

**No. 29993**

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**FRANCE  
and  
NORWAY**

**Agreement concerning the conditions for trade in live shell-  
fish (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]

AGREEMENT<sup>1</sup> 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.

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<sup>1</sup> 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

With scientific and technical support from:

L'Institut Français de Recherche pour l'Exploitation de la Mer  
Direction de l'Environnement et de l'Aménagement Littoral (DEL)  
rue de l'Ile d'Yeu  
B.P. 1049  
44037 — Nantes Cedex  
Telephone: 40 37 40 00  
Telex: 711 196  
Facsimile: 40 37 40 01

*Article 13*

In the case of Norway, the competent authority is:

Fiskeridirektoratet, Avdeling for kvalitetskontroll  
(Department of Fisheries, Office of Quality Control)  
Strandgt. 229, 5002 Bergen, Norway  
Telephone: 5 23 80 00  
Fax: 42 151  
Facsimile: 5 23 80 90

With the scientific and technical support of:

Fiskeridirektoratet, Avdeling for Kvalitetskontroll Sentrallaboratoriet  
(Central Laboratory of the Office of Quality Control)  
Strandgt. 229, 5002 Bergen, Norway  
Telephone: 5 23 80 00  
Fax: 42 151  
Facsimile: 5 23 80 90

*Article 14*

This Agreement shall enter into force on the date of its signature.

This Agreement shall remain in force until such time as one of the Parties denounces it in writing by giving the other six months' notice reckoned from the date of its receipt by the other Party.

*Article 15*

Notwithstanding the provisions of article 14 above, and if so required for the protection of public or veterinary health, the competent authority of the country of destination may prohibit the entry of one or more consignments of shellfish.

In such cases, the application of this Agreement may be immediately suspended on a temporary basis by either Party. The Party temporarily suspending the application of this Agreement shall be required to inform the other Party in writing within eight full days after such a decision. In that event, the Parties shall immediately begin consultations on the subsequent conditions for the application of the Agreement.

DONE at Paris on 26 November 1991 in duplicate in the French and Norwegian languages, both texts being equally authentic.

For the Government  
of the French Republic:  
[C. BERNET]

For the Government  
of the Kingdom of Norway:  
[A. LANGELAND]

# ANNEX 1 QUALITY OF ORIGINAL SHELLFISH WATERS

MINISTRY RESPONSIBLE FOR MARINE AFFAIRS  
DEPARTMENT OF SEA FISHING AND CULTIVATION

MINISTRY OF AGRICULTURE  
FOOD HYGIENE AND VETERINARY SERVICE

PARAMETERS	G RECOMMENDED AMOUNTS	I MAXIMUM PERMITTED AMOUNTS	STANDARD METHOD OF ANALYSIS	MINIMUM FREQUENCY OF SAMPLING AND MEASUREMENT
Hydrocarbons from petroleum		Hydrocarbons must not be present in the shellfish water in such quantities that they: - produce a visible film on the surface of the water and/or a deposit on the shellfish; - cause harmful effects to the shellfish.	Visual examination	Once every three months
Organohalogenated substances	The concentration of each such substance in the shellfish flesh shall be so limited that the good quality of the cultivated produce is ensured.	The concentration of each such substance in the shellfish waters or in the shellfish flesh must not exceed a level at which it would cause harm to the shellfish or their larvae.	Chromatography in gaseous phase after extraction by suitable solvents and cleansing	Once every six months
Metals Silver Arsenic Cadmium Chromium Copper Mercury Nickel Lead Zinc	The concentration of each such substance in the shellfish flesh shall be so limited that the good quality of the cultivated produce is ensured.	The concentration of each such substance in the shellfish waters or in the shellfish flesh must not exceed a level at which it would cause harm to the shellfish or their larvae. The synergic effects of such metals shall be taken into account. For mercury and lead, the maximum levels are: - Hg < 0.5 mg/kg - Pb < 1 mg/kg	Atomic absorption spectrometry, with possible prior concentration and/or extraction	Once every six months
Toxins produced by dinoflagellates - PSP (neuro-toxin) - DSP (diarrhoeal toxin)		PSP: < 80 micrograms per 100 gr of shellfish flesh DSP: Concentrations exceeding a level at which the toxin can produce harmful effects on the consumer.	Biological observations and test measurements on shellfish samples taken from carefully selected points of reference	During the season of plankton bloom, phytoplanktonic species considered to be toxic, as well as their toxins (PSP - DSP), shall be screened.

