

Live Bivalve Mollusc Harvesting Area Classifications (under EU Regulation 627/2019)

Frequently Asked Questions

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Classification of new harvesting areas

FSA will receive and validate all new applications for classification. The application form is available on the shellfish classification pages at the following link:

<https://www.food.gov.uk/business-guidance/shellfish-classification>

Once validated the application will be submitted to Carcinus to initiate the sanitary survey process. A provision Representative Monitoring Point (pRMP) assessment will be undertaken by Carcinus upon receipt of a completed application form and formal request from FSA. This will take the form of a desk study, in order to determine a sampling plan for the new site. In most cases a minimum of 10 samples will be required for provisional classification from each identified monitoring point. Samples should be taken no more frequently than at weekly intervals. If a preliminary classification is deemed appropriate by the interim assessment, then a recommendation will be made to FSA for their consideration. At the moment, the possibility of an immediate preliminary classification only applies for new species in an existing area classified for another species with an appropriate history of monitoring.

The protocol that Cefas works to in classifying harvesting areas can be found at:

<https://www.food.gov.uk/business-guidance/shellfish-classification>

A downloadable leaflet about sanitary surveys is available here:

<https://www.cefas.co.uk/data-and-publications/sanitary-surveys/england-and-wales/>

For further details please contact the Shellfish Hygiene team on 01305 206600.

What should I do if I have doubts about the commercial viability of the area requested for classification?

In cases where there is some doubt on the part of the Local Enforcement Authority as to the viability of a classification request, an independent view should be sought from the local Inshore Fisheries Conservation Authority or other relevant body.

How far out to sea does the obligation to classify extend?

Local Enforcement Authorities have a sampling and enforcement responsibility for classified harvesting areas normally up to 3 nautical miles seaward of the mean high water line (local variations may apply).

Who pays for sampling and the analysis of samples?

Local Enforcement Authorities ultimately have the responsibility for funding the sampling and analysis of shellfish classification samples. However, it is reasonable for Local Enforcement Authorities to request the help of industry (e.g. provision of boats) in acquisition of these samples, particularly in farmed areas.

Key sampling criteria

Samples must be transported in cool boxes to the laboratory and tested within 48hrs of sampling - for further details please see microbiological sampling protocol at:

<https://www.cefas.co.uk/data-and-publications/shellfish-classification-and-microbiological-monitoring/england-and-wales/shellfish-monitoring-results/>

Seed shellfish

Seed shellfish may be taken from a class C or unclassified area and moved to a class B (or class A) area. The deposited seed must be sufficiently separated from

the existing classified shellfish in the new area to avoid the possibility of causing cross-contamination. In addition:

- Seed shellfish must be grown-on for at least 6 months before being harvested for placing on the market
- “Seed shellfish” is not a defined term. They are understood by those in the trade to be shellfish that are too small to be marketed (check Defra minimum landing sizes)
- Consideration should be given to the need to control transfer of shellfish diseases from one site to another (call Fish Health Inspectorate on 01305 206711 for further details)
- Harvesters are asked to inform the relevant Local Enforcement Authority(ies) of any proposed movement of seed shellfish so that appropriate advice may be given.

Requirements for scallops

EC Regulation 627/2019 (section VII, chapter IX) states that scallops may be harvested from unclassified areas, unlike other bivalve shellfish. Controls are required to take place instead at the first point of sale, such as fish auction, dispatch centre or processing establishment. However, paragraph 2 states that *‘where data from official monitoring programmes enable the competent authority to classify fishing grounds (...) the provisions of chapter II part A [i.e. those relating to classification] apply by analogy to Pectinidae’*. In other words, scallop harvesting areas may be classified where relevant data is available to do so. The current agreed approach in England and Wales is to classify areas on request from the Local Enforcement Authority and where such data is available. In the absence of such a request then scallop harvesting areas may not be classified, however, controls at first point of sale must be carried out to ensure that the end product standards are met.

Seasonal classifications

At least 3 years’ worth of data (and a minimum 24 sample results within the season) showing a clear seasonal trend is necessary for a seasonal classification to be awarded. Seasonal classifications should comprise at least 3 consecutive months and be of benefit to local industry (at a time they would usually harvest). Routine monthly monitoring is required throughout the full calendar year to provide sufficient compliance data.

A buffer period before the start of the season is required. This is one month for Class C to B areas (two months for C to A) and one month for Class B to A areas. During the buffer period the monthly monitoring sample must show compliance with the higher/'better' classification prior to the 'better' season commencing. Harvested products may only be processed at the 'better' classification at the start of the season and not during the buffer period. This is to allow for clearance of contamination.

If the sample in the buffer period is not compliant with the better classification, the LA must sample again until a compliant sample is obtained before the month of the 'better' classification may commence. (Sampling should be at least 7 days apart). This may mean the start of the season is delayed. Such decisions will be made on a case-by-case basis by the FSA. If the season is delayed (following non-compliant buffer samples) for two consecutive years, then the seasonal classification period will be reviewed. Buffer period results will be included in the classification dataset (i.e. used for classification assessments).

For the current classification level of any harvesting area please go to:

<https://www.food.gov.uk/business-guidance/shellfish-classification>

Monitoring frequency

The normal requirement is for regular monthly sampling from all monitoring points representing commercially active classified sites. Class B and C sites with fewer than 8 and class A sites with fewer than 10 samples over the preceding 12 month period may be declassified.

Reduced frequency monitoring

For beds that are closed by byelaw (or other formal measure) a reduced rate of monitoring (quarterly) can be arranged. This should be agreed with Cefas.

Testing laboratories

Laboratories carrying out testing of shellfish for classification purposes must meet the following criteria:

- Must be UKAS accredited for the recognized shellfish MPN method (ISO16649 part 3) or officially accepted equivalent

- Must take part in Public Health England's shellfish External Quality Assurance scheme
- Should be able to report results by e-mail in Excel spreadsheet format direct to Cefas

Waiving results

FSA may, on advice from Cefas, exclude from classification considerations any results that can be attributed quite clearly to very unusual or "one-off events" that are unlikely to recur. This will not, however, preclude the possibility of short-term control measures being applied to protect public health e.g. the issuing of a temporary closure notice.

Examples of events that may lead to results being disregarded are:

- Sewage treatment works failure*
- 1 in 5 year storm event*
- Failure to comply with the standard sampling protocol – in practice this means the exclusion of results for samples that have exceeded the 48-hour limit between sampling and testing.

** where CEFAS deems that the resulting discharges will have markedly affected the shellfish bed(s) – information obtained from the Environment Agency (EA) and LEA should be used to assist in this determination.*

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