

## ANNEX III

### FISHERY PRODUCTS

#### CHAPTER I: OFFICIAL CONTROLS OF PRODUCTION AND PLACING ON THE MARKET

1. Official controls on the production and placing on the market of fishery products are to include, in particular:
  - (a) a regular check on the hygiene conditions of landing and first sale;
  - (b) inspections at regular intervals of vessels and establishments on land, including fish auctions and wholesale markets, to check, in particular:
    - (i) where appropriate, whether the conditions for approval are still fulfilled,
    - (ii) whether the fishery products are handled correctly,
    - (iii) for compliance with hygiene and temperature requirements, and
    - (iv) the cleanliness of establishments, including vessels, and their facilities and equipment, and staff hygiene; and
  - (c) checks on storage and transport conditions.
2. However, subject to paragraph 3, official controls of vessels:
  - (a) may be carried out when vessels call at a port in a Member State;
  - (b) concern all vessels landing fishery products at ports in the Community, irrespective of flag; and
  - (c) may, if necessary, when the competent authority of the Member State the flag of which the vessel is flying carries out the official control, be carried out while the vessel is at sea or when it is in a port in another Member State or in a third country.
3.
  - (a) In the case of an inspection of a factory or freezer vessel flying the flag of a Member State carried out with a view to the approval of the vessel, the competent authority of the Member State the flag of which the vessel is flying is to carry out inspections in such a manner as to comply with the requirements of Article 3, particularly the time limits of Article 3(2). If necessary, that competent authority may inspect the vessel while it is at sea or when it is in a port in another Member State or in a third country.
  - (b) When the competent authority of the Member State the flag of which the vessel is flying has granted the vessel conditional approval in accordance with Article 3, that competent authority may authorise a competent authority of:
    - (i) another Member State, or
    - (ii) a third Country that appears on a list of third countries from which imports of fishery products are permitted drawn up in accordance with Article 11, to carry out a follow-up inspection with a view to granting full approval or prolonging conditional approval in accordance with Article 3(1)(b) or to keeping approval under review in accordance with Article 3(4). If necessary,

that competent authority may inspect the vessel while it is at sea or when it is in a port in another Member State or in a third country.

4. When the competent authority of a Member State authorises the competent authority of another Member State or of a third country to carry out inspections on its behalf in accordance with paragraph 3, the two competent authorities are to agree on the conditions governing such inspections. These conditions are to ensure, in particular, that the competent authority of the Member State the flag of which the vessel is flying receives reports on the results of inspections and on any suspected non-compliance without delay, so as to enable it to take the necessary measures.

## CHAPTER II: OFFICIAL CONTROLS OF FISHERY PRODUCTS

Official controls of fishery products are to include at least the following elements.

### A. ORGANOLEPTIC EXAMINATIONS

Random organoleptic checks must be carried out at all stages of production, processing and distribution. One aim of these checks is to verify compliance with the freshness criteria established in accordance with Community legislation. In particular, this includes verifying, at all stages of production, processing and distribution, that fishery products at least exceed the baselines of freshness criteria established in accordance with Community legislation.

### B. FRESHNESS INDICATORS

When the organoleptic examination reveals any doubt as to the freshness of the fishery products, samples may be taken and subjected to laboratory tests to determine the levels of total volatile basic nitrogen (TVB-N) and trimethylamine nitrogen (TMA-N).

The competent authority is to use the criteria laid down under Community legislation.

When the organoleptic examination gives cause to suspect the presence of other conditions which may affect human health, appropriate samples are to be taken for verification purposes.

### C. HISTAMINE

Random testing for histamine is to be carried out to verify compliance with the permitted levels laid down under Community legislation.

### D. RESIDUES AND CONTAMINANTS

Monitoring arrangements are to be set up to control the levels of residues and contaminants in accordance with Community legislation.

### E. MICROBIOLOGICAL CHECKS

Where necessary, microbiological checks are to be performed in accordance with the relevant rules and criteria laid down under Community legislation.

### F. PARASITES

Random testing is to take place to verify compliance with Community legislation on parasites.

### G. POISONOUS FISHERY PRODUCTS

Checks are to take place to ensure that the following fishery products are not placed on the market:

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*Status: This is the original version (as it was originally adopted).*

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1. poisonous fish of the following families are not placed on the market: Tetraodontidae, Molidae, Diodontidae and Canthigasteridae; and
2. fishery products containing biotoxins such as Ciguatera or other toxins dangerous to human health. However, fishery products derived from bivalve molluscs, echinoderms, tunicates and marine gastropods may be placed on the market if they have been produced in accordance with Section VII of Annex III to Regulation (EC) No .../2004<sup>(1)</sup> and comply with the standards laid down in Chapter V, point 2, of that Section.

### CHAPTER III: DECISIONS AFTER CONTROLS

Fishery products are to be declared unfit for human consumption if:

1. organoleptic, chemical, physical or microbiological checks or checks for parasites have shown that they are not in compliance with the relevant Community legislation;
2. they contain in their edible parts contaminants or residues in excess of the limits laid down in Community legislation or at levels where the calculated dietary intake would exceed the acceptable daily or weekly intake for humans;
3. they derive from:
  - (i) poisonous fish,
  - (ii) fishery products not complying with the requirement of Part G, point 2, of Chapter II concerning biotoxins, or
  - (iii) bivalve molluscs, echinoderms, tunicates or marine gastropods containing marine biotoxins in total quantities exceeding the limits referred to in Regulation (EC) No .../2004<sup>(2)</sup>; or
4. the competent authority considers that they may constitute a risk to public or animal health or are for any other reason not suitable for human consumption.

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- (1) Note for Official Journal: Insert No of regulation laying down specific hygiene rules for food of animal origin (see recital 1, 2nd Regulation).
- (2) Note for Official Journal: Insert No of Regulation laying down specific hygiene rules for food of animal origin (see recital 1, 2nd Regulation).