STATUTORY RULES OF NORTHERN IRELAND

# 1996 No. 264

# FOOD

## Food Safety (Fishery Products and Live Bivalve Molluscs and Other Shellfish) (Miscellaneous Amendments) Regulations (Northern Ireland) 1996

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| *Made - - - -* | *1st July 1996* |
| *Coming into operation* | *12th August 1996* |

The Department of Health and Social Services for Northern Ireland in exercise of the powers conferred on it by Articles 15(1), 16(1), 25(3), 26(3), 47(2) and 48(2) of the Food Safety (Northern Ireland) Order 1991(**1**) and, being a designated Department(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2), and of all other powers enabling it in that behalf and after consultation in accordance with Article 47(3) of the said Order with such organisations as appear to it to be representative of interests likely to be substantially affected by these Regulations, hereby makes the following Regulations:

### Citation, commencement and interpretation

**1.**—(1) These Regulations may be cited as the Food Safety (Fishery Products and Live Bivalve Molluscs and Other Shellfish) (Miscellaneous Amendments) Regulations (Northern Ireland) 1996 and shall come into operation on 12th August 1996.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

### Amendment of the Food Safety (Fishery Products) Regulations (Northern Ireland) 1993

**2.** The Food Safety (Fishery Products) Regulations (Northern Ireland) 1993(**5**) shall be amended as specified in Schedule 1.

(**1**) S.I.1991/762 (N.I. 7); *See* Article 2(2) for the definitions of "the Department concerned" and "regulations"
(**2**) S.I. 1972/1811
(**3**) 1972 c. 68
(**4**) 1954 c. 33 (N.I.)
(**5**) S.R. 1993 No. 51; the relevant amending Regulations are S.R. 1995 No. 113

**Amendment of the Food Safety (Fishery Products on Fishing Vessels) Regulations (Northern Ireland) 1993**

**3.** In the Food Safety (Fishery Products on Fishing Vessels) Regulations (Northern Ireland) 1993(**6**) in regulation 1(2) (interpretation) for the definition of "fishery products" there shall be substituted—

> ""fishery products" has the same meaning as in the Food Safety (Fishery Products) Regulations (Northern Ireland) 1993;".

**Amendment of the Food Safety (Live Bivalve Molluscs and Other Shellfish) (Import Conditions and Miscellaneous Amendments) Regulations (Northern Ireland) 1995**

**4.** The Food Safety (Live Bivalve Molluscs and Other Shellfish) (Import Conditions and Miscellaneous Amendments) Regulations (Northern Ireland) 1995(**7**) shall be amended as specified in Schedule 2.

**Amendment of the Food Safety (Fishery Products) (Import Conditions and Miscellaneous Amendments) Regulations (Northern Ireland) 1995**

**5.** The Food Safety (Fishery Products) (Import Conditions and Miscellaneous Amendments) Regulations (Northern Ireland) 1995(**8**) shall be amended as specified in Schedule 3.

**Revocations**

**6.** The Regulations specified in column (1) of Schedule 4 are hereby revoked to the extent specified in column (3) of that Schedule.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on

1st July 1996.

*P. A. Conliffe*
Assistant Secretary

(**6**) S.R. 1993 No. 53, to which there are amendments not relevant to these Regulations
(**7**) S.R. 1995 No. 112
(**8**) S.R. 1995 No. 113

## SCHEDULE 1

Regulation 2

Amendments to the Food Safety (Fishery Products) Regulations (Northern Ireland) 1993

1. In Section C of Part II of Schedule 1, for paragraphs 1 and 2 there shall be substituted—

"1. When chemical checks are to be carried out by the district council samples must be taken and subjected to laboratory analysis for the control of the following parameters—

(a) TVB-N (Total Volatile Basic-Nitrogen), in respect of which—

(i) the following TVB-N limits must not be exceeded—

— 25 milligrams of nitrogen per 100 grams of flesh for the following species:

*Sebastes* spp.;

*Helicolenus dactylopterus*;

*Sebastichthys capensis*;

