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DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Crisis preparedness in food, animals and plants  
The Director

Brussels  
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**Subject: Requirements applicable to imports of live bivalve molluscs from Great Britain or UK Crown Dependencies into the EU**

Dear Christine,

The requirements applicable to the import of live bivalve molluscs from Great Britain and UK Crown Dependencies into the EU have given rise to numerous questions since the entry into force of BREXIT, notably in relation to the possibility to send molluscs to the EU for depuration purposes.

As you know, since the end of the transition period, the UK, subject to the specific arrangements provided for in the Protocol on Ireland / Northern Ireland, is no longer bound by EU law and is no longer treated as a Member State. Hence, the import of such food products from the UK (Great Britain and UK Crown Dependencies) to the EU is subject to the conditions applied to such imports from third countries. . A table in annex summarises the different export possibilities for live bivalve molluscs intended for human consumption, depending on the known quality of the water from which those molluscs come.

Though I had the opportunity to clarify this on several occasions, let me recall that public health guarantees shall accompany any product of animal origin intended for human consumption, including live bivalve molluscs, when exported to the EU, and shall be officially certified.

The official certificate established in Annex III part I of Regulation (EU) 2019/628, which will be replaced by the new official certificate laid down in Chapter 31 of Commission Implementing Regulation 2020/2235 from 21 April 2021 onwards, requires in particular that the bivalve molluscs “*satisfy the health standards laid down in Section VII, Chapter V of Annex III to Regulation (EC) No 853/2004 and the criteria laid down in Commission Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs*” at the moment where they are presented for import controls at the EU borders.

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Those criteria are not respected by molluscs originating from B classified areas. As you know, to meet the public health criteria, such molluscs must be subject to a depuration. While the possibility to transfer live bivalve molluscs from a B classified area to a depuration centre is allowed between EU Member States (and controlled by the authorities as laid down in Regulation (EU) 2017/625), it is not allowed when bivalve molluscs originate from third countries, such as from Great Britain or the UK Crown Dependencies.

As you will be aware, the animal health certificate set out in Part A of Annex IV to Regulation (EC) 1251/2008, is designed for animal health purposes only, for instance for molluscs for farming. It is important to underline that animal health requirements cannot supersede public health obligations. For this reason, such a certificate cannot grant access of live bivalve molluscs from third countries, either wild or produced in aquaculture, to a depuration centre in the EU.

From 21 April 2021, Regulation (EU) 2016/429 (the “Animal Health Law”) and its various supplementing Regulations will apply. In comparison to Directive 2006/88/EC, which concerned mainly aquaculture animals, the new legislation applies to aquatic animals of listed species i.e. to wild aquatic animals and those of aquaculture origin. The prohibition concerning the entry into the Union of live bivalve molluscs intended for human consumption and destined to purification or dispatch centres, will nevertheless remain in place.

The relevant animal health certificate applicable from 21 April 2021 onwards for the entry into the Union of aquatic animals intended for certain aquaculture establishments, for release into the wild or for other purposes excluding direct human consumption, will be amended to ensure that it does not lead to any ambiguity in that regard.

Yours sincerely,



Bernard Van Goethem

Enclosure:                      Table summarising the requirements for the export of live bivalve molluscs intended for human consumption from third countries such as from Great Britain or the UK Crown Dependencies, to the EU

## Annex

Requirements for the export of live bivalve molluscs intended for human consumption from third countries such as from Great Britain or the UK Crown Dependencies, to the EU

Molluscs intended for human consumption, from the waters of Great Britain or UK Crown Dependencies, from	Export to the EU from an EU approved dispatch centre			Export for depuration in the EU
	Directly	After depuration in Great Britain or UK Crown Dependencies	After relaying in Great Britain or UK Crown Dependencies, in Class A area	
Class A area	Yes <sup>(1)</sup>	<i>Irrelevant</i>	<i>Irrelevant</i>	<i>Irrelevant</i>
Class B area	No	Yes <sup>(1)</sup>	Yes <sup>(1)</sup>	No <sup>(2)</sup>
Class C area	No	No	Yes <sup>(1)</sup>	No <sup>(2)</sup>
Unclassified area	No	No	No	No <sup>(2)</sup>

(1) If complying, at the time of export, with the hygiene requirements laid down in Section VII, Chapter I.1 and Chapter II A.2 of Regulation (EC) No 853/2004 and certified by the relevant official certificate in Regulation 2019/628 and, from 21 April 2021, Regulation 2020/2235.

(2) As not complying, at the time of export, with the hygiene requirements laid down in Section VII, Chapter V of Annex III to Regulation (EC) No 853/2004 and the criteria laid down in Commission Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs

