**Correspondence between HMG and EU Commission: Export of Live, Bivalve Molluscs to the EU from GB from ‘Class B’ waters**

The majority of the GB harvest of these molluscs is exported to the EU.

Prior to exit from the EU, Defra officials carried out a general examination of the Export Health Certificates needed for trade with the EU after Brexit.

These certificates accompany consignments to provide assurances to the importer about human and animal health. They are commonly used in international trade across the world for a wide range of animals and products made from animals, including food.

Part of the assurance process is to make sure that shellfish are suitable for human consumption. The waters of origin are classified. Class A is the best and Class B next. Those from Class B are depurated to ensure they are suitable for consumers. ‘Depuration’ is the process of purification.

Officials’ work concluded that the export of molluscs was legal and that there were certificates in place. More specifically, the legislation on molluscs for depuration from farms in Class B waters was clear but the certificate was less so. Officials therefore asked for the Commission’s opinion and the Commission replied in September 2019 (Annex A). The reply endorsed Defra’s view and agreed that the appropriate certificate was the one Defra officials had suggested (Part A of Annex IV to Commission Regulation (EC) No 1251/2008). This exchange therefore corroborated for Defra that the trade could continue following the end of the transition period.

Defra shared the results of their work with the shellfish industry. This included that there would need to be a gap for these molluscs when harvested from the wild, not farms, pending a new EU import certificate coming into force in April 2021.

More generally, the Secretary of State wrote to a range of Defra stakeholders explaining where there would be prohibitions or restrictions on trade compared with the pre-exit position. This laid out what could *not* be done. It did not attempt to lay out all the trade that could continue. The short-term restriction on wild harvested molluscs was therefore included. The general trade in these molluscs from Class B waters for depuration in the EU was not covered because it would continue in line with pre-exit arrangements.

The UK implemented its rules on the mollusc trade accordingly. As well as export from GB, there is some trade in the opposite direction and the UK authorities applied the same rules equally, both to exports to, and imports from, the EU.

Annexes

A: 27 September 2019: EU Commission Services to UK Chief Veterinary Officer

B: 10 December 2020: Secretary of State, Defra to stakeholders on prohibitions & restrictions

C: 3 February 2021: UK Chief Veterinary Officer to EU Commission Services

D: 8 February 2021: Secretary of State, Defra to EU Commissioner Ms Stella Kyriakides

E: 8 February 2021: EU Commission Services to UK Chief Veterinary Officer

F: 10 February 2021: EU Commissioner Ms Stella Kyriakides to Secretary of State, Defra

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