Note: Where this Agreement or national regulations do not give numerical values for the parameters listed above, the parties agree to apply the recommendations of the World Health Organization (WHO).

## ANNEX 2

## QUALITY OF ORIGINAL SHELLFISH WATERS

OFFICE OF FISHERIES  
DEPARTMENT OF QUALITY CONTROL

The Office of Fisheries (Department of Quality Control) shall perform the required inspection of water quality in shellfish cultivation areas. The Norwegian authorities shall follow the Council Directive of 30 October 1979 (79/923/CEE, number L 281/47) for the following parameters which shall be examined in accordance with the table below at ten carefully selected points in each production zone.

PARAMETERS	G RECOMMENDED AMOUNTS	I MAXIMUM PERMITTED AMOUNTS	STANDARD METHOD OF ANALYSIS	MINIMUM FREQUENCY OF SAMPLING AND MEASUREMENT
Micro-Organisms - fecal coliforms	< 300 per 100 millilitres of shellfish flesh		Measurement by the most probable number (mpn) method	Monthly
Hydrocarbons from petroleum		Hydrocarbons must not be present in the shellfish water in such quantities that they: - produce a visible film on the surface of the water and/or a deposit on the shellfish; - cause harmful effects to the shellfish.	Visual examination	Once every three months
Organohalogenated substances - DDT - PCB	The concentration of each such substance in the shellfish flesh shall be so limited that the good quality of the cultivated produce is ensured.	The concentration of each such substance in the shellfish waters or in the shellfish flesh must not exceed a level at which it would cause harm to the shellfish or their larvae.	Chromatography in gaseous phase after extraction by suitable solvents and cleansing	Once every six months
<u>Heavy metals</u> Mercury Hg Lead Pb	The concentration of each such substance in the shellfish flesh shall be so limited that the good quality of the cultivated produce is ensured.	The concentration of each such substance in the shellfish waters or in the shellfish flesh must not exceed a level at which it would cause harm to the shellfish or their larvae. For mercury and lead, the maximum levels are: - Hg < 0.5 mg/kg - Pb < 1 mg/kg	Atomic absorption spectrometry, with possible prior concentration and/or extraction	Once every six months
Toxins produced by dinoflagellates - PSP (neuro-toxin) - DSP (diarrhoeal toxin)		< 80 micrograms per 100 gr of shellfish flesh  Concentrations exceeding a level at which the toxin can produce harmful effects on the consumer.	Biological observations and test measurements on shellfish samples taken from carefully selected points of reference	During the season of plankton bloom, phytoplanktonic species considered to be toxic, as well as their toxins (PSP - DSP), shall be screened.

Note: Where this Agreement or national regulations do not give numerical values for the parameters listed above, the parties agree to apply the recommendations of the World Health Organization (WHO).



## ANNEX 3

## SANITARY REQUIREMENTS FOR SHELLFISH

Shellfish may come only from waters that have been determined to be healthy in accordance with the provisions of article 4 and annexes 1 and 2 of this Agreement.

The shellfish shall not contain pathogenic substances or micro-organisms. They shall meet the requirements given below (weights refer to moist flesh).

