

SCHEDULE 3

PRODUCTION AND PLACING ON THE MARKET CONDITIONS FOR FISHERY PRODUCTS

CHAPTER V

HEALTH CONTROL AND MONITORING OF PRODUCTION CONDITIONS

Section I

General monitoring

Each food authority shall establish the following arrangements in order to establish whether the requirements laid down in the Regulations are complied with, and such arrangements will include, in particular—

1. a check on the fishing vessels, on the understanding that such a check may be carried out during the stay in port;
2. a check on the conditions of landing and first sale;
3. an inspection at regular intervals of establishments and factory vessels (wherever registered) to check in particular—
 - (a) whether the conditions for approval (where applicable) are still fulfilled;
 - (b) whether the fishery products are handled correctly;
 - (c) the cleanliness of the premises, facilities and instruments and staff hygiene;
 - (d) whether any necessary identification marks are put on correctly;
4. an inspection of the wholesale and auction markets;
5. a check on storage and transport conditions.

Section II

Special Checks

Organoleptic checks

1.—(1) Without prejudice to the derogations provided for by Council Regulation (EEC) No. 103/76(1) laying down common marketing standards for certain fresh or chilled fish, as amended(2), each batch of fishery products must be submitted for inspection by the food authority at the time of landing or before first sale to check whether they are fit for human consumption. This inspection comprises an organoleptic check carried out by sampling.

(2) Fishery products complying, as far as the freshness criteria are concerned, with the common marketing standards already laid down pursuant to article 2 of Council Regulation (EEC) No. 3759/92(3) on the common organisation of the market in fishery products, as amended(4), are considered to fulfil the organoleptic requirements necessary for compliance with the provisions of these Regulations.

(1) OJ No. L20, 28.1.76, p.29.

(2) The Regulation was last amended by Council Regulation (EEC) No. 1935/93 (OJ No. L176, 20.7.93, p.3).

(3) OJ No. L388, 31.12.92, p.10.

(4) The Regulation was last amended by Council Regulation (EC) No. 3318/94 (OJ No. L350, 31.12.94, p.15).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) The organoleptic examinations must be repeated after the first sale of fishery products, if it is found that the requirements of these Regulations have not been complied with or when considered necessary. After the first sale, fishery products must at least comply with the minimum freshness requirements of Regulation (EEC) No. 3687/91⁽⁵⁾, as amended.

(4) If the organoleptic examination reveals that the fishery products are not fit for human consumption, measures must be taken to withdraw them from the market and denature in such a way that they cannot be re-used for human consumption.

(5) If the organoleptic examination reveals any doubt as to the freshness of the fishery products, use may be made of chemical checks or microbiological analysis.

Parasite checks

2.—(1) Before they are released for human consumption, fish and fish products must be subject to a visual inspection on behalf of the food authority, by way of sample, for the purpose of detecting any parasites that are visible.

(2) Fish or parts of fish which are obviously infested with parasites must not be placed on the market for human consumption.

Chemical checks

3A. When the chemical checks are to be carried out by the food authority 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⁽⁶⁾ (“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);

⁽⁵⁾ OJ No. L354, 23.12.91, p.1.

⁽⁶⁾ OJ No. L97, 29.4.95, p.84.

- (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, Clupeidae, Engraulidae and Coryphaenidae; 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 carried out in accordance with reliable, scientifically recognised methods, such as high-performance liquid chromatography (HPLC).

Contaminants present in the aquatic environment

3B.—(1) Without prejudice to the Community rules concerning water protection and management, and in particular those concerning pollution of the aquatic environment, fishery products must not contain in their edible parts contaminants present in the aquatic environment such as heavy metals and organochlorinated substances at such a level that the calculated dietary intake exceeds the acceptable daily or weekly intake for humans.

(2) The Ministers shall establish a monitoring system to check the levels of such contamination of fishery products.

Microbiological analyses

4.—(1) Subject to sub-paragraph (2), the microbiological standards applicable to the production of cooked crustaceans and molluscan shellfish are those set out in Commission Decision [93/51/EEC](#) on the microbiological criteria applicable to the production of cooked crustaceans and molluscan shellfish.

(2) For the purposes of sub-paragraph (1), the reference in article 2 of Commission Decision [93/51/EEC](#) to a processing plant shall be treated as if it were a reference to an approved establishment or factory vessel.

5.—(1) The sampling programme to be established in accordance with article 3 of Commission Decision [93/51/EEC](#), as provided for in—

- (a) paragraph 8(1)(b) of Section II of Chapter I; and
- (b) paragraph 7(c) of Section IV of Chapter IV,

shall be monitored by the food authority which approved the establishment or factory vessel in question.

(2) For the purposes of sub-paragraph (1)—

- (a) the reference in article 3(1) of Commission Decision [93/51/EEC](#) to the requirements of article 6 of the Fishery Products Directive shall be treated as if it were a reference to the requirements of regulation 28; and
- (b) the reference in the first indented paragraph of article 3(2) of that Commission Decision of competent authorities shall be treated as if it were a reference to the food authority mentioned in sub-paragraph (1).