



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 18.10.1996  
COM(96) 506 final

Proposal for a

**COUNCIL DIRECTIVE**

amending the Annex to Directive 91/492/EEC  
laying down the health conditions for the production and the placing  
on the market of live bivalve molluscs

(presented by the Commission)



## EXPLANATORY MEMORANDUM

The Community adopted health rules governing the production and placing on the market of live bivalve molluscs in July 1991 (Directive 91/492/EEC). At the time, two marine biotoxins posed a health risk in Community waters: PSP and DSP. Directive 91/492/EEC made provision for the monitoring of harvesting areas and checks on bivalve molluscs for these toxins.

A new type of toxin, ASP, has appeared in recent years and has been responsible for significant food poisoning in Canada. Neurological disturbances in the brain have resulted in the deaths of a number of consumers. Low levels of the toxin were recently found in molluscs in various Member States. The danger that this toxin might develop in bivalve molluscs harvested in the Community to levels injurious to consumer health cannot be ignored. The need to check both Community production and imports means that the Annex to Directive 91/492/EEC must be amended so that the maximum permitted level of this toxin in bivalve molluscs is included in it.

This amendment will ensure the highest level of public health protection and will take account of the latest information on marine biotoxins. It is a simple technical adjustment to improve the application of the Community legislation, in particular the measures ensuring the free movement of foodstuffs of animal origin.

**PROPOSAL FOR A COUNCIL DIRECTIVE**  
of  
amending the Annex to Directive 91/492/EEC  
laying down the health conditions for the production and the placing  
on the market of live bivalve molluscs

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and placing on the market of live bivalve molluscs<sup>(1)</sup>, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas Chapter V of the Annex to Directive 91/492/EEC sets the acceptable limits for two types of marine toxin that constitute a danger to public health;

Whereas there is scientific evidence that a new marine toxin "Amnesic Shellfish Poisoning" (ASP) that could endanger consumer health has appeared in the areas where bivalve molluscs are produced;

Whereas the requirements concerning live bivalve molluscs in Chapter V of the Annex to Directive 91/492/EEC must be adjusted to take account of the new marine toxin;

Whereas to protect public health an acceptable limit must be set for this new marine toxin,

HAS ADOPTED THIS DIRECTIVE:

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<sup>(1)</sup> OJ No L 268, 24. 9.1991, p. 1.

### Article 1

The Annex to Directive 91/492/EEC is amended as follows:

The following point 7a is added to Chapter V:

"7a The total Amnesic Shellfish Poison (ASP) content in the edible parts of molluscs (the entire body or any part edible separately) must not exceed 20 milligrams of domoic acid per gramme using the HPLC method."

### Article 2

1. The Member States shall bring into force the laws, regulations and administrative provisions needed to comply with this Directive before 1 January 1997. They shall inform the Commission thereof.

The provisions adopted by the Member States shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. The Member States shall send the Commission the text of the main provisions of domestic law which they adopt in the subject area covered by this Directive.

### Article 3

This Directive shall enter into force on the day of its publication in the Official Journal of the European Communities.

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

For the Council  
The President



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