Thermostable coliforma	< 3 per g, or 3/ml of flesh
Salmonella	None in 25 g of flesh
PSP	< 80 micrograms of toxin per 100 g of flesh
DSP	No toxicity considered harmful to the consumer
<i>Heavy metals</i>	
Lead	< 1 mg/kg
Mercury	< 0.5 mg/kg

## ANNEX 4

CERTIFICATE OF HEALTHY ORIGIN AND FITNESS  
FOR HUMAN CONSUMPTIONI. *Origin of product*

Country of origin: Norway

Ministry: Ministry of Sea Fishing

Department: Office of Fisheries

Division of Quality Control

II. *Identification of product*

Type:

Commercial name<sup>(1)</sup> .....

Scientific name .....

Type of preservation .....

Type of packaging .....

Trade marks on packages .....

Number of packages ..... Weight .....

III. *Source of product*

Name of shipper .....

Address of shipper .....

IV. *Destination of product*

From (place of shipment) .....

Product shipped to (destination) .....

On (date of shipment) .....

By rail, road, air, sea<sup>(2)</sup> .....

Name and address of consignee .....

V. *Information regarding health*

I, the undersigned (name and title) .....

official inspector, hereby certify that the products listed above:

1. Have been deemed fit for human consumption;
2. Have been caught, handled, packed and shipped in accordance with the provisions of the bilateral agreement between France and Norway of .....

Done at ..... on .....

.....

Official stamp

Signature

<sup>(1)</sup> Give the commercial name in both French and Norwegian.

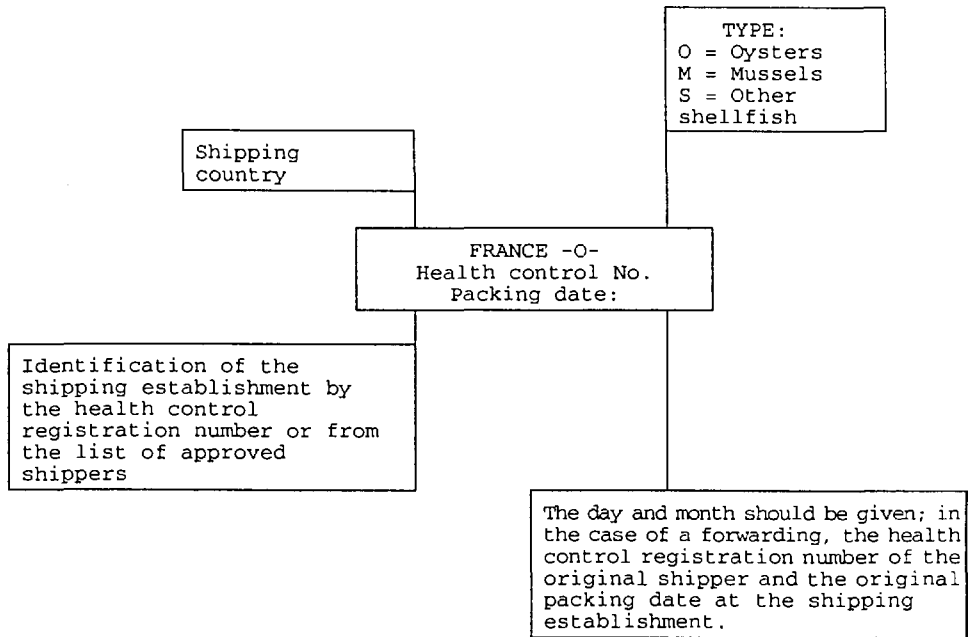
<sup>(2)</sup> Cross out what does not apply and include the registration number of railroad cars and lorries, the flight number for aircraft, and the name of ships.

## ANNEX 5

## HEALTH LABELS

(Rectangle at least 34 mm x 20 mm)

(Decree of 10 October 1991)



The health label should include the information listed in this annex.

ANNEX 6

FRENCH REPUBLIC

Ministry of Agriculture and Forests  
Food Hygiene and Veterinary Service

Certificate of healthy origin and fitness for human consumption of oysters, mussels and other shellfish which are packed live and may be eaten raw, and for sea urchins and sea squirts

I. *Origin of product*

Country of origin  
Department

Ministry

II. *Identification of product*

Type:

Commercial name<sup>(1)</sup> .....  
Scientific name .....  
Type of preservation .....  
Type of packaging .....  
Trade marks on packages .....  
Number of packages ..... Weight .....

