

COMMISSION DECISION

of 6 November 2006

establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted

(notified under document number C(2006) 5171)

(Text with EEA relevance)

(2006/766/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption ⁽¹⁾, and in particular Article 11(1) thereof,

Whereas:

- (1) The special conditions for the import of bivalve molluscs, tunicates, echinoderms and marine gastropods and of fishery products from third countries have been laid down in Regulation (EC) No 854/2004.
- (2) Commission Decision 97/20/EC ⁽²⁾ established the list of third countries fulfilling the equivalence conditions for the production and placing on the market of bivalve molluscs, echinoderms, tunicates and marine gastropods and Commission Decision 97/296/EC ⁽³⁾ drew up the list of third countries from which the import of fishery products is authorised for human consumption.
- (3) Lists should be drawn up containing the third countries and territories which satisfy the criteria referred to in Article 11(4) of Regulation (EC) No 854/2004 and which are therefore able to guarantee that bivalve molluscs, tunicates, echinoderms and marine gastropods and fishery products exported to the Community meet the sanitary conditions laid down to protect the health of consumers. Nevertheless, imports of adductor muscles of *pectinidae* other than aquaculture animals, completely separated from the viscera and gonads, should also be permitted from third countries not appearing on such a list.

- (4) The competent authorities of Australia, New Zealand and Uruguay have provided appropriate guarantees that the conditions applicable to live bivalve molluscs, echinoderms, tunicates and marine gastropods are equivalent to those provided for in the relevant Community legislation.
- (5) The competent authorities of Armenia, Belarus and Ukraine have provided appropriate guarantees that the conditions applicable to fishery products are equivalent to those provided for in the relevant Community legislation.
- (6) Decisions 97/20/EC and 97/296/EC should therefore be repealed and replaced by a new Decision.
- (7) 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***Imports of bivalve molluscs, tunicates, echinoderms and marine gastropods**

1. The list of third countries from which bivalve molluscs, tunicates, echinoderms and marine gastropods may be imported, as referred to in Article 11(1) of Regulation (EC) No 854/2004, is established in Annex I to this Decision.
2. Notwithstanding Article 11(1) of Regulation (EC) No 854/2004, Paragraph 1 shall not apply to the adductor muscles of *pectinidae* other than aquaculture animals, completely separated from the viscera and gonads, that may be imported also from third countries not appearing on the list referred to in paragraph 1.

*Article 2***Imports of fishery products**

The list of third countries and territories from which fishery products may be imported, as referred to in Article 11(1) of Regulation (EC) No 854/2004, is established in Annex II to this Decision.

⁽¹⁾ OJ L 139, 30.4.2004, p. 206; corrected by OJ L 226, 25.6.2004, p. 83. Regulation as last amended by Commission Regulation (EC) No 2076/2005 (OJ L 338, 22.12.2005, p. 83).

⁽²⁾ OJ L 6, 10.1.1997, p. 46. Decision as last amended by Decision 2002/469/EC (OJ L 163, 21.6.2002, p. 16).

⁽³⁾ OJ L 122, 14.5.1997, p. 21. Decision as last amended by Decision 2006/200/EC (OJ L 71, 10.3.2006, p. 50).

*Article 3***Repeal**

Decisions 97/20/EC and 97/296/EC are repealed.

References to the repealed Decisions shall be construed as references to this Decision.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 6 November 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

List of third countries from which imports of bivalve molluscs, echinoderms, tunicates and marine gastropods in any form for human consumption are permitted

(Countries and territories referred to in Article 11 of Regulation (EC) No 854/2004)

AU — AUSTRALIA

CL — CHILE ⁽¹⁾JM — JAMAICA ⁽²⁾JP — JAPAN ⁽¹⁾KR — SOUTH KOREA ⁽¹⁾

MA — MOROCCO

NZ — NEW ZEALAND

PE — PERU ⁽¹⁾TH — THAILAND ⁽¹⁾

TN — TUNISIA

TR — TURKEY

UY — URUGUAY

VN — VIETNAM ⁽¹⁾

⁽¹⁾ Only frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods.

