

No. 29993

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**FRANCE
and
NORWAY**

Agreement concerning the conditions for trade in live shellfish (with annexes). Signed at Paris on 26 November 1991

Authentic texts: French and Norwegian.

Registered by France on 28 April 1993.

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**FRANCE
et
NORVÈGE**

Accord relatif aux conditions d'échange de coquillages vivants (avec annexes). Signé à Paris le 26 novembre 1991

Textes authentiques : français et norvégien.

Enregistré par la France le 28 avril 1993.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ CONCERNING THE CONDITIONS FOR TRADE IN LIVE SHELLFISH BETWEEN FRANCE AND NORWAY

Article 1

The purpose of this Agreement is to stipulate the sanitary and technical conditions for trade between France and Norway in live shellfish intended for immediate or later human consumption.

This Agreement does not cover trade in live shellfish which have not reached market size, or trade in non-live shellfish, regardless of the method of refrigeration or preservation.

TITLE I. GENERAL PROVISIONS

Article 2

For purposes of this Agreement,

(a) “Shellfish” means all species of marine lamellibranch and gasteropod molluscs, as well as sea urchins and sea squirts (*microcosmus*) cultivated or caught in French or Norwegian waters;

(b) “Shellfish waters” means sea or brackish water in which shellfish are found naturally or are cultivated;

(c) “Shipping establishment” means an establishment in which the shellfish from shellfish waters are prepared and packed with a view to shipping for human consumption;

(d) “Shipping for immediate human consumption” means the shipping of healthy shellfish in sealed packages intended to be sold for human consumption without prior immersion for any length of time;

(e) “Shipping for later human consumption” means the shipping of healthy shellfish intended to be sold for human consumption after immersion and final packing in an establishment approved for that purpose, in accordance with the provisions of title III of this Agreement;

(f) “Thermostable coliforma or fecal coliforma” means coliform bacteria which, at a temperature of 44° C, ferment lactose with production of gas and form indole from tryptophane.

Article 3

Whether intended for immediate human consumption or later human consumption, the exported shellfish must satisfy the hygienic conditions set forth in article 5 below.

¹ Came into force on 26 November 1991 by signature, in accordance with article 14.

Article 4

The competent health authorities of both countries shall monitor and guarantee the quality of the shellfish waters from which the shellfish originate:

In the case of France, in accordance with the provisions of the order of 12 October 1976, setting the health standards for shellfish waters, and the amendments thereto, as well as with annex 1.

In the case of Norway, in accordance with the decree of 1 July 1986, in particular its article 18, and the amendments thereto, as well as with the supplementary provisions summarized in annex 2.

Article 5

Shellfish intended for export shall be shipped exclusively from shipping establishments which are specially approved and monitored by the authorities of the country of origin.

In all cases, the shellfish must originate solely from waters which have been deemed healthy in accordance with the provisions of article 4 (and annexes 1 and 2) or which have undergone an approved purification treatment.

Such shellfish must satisfy the criteria set forth in annex 3 of this Agreement.

When crossing frontiers, the consignments of shellfish shall be accompanied by a certificate stating that they are of healthy origin and identifying the shipping establishment.

In the case of France, this certificate, drawn up in accordance with the model in annex 6 of this Agreement, shall be issued by an official of the veterinary service. Furthermore, if these shellfish are intended for immediate human consumption, the packages shall be accompanied by health labels issued by the Institut Français de Recherche pour l'Exploitation de la Mer (Ifremer) (French Institute for Research on the Use of Marine Resources) in accordance with the forms stipulated in annex 5 of this Agreement.

In the case of Norway, this certificate, in accordance with the form contained in annex 4 of this Agreement, shall be issued by Fiskerdirektoratets kontrollverk (Department of Fisheries, Office of Quality Control).

In the absence of the above-mentioned certificate of healthy origin, the consignments shall be deemed unfit for human consumption.

TITLE II. PROVISIONS CONCERNING TRADE IN SHELLFISH INTENDED FOR IMMEDIATE HUMAN CONSUMPTION

Article 6

Exported shellfish intended for immediate human consumption shall be of a minimum size called "market size", which is established for various species in annex 7 to this Agreement.

Such shellfish shall be prepared and packed in accordance with the requirements set forth in article 7 below.

Furthermore, each package shall bear a trade label indicating:

— The sales designation of the product in the country of destination;

- The words “imported from . . .” followed by the name of the country of origin;
- The net quantity in weight (or unit of volume in the case of mussels);
- The approved number assigned to the shipping establishment by the authorities of the country of origin;
- The name and address of the shipping establishment;
- The date of departure from the place of shipment.

Article 7

Shellfish intended for immediate human consumption shall be subject, in their country of origin, to the following provisions regarding their preparation and packing.

1. Proper preservation of the shellfish shall be guaranteed. Draining of the shellfish for at least two hours at least once a day during the month preceding shipment is advisable for that purpose.

2. Before packing, the shellfish shall be sorted in order to eliminate waste (foreign objects, dead or damaged specimens) and those which are below the minimum sizes established in annex 7. They shall be washed and impurities on the shells shall be removed.

3. The shellfish shall be packed in sturdy, crushproof packaging.

4. Oysters shall be packed in horizontal layers, cupped shells down.

5. Packaging and interior protective packaging shall be of inert materials which have been approved for contact with foodstuffs.

6. Each package shall be closed with a properly fastened lid, which shall, nevertheless, not be so tight as to prevent the passage of liquids and solids.

7. The maximum gross weight per package has been set as follows:

Oysters	16 kg
Mussels	25 kg
Scallops	45 kg
Other shellfish.	10 kg

Article 8

Consignments of shellfish which do not satisfy the requirements of subparagraphs 3, 4, 6 and 7 of article 7 above may be imported for later human consumption, provided that the provisions of title III below are met.

TITLE III. PROVISIONS CONCERNING TRADE IN SHELLFISH INTENDED FOR LATER HUMAN CONSUMPTION

Article 9

Consignments of shellfish imported for later human consumption shall be intended only for re-immersion in establishments especially approved for that purpose.

Such consignments, which may have simpler packaging than that required for those intended for immediate human consumption, shall be accompanied by a certificate of animal health issued:

- In the case of France by Ifremer;
- In the case of Norway by the Department of Fisheries, Quality Control Division.

The certificate shall be drawn up in accordance with the model shown in annex 8 to this Agreement.

The consignments shall furthermore be accompanied by the certificate of healthy origin shown in annex 4 or 6.

Each package shall bear labels indicating in particular the following:

- The type of shellfish in question;
- The name *en clair* or approval number of the shipping establishment;
- The words “imported from for immersion at an approved establishment”.

Article 10

The provisions of this title shall apply to trade in shellfish when the establishments in each respective country have been approved.

TITLE IV. SPECIAL PROVISIONS

Article 11

The competent authorities of both countries shall inform each other of any amendments to their national laws and regulations whenever such amendments are likely to entail changes in the sanitary and technical requirements for the application of this Agreement.

The competent authorities of both countries also agree to inform each other quickly of any deficiency noted in the quality of the imported products.

Article 12

In the case of France, the competent authorities are:

Ministère de l'Agriculture et de la Forêt
Service Vétérinaire d'Hygiène Alimentaire
175 rue du Chevaleret — 75646 Paris Cedex 13
Telephone: 49 55 84 23
Telex: 205 067
Facsimile: 45 86 65 67

Secrétariat d'Etat à la Mer
Direction des Pêches Maritimes et des Cultures Marines
3, Place de Fontenoy — 75700 Paris
Telephone: 42 73 55 05
Telex: 250 823
Facsimile: 40 65 07 73