III. *Source of product*

Name of shipper .....  
Address of shipper .....

IV. *Destination of product*

From (place of shipment) .....  
Product shipped to (destination) .....  
On (date of shipment) .....  
By rail, road, air, sea<sup>(2)</sup> .....  
Name and address of consignee .....

V. *Information regarding health*

I, the undersigned (name and title) .....  
official inspector, hereby certify that the products listed above:

- 1. Have been deemed fit for human consumption;
- 2. Have been caught, handled, packed and shipped in accordance with the provisions of the bilateral agreement between France and Norway of .....

Done at ..... on .....  
.....

Official stamp

Signature

<sup>(1)</sup> Give the commercial name in both French and Norwegian.  
<sup>(2)</sup> Cross out what does not apply and include the registration number of railroad cars and lorries, the flight number for aircraft, and the name of ships.  
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## ANNEX 7

## MARKET SIZE OF SHELLFISH

1. Clams ( <i>Mercenaria mercenaria</i> ) . . . . .	4.5 cm
2. Clovises ( <i>Tapes aureus</i> , <i>tapes pullastra</i> )* (from the Mediterranean) . . . . .	3 cm
3. Cockles ( <i>Cardium edule</i> ) . . . . .	3 cm
4. Scallops ( <i>Coquilles St. Jacques</i> ) ( <i>Pecten maximus</i> ) . . . . .	10 cm
5. Common oysters ( <i>Ostrea edulis</i> ) . . . . .	5 cm
6. Pacific cupped oysters ( <i>Crassostrea gigas</i> ) . . . . .	30 grammes
7. Mussels ( <i>Mytilus edulis</i> , <i>mytilus galloprovincialis</i> ) . . . . .	4 cm
8. Ormers ( <i>Haliotis tuberculata</i> , <i>haliotis</i> sp) . . . . .	8 cm
9. Carpet shells or baby clams ( <i>Tapes decussatus</i> , <i>tapes phillipinarum</i> , <i>tapes</i> sp)* . . . . .	3.5 cm
10. Variegated scallops ( <i>Chlamys varia</i> , <i>chlamys</i> sp) . . . . .	3.5 cm
11. Warty venuses ( <i>Venus verrucoas</i> ) . . . . .	3 cm

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\* *Tapes* = *venerupis*.

## ANNEX 8

CERTIFICATE OF ORIGIN AND HEALTH FOR LIVE SHELLFISH INTENDED FOR IMPORT  
INTO FRANCE OR NORWAY FOR CLEANING OR STOCKING<sup>(1)</sup> AT APPROVED ESTABLISHMENTS

1. *Country of origin and competent authorities*

- Country of origin .....
- Competent ministry .....
- Department .....

2. *Identification and origin of product*

- Type:
- Commercial name .....
- Scientific name .....
- Place of cultivation or capture .....
- Size of shellfish .....
- Total net weight .....
- Type of packaging .....
- Individual weight of packages .....
- Number of packages .....
- Trade marks on packages .....
- Name of shipper .....
- Address of shipper .....

3. *Destination and means of transport*

- Place of shipment .....
- Date of shipment .....
- Destination .....
- Name of consignee .....
- Means of transport: air — road — rail — sea<sup>(2)</sup>

4. *Information on the state of health of the shellfish*

I, the undersigned (name and title), hereby certify that the shellfish listed above originate in a zone in which no abnormal mortality has been observed recently and in which the shellfish do not normally show signs of disease or pathogenic or presumed pathogenic parasites.

Done at ..... on .....

.....

Official stamp

Signature

<sup>(1)</sup> Only such shellfish will be admitted to France for immersion at an approved stocking establishment as are accompanied by the certificate of origin and health.

<sup>(2)</sup> Cross out what does not apply.