⁽²⁾ Only marine gastropods.

ANNEX II

List of third countries and territories from which imports of fishery products in any form for human consumption are permitted

(Countries and territories referred to in Article 11 of Regulation (EC) No 854/2004)

AE — UNITED ARAB EMIRATES	GD — GRENADA
AG — ANTIGUA AND BARBUDA ⁽¹⁾	GH — GHANA
AL — ALBANIA	GL — GREENLAND
AM — ARMENIA ⁽²⁾	GM — GAMBIA
AN — NETHERLANDS ANTILLES	GN — GUINEA CONAKRY ⁽⁴⁾ ⁽⁵⁾
AR — ARGENTINA	GT — GUATEMALA
AU — AUSTRALIA	GY — GUYANA
BD — BANGLADESH	HK — HONG KONG
BG — BULGARIA ⁽³⁾	HN — HONDURAS
BR — BRAZIL	HR — CROATIA
BS — THE BAHAMAS	ID — INDONESIA
BY — BELARUS	IN — INDIA
BZ — BELIZE	IR — IRAN
CA — CANADA	JM — JAMAICA
CH — SWITZERLAND	JP — JAPAN
CI — IVORY COAST	KE — KENYA
CL — CHILE	KR — SOUTH KOREA
CN — CHINA	KZ — KAZAKHSTAN
CO — COLOMBIA	LK — SRI LANKA
CR — COSTA RICA	MA — MOROCCO ⁽⁶⁾
CU — CUBA	MG — MADAGASCAR
CV — CAPE VERDE	MR — MAURITANIA
DZ — ALGERIA	MU — MAURITIUS
EC — ECUADOR	MV — MALDIVES
EG — EGYPT	MX — MEXICO
FK — FALKLAND ISLANDS	MY — MALAYSIA
GA — GABON	MZ — MOZAMBIQUE

⁽¹⁾ Only live crustaceans.⁽²⁾ Only for live non farmed crayfish.⁽³⁾ Only applicable until this Acceding State becomes a Member State of the Community.⁽⁴⁾ Only fish that has not undergone any preparation or processing operation other than heading, gutting, chilling or freezing.⁽⁵⁾ The reduced frequency of physical checks, provided for by Commission Decision 94/360/EC (OJ L 158, 25.6.1994, p. 41), shall not be applied.⁽⁶⁾ Processed 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 Part B of Appendix V of Annex VI to Commission Regulation (EC) No 2074/2005 (OJ L 338, 22.12.2005, p. 27); 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.

NA — NAMIBIA	SR — SURINAME
NC — NEW CALEDONIA	SV — EL SALVADOR
NG — NIGERIA	TH — THAILAND
NI — NICARAGUA	TN — TUNISIA
NZ — NEW ZEALAND	TR — TURKEY
OM — OMAN	TW — TAIWAN
PA — PANAMA	TZ — TANZANIA
PE — PERU	UA — UKRAINE
PG — PAPUA NEW GUINEA	UG — UGANDA
PH — PHILIPPINES	US — UNITED STATES OF AMERICA
PF — FRENCH POLYNESIA	UY — URUGUAY
PM — ST PIERRE & MIQUELON	VE — VENEZUELA
PK — PAKISTAN	VN — VIETNAM
RO — ROMANIA ⁽¹⁾	XM — MONTENEGRO ⁽²⁾
RU — RUSSIA	XS — SERBIA ⁽²⁾ ⁽³⁾
SA — SAUDI ARABIA	YE — YEMEN
SC — SEYCHELLES	YT — MAYOTTE
SG — SINGAPORE	ZA — SOUTH AFRICA
SN — SENEGAL	ZW — ZIMBABWE

⁽¹⁾ Only applicable until this Acceding State becomes a Member State of the Community.

⁽²⁾ Only whole fresh fish from wild seawater catches.

⁽³⁾ Not including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999.