

3. Point 9 of Chapter III of the Annex is replaced by the following:

'9. after harvesting from the relaying area, batches must, during transport from the relaying area to the approved dispatch centre, purification centre or processing plant, be accompanied by a registration document, a specimen of which will be drawn up by the Commission in accordance with the procedure laid down in Article 12, setting out in addition to the information specified in point 6 of Chapter II of this Annex the location and approval number of the relaying area and the duration of relaying.'

4. The second subparagraph of paragraph 13 of point I of Chapter IV of the Annex is amended as follows:

'Purification centres dispatching batches of live bivalve molluscs to dispatch centres must provide a registration document, a specimen of which will be drawn up by the Commission in accordance with the procedure laid down in Article 12, setting out in addition to the information specified in point 6 of Chapter II of this Annex the approval number and address of the purification plant and the duration of purification.'

5. Paragraph 4 of point IV of Chapter IV of the Annex is replaced by the following:

'4. Dispatch centres must keep the following at the disposal of the competent authority:

- the results of microbiological tests on live bivalve molluscs from an approved production area or relaying area;
- the dates and quantities of live bivalve molluscs delivered to the dispatch centre and the corresponding registration documents;
- dispatch details including the names and addresses of consignees, the dates and quantities of live bivalve molluscs dispatched together with the corresponding registration document number(s).

These data must be classified chronologically and preserved for a period to be specified by the competent authority, but not less than three months.



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