



Notification Number: 2007/664/F

Decree amending the regulatory part of the Rural Code The technical provisions of this Decree have already been notified to the Commission on 15 February 2007 (notification registered under No 2007/083/F C50A) and have been the subject of comments by the Commission. This Notification is justified by the amendment of some of these provisions and by the addition of two provisions following the late responses from the consultation of those working in the sector.

Date received : 03/12/2007
End of Standstill : 04/03/2008 (04/06/2008)
Issue of detailed opinion by : Commission

Message

Message 002

Communication from the Commission - SG(2007) D/52850
Directive 98/34/EC
Translation of the message 001
Notification: 2007/0664/F

No abre el plazo - Nezaahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 200702850.EN)

1. Structured Information Line

MSG 002 IND 2007 0664 F EN 04-03-2008 03-12-2007 F NOTIF 04-03-2008

2. Member State

F

3. Department Responsible



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Ministère de l'agriculture et de la pêche / Direction générale de l'alimentation / Sous direction sécurité sanitaire des aliments : 251 rue de Vaugirard, 75732 PARIS CEDEX 15

4. Notification Number

2007/0664/F - C50A

5. Title

Decree amending the regulatory part of the Rural Code

The technical provisions of this Decree have already been notified to the Commission on 15 February 2007 (notification registered under No 2007/083/F C50A) and have been the subject of comments by the Commission.

This Notification is justified by the amendment of some of these provisions and by the addition of two provisions following the late responses from the consultation of those working in the sector.

6. Products Concerned

Conditions of production and placing on the market of live shellfish (bivalve molluscs, gastropods, tunicates and echinoderms).

7. Notification Under Another Act

d) Other Directive or Regulation:

Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004

Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004

Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004

8. Main Content

The draft Decree specifies the administrative organisation for implementing the measures laid down in Section VII of Annex III to Regulation (EC) No 853/2004 and in Chapter II of Annex II to Regulation (EC) No 854/2004 of 29 April 2004.

The draft Decree also lays down the health conditions to be met at these stages of production and marketing and for leisure fishing from the shore.

The penalties for infringements of the health regulations thus defined are also provided.

This Decree lays down implementing orders.

9. Brief Statement of Grounds

The national administrative organisation must be adapted to take account of Regulation (EC) Nos 852/2004, 853/2004 and 854/2004. The regulatory part of the Rural Code is therefore amended by this Decree in order to achieve this, and certain technical measures had to be specified for seafood and fresh water products.

Consultations on the draft Decree that was the subject of Notification No 2007/083/F, in particular with those



working in the sector, have led the French authorities to amend the provisions relating to the production and placing on the market of live shellfish. These amendments justify a new notification to the Commission in accordance with the procedure laid down by Directive 98/34/EC. The responses to the comments made by the Commission on the first draft Decree will be sent within the framework of Notification No 2007/083/F.

The new draft Decree therefore only concerns the provisions relating to the production and placing on the market of live shellfish.

In addition to the minimum amendments made to make the text easier to understand, the French authorities would like to specify the following points in order to facilitate the evaluation of this second amendment and to explain some of the amendments made:

- for the sake of consistency, Articles R-231-20 to 22 have been transposed;
- the provisions relating to the registration documents that must accompany batches of shellfish have been clarified: indeed, after consulting those working in the sector, the French authorities did not wish to introduce the option provided for by Regulation (EC) No 853/2004 of authorising the transport of shellfish without any documentation but have reintroduced the concept of permanent transport authorisation, which had been deleted by mistake;
- finally, new provisions concerning the placing on the market of live shellfish by a shipping establishment have been introduced.

This last point should be clarified. Paragraph 1 of Article R.231-30 states that shellfish must be packaged in closed packages that remain as such until they are delivered for sale to the end consumer. The aim of this provision is to impose this provision on all batches sold from a shipping establishment. Indeed, this provision is currently laid down in the hygiene rules only for unit packages sent directly to consumers (point 2 of Chapter VI of Section VII of Annex III to Regulation (EC) No 853/2004). Furthermore, these provisions should also be applied to scallops: Chapter IX of Section VII of Annex III to Regulation (EC) No 853/2004 remains too imprecise in its current state (the French authorities have proposed to clarify this chapter during the discussions taking place on the amendment of the hygiene rules). The need to impose the closure of the packaging of shellfish placed on the market ensures that shellfish can be seamlessly traced and prevents them from being mixed up. This provision also makes it possible, in the majority of cases, to protect shellfish from all subsequent contamination. Lastly, this provision makes it possible to limit the fraudulent practices consisting in mixing batches of different statuses (non purified shellfish, for example, in particular for retailers located in areas of shellfish production).

Paragraph 2 of Article R.231-30 consists in authorising the re-immersion, after they have been unpacked, of live shellfish, where they are put on sale by the producer-shipper (the unsold goods of a market that he operates himself). The French authorities believe that, under these circumstances (shellfish remain under the physical responsibility of the operator), it is the responsibility of those working in the sector to ensure the health quality of these shellfish: this operation must be taken into account in the HACCP procedure that they implement. It should be noted that this provision only concerns French operators.

10. Reference Documents - Basic Texts

- a) Regulatory part of the Rural Code
Draft Decree amending the Rural Code
- b) Notification 2007/083/F

11. Invocation of the Emergency Procedure

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12. Grounds for the Emergency

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13. Confidentiality

a) NO

14. Fiscal measures

b) NO

15. Impact assessment

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16. TBT and SPS aspects

TBT aspect (Agreement on Technical Barriers to Trade)

a) NO

b) iii)

SPS aspect (Agreement on Sanitary and Phytosanitary Measures)

a) NO

b) iii)

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