



Notification Number: 2004/272/E

Draft Order amending the Order of 2 August 1991 adopting the microbiological standards, the heavy metal content limits and the analytical methods for the determination of heavy metals in fishery and aquaculture products

Date received : 09/07/2004

End of Standstill : Closed

Issue of comments by : Commission

Message

Message 002

Communication from the Commission - SG(2004) D/51399

Directive 98/34/EC

Translation of the message 001

Notification: 2004/0272/E

No abre el plazo - Nezahajuje 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.

(MSG: 200401399.EN)

1. Structured Information Line

MSG 002 IND 2004 0272 E EN 11-10-2004 09-07-2004 E NOTIF 11-10-2004

2. Member State

Spain

3. Department Responsible

Subdirección General de Asuntos Industriales, Energéticos, de Transportes, Comunicaciones y Medio Ambiente.

Dirección General de Coordinación del Mercado Interior y otras Políticas Comunitarias.

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3. Originating Department

Agencia de Seguridad Alimentaria
Subdirección General de Gestión de Riesgos Alimenticios
Ministerio de Sanidad y Consumo.

4. Notification Number

2004/0272/E - C10A

5. Title

Draft Order amending the Order of 2 August 1991 adopting the microbiological standards, the heavy metal content limits and the analytical methods for the determination of heavy metals in fishery and aquaculture products

6. Products Concerned

FOODSTUFFS, specifically, fishery and aquaculture products

7. Notification Under Another Act

c) Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food (Official Gazette L 37 of 13 February 1993, p. 1).

8. Main Content

To lay down microbiological criteria for fishery and aquaculture products, replacing some previously established criteria, as points of reference, in particular for the validation of procedures based on HACCP principles and other food hygiene inspection methods. The significance incorrectly given to some micro-organisms as criteria having implications with regard to the marketing of the product and its withdrawal from the market has also been abandoned.

To repeal the heavy metal limits laid down in Spanish legislation to bring these into line with the requirements stipulated in Community legislation, specifically Commission Regulation (EC) No 466/2001 of 8 March 2001 setting maximum levels for certain contaminants in foodstuffs, Commission Regulation (EC) No 242/2004 of 12 February 2004 amending Regulation (EC) No 466/2001 as regards inorganic tin in foods, and Commission Directive 2004/16/EC of 12 February 2004 laying down the sampling methods and the methods of analysis for the official control of the levels of tin in canned foods.

Key words: microbiological criteria; haccp; heavy metal limits.

9. Brief Statement of Grounds

The legislation subject to amendment must be updated and amended in line with the current approach to foodstuff inspection. This involves, on the one hand, the revision of certain microbiological standards currently in existence, adopting some new standards, as appropriate, in line with scientific recommendations and, on the other hand, the specific repeal of all standards on heavy metals in fishery products which are currently or are to be regulated by Community provisions.



Also, the affected parties, including importers of fish from third countries, the National Association of Manufacturers of Smoked Fish Products (Spanish Abbreviation A.N.A.P.A.) and the Official Chamber of Commerce and Industry in Alava have, on numerous occasions, raised the issue of the distortions provoked by these legal standards and which they consider discriminatory.

10. Reference Documents - Basic Texts

a) Order of 2 August 1991 adopting the microbiological standards, the heavy metal content limits and the analytical methods for the determination of heavy metals in fishery and aquaculture products (Spanish Official Gazette of 15 August 1991).

11. Invocation of the Emergency Procedure

NO

12. Grounds for the Emergency

-

13. Confidentiality

NO

14. Fiscal measures

NO

15. Impact assessment

-

16. TBT and SPS aspects

TBT Agreement

a) NO

b) iii) The draft has no noticeable effect on international trade.

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