— 30 milligrams of nitrogen per 100 grams of flesh for the following species:

all species belonging to the Pleuronectidae family (with the exception of halibut: *Hippoglossus* spp.);

— 35 milligrams of nitrogen per 100 grams of flesh for the following species:

*Salmo salar*;

species belonging to the Merlucciidae family;

species belonging to the Gadidae family;

(ii) the reference method to be used for checking the TVB-N limit is the method involving distillation of an extract deproteinized by perchloric acid as set out in Annexes II and III of Commission Decision 95/149/EC of 8th March 1995(**9**) ("the Decision") read together with Article 3 of the Decision;

(iii) the routine methods which may be used to check the TVB-N limit are those specified in Article 2(3) of the Decision;

(iv) the sample must consist of about 100 grams of flesh, taken from at least 3 different points and mixed together by grinding;

(b) TMA-N (Trimethylamine-Nitrogen);

(c) Histamine, in respect of which—

(i) nine samples must be taken from each batch; these must fulfil the following requirements—

— the mean value must not exceed 100 parts per million ("ppm");

— two samples may have a value of more than 100 ppm but less than 200 ppm;

— no sample may have a value exceeding 200 ppm;

(ii) these limits apply only to fish species of the following families: Scombridae and Clupeidae; however, fish belonging to these families which have undergone enzyme ripening treatment in brine may have higher histamine levels but not more than twice the above values; examinations must be

(**9**) O.J. No. L97, 29.4.95, p. 84

carried out in accordance with reliable, scientifically recognised methods, such as high-performance liquid chromatography (HPLC).".

## SCHEDULE 2

Regulation 4

### Amendments to the Food Safety (Live Bivalve Molluscs and other Shellfish) (Import Conditions and Miscellaneous Amendments) Regulations (Northern Ireland) 1995

1. In regulation 3 (general restriction on importing live bivalve molluscs or other shellfish), in paragraph (1)(*a*)(i), for "and the Reference Laboratories Decision are satisfied" there shall be substituted "are satisfied and the control system to which they have been subject in accordance with Chapter VI of the Annex to the Council Directive includes provision for the laboratory tests mentioned in paragraph 3 of that Chapter to be carried out at a national reference laboratory responsible for the tasks set out in Article 2.1 of the Reference Laboratories Decision".

2. In paragraph 1 of Schedule 1 (approved import conditions), after "Commission Decision 93/530/EEC" there shall be inserted ", Commission Decision 94/767/EC(**10**) and Commission Decision 96/31/EC(**11**)."

3. After paragraph 1 of Schedule 1, there shall be added:

"2. Commission Decision 94/777/EC laying down special conditions for the import of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Turkey(**12**), as amended by Commission Decision 95/275/EC(**13**) and Commission Decision 96/31/EC.

3. Commission Decision 95/174/EC laying down special conditions for the import of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Peru(**14**).

4. Commission Decision 95/453/EC laying down special conditions for the import of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in the Republic of Korea(**15**).".

## SCHEDULE 3

Regulation 5

### Amendments to the Food Safety (Fishery Products) (Import Conditions and Miscellaneous Amendments) Regulations (Northern Ireland) 1995

1. In regulation 2(1) (interpretation), in the definition of "the Council and Commission Decisions" the words "Council and" shall be omitted in both places where they appear.

2. In regulation 3 (general restriction on importing fishery products)—

(a) in paragraph (1)(*a*), for "and the Council and Commission Decisions are satisfied" there shall be substituted ", and the Commission Decisions are satisfied and the control system to which they have been subject in accordance with Chapter V of the annex to the Council Directive includes provision for the chemical checks mentioned in paragraph 3 of that

(**10**) O.J. No. L305, 30.11.94, p. 36
(**11**) O.J. No. L9, 12.1.96, p. 6
(**12**) O.J. No. L312, 6.12.94, p. 35
(**13**) O.J. No. L167, 18.7.95, p. 26
(**14**) O.J. No. L116, 23.5.95, p. 47
(**15**) O.J. No. L264, 7.11.95, p. 35