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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)

(OJ L 320, 18.11.2006, p. 53)

Amended by:

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► <u>M1</u>	Commission Decision 2008/156/EC of 18 February 2008	L 50	65	23.2.2008
► <u>M2</u>	Commission Decision 2009/951/EU of 14 December 2009	L 328	70	15.12.2009

**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.

⁽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).

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- (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.

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.

▼ M1

ANNEX I

▼ M2

List of third countries from which imports are permitted of live, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods for human consumption ⁽¹⁾

▼ M1

ISO code	Countries	Remarks
AU	AUSTRALIA	
▼ <u>M2</u>		
CA	CANADA	
▼ <u>M1</u>		
CL	CHILE	Only frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods
▼ <u>M2</u>		
GL	GREENLAND	
▼ <u>M1</u>		
JM	JAMAICA	Only marine gastropods
JP	JAPAN	Only frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods
KR	SOUTH KOREA	Only frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods
MA	MOROCCO	Processed bivalve molluscs belonging to the species <i>Acanthocardia tuberculatum</i> 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.
NZ	NEW ZEALAND	
PE	PERU	Only frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods
TH	THAILAND	Only frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods
TN	TUNESIA	
TR	TURKEY	
▼ <u>M2</u>		
US	UNITED STATES OF AMERICA	Only until 1 July 2010 and excluding imports of bivalve molluscs harvested in the States of Florida, Texas, Mississippi, Alabama and Louisiana.
▼ <u>M1</u>		
UY	URUGUAY	
VN	VIETNAM	Only frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods

⁽¹⁾ Including those covered by the definition of fishery products in point 3.1, Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council (OJ L 139, 30.4.2004, p. 55).

▼ M2

ANNEX II

List of third countries and territories from which imports are permitted of fishery products for human consumption, other than those covered by Annex I to this Decision

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

ISO code	Countries	Restrictions
AE	UNITED ARAB EMIRATES	
AG	ANTIGUA AND BARBUDA	Only live lobsters.
AL	ALBANIA	
AM	ARMENIA	Only live wild crayfish, heat processed non-farmed crayfish and frozen non-farmed crayfish.
AN	NETHERLANDS ANTILLES	
AO	ANGOLA	
AR	ARGENTINA	
AU	AUSTRALIA	
AZ	AZERBAIJAN	Only caviar.
BA	BOSNIA and HERZEGOVINA	
BD	BANGLADESH	
BJ	BENIN	
BR	BRAZIL	
BS	THE BAHAMAS	
BY	BELARUS	
BZ	BELIZE	
CA	CANADA	
CG	CONGO	Only fishery products caught, gutted (where appropriate), frozen and packed in their final packaging at sea.
CH	SWITZERLAND	
CI	COTE D'IVOIRE	
CL	CHILE	
CN	CHINA	
CO	COLOMBIA	
CR	COSTA RICA	
CU	CUBA	
CV	CAPE VERDE	
DZ	ALGERIA	
EC	ECUADOR	
EG	EGYPT	
ER	ERITREA	
FK	FALKLAND ISLANDS	

▼M2

ISO code	Countries	Restrictions
GA	GABON	
GD	GRENADA	
GH	GHANA	
GL	GREENLAND	
GM	GAMBIA	
GN	GUINEA	Only fish that has not undergone any preparation or processing operation other than heading, gutting, chilling or freezing. 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.
GT	GUATEMALA	
GY	GUYANA	
HK	HONG KONG	
HN	HONDURAS	
HR	CROATIA	
ID	INDONESIA	
IL	ISRAEL	
IN	INDIA	
IR	IRAN	
JM	JAMAICA	
JP	JAPAN	
KE	KENYA	
KR	SOUTH KOREA	
KZ	KAZAKHSTAN	
LK	SRI LANKA	
MA	MOROCCO	
ME	MONTENEGRO	
MG	MADAGASCAR	
MM	MYANMAR	Only wild caught frozen fishery products (freshwater or seawater fish, shrimps, prawns).
MR	MAURITANIA	
MU	MAURITIUS	
MV	MALDIVES	
MX	MEXICO	
MY	MALAYSIA	
MZ	MOZAMBIQUE	
NA	NAMIBIA	
NC	NEW CALEDONIA	
NG	NIGERIA	
NI	NICARAGUA	
NZ	NEW ZEALAND	

▼M2

ISO code	Countries	Restrictions
OM	OMAN	
PA	PANAMA	
PE	PERU	
PF	FRENCH POLYNESIA	
PG	PAPUA NEW GUINEA	
PH	PHILIPPINES	
PM	SAINT PIERRE AND MIQUELON	
PK	PAKISTAN	
RS	SERBIA Not including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999	Only whole fresh fish from wild seawater catches.
RU	RUSSIA	
SA	SAUDI ARABIA	
SB	SOLOMON ISLANDS	
SC	SEYCHELLES	
SG	SINGAPORE	
SH	SAINT HELENA Not including the islands of Tristan da Cunha and Ascension	
SN	SENEGAL	
SR	SURINAME	
SV	EL SALVADOR	
TG	TOGO	Only live lobsters.
TH	THAILAND	
TN	TUNISIA	
TR	TURKEY	
TW	TAIWAN	
TZ	TANZANIA	
UA	UKRAINE	
UG	UGANDA	
US	UNITED STATES	
UY	URUGUAY	
VE	VENEZUELA	
VN	VIETNAM	
YE	YEMEN	

▼ M2

ISO code	Countries	Restrictions
YT	MAYOTTE	
ZA	SOUTH AFRICA	
ZW	ZIMBABWE	