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Live Bivalve Mollusc Registration Policy 2018

1.0 Scope

1.1 The legislative and operational controls relating to live bivalve molluscs (LBMs) are contained in:

- Food Safety Act 1990 (as amended)
- Regulation (EC) No 178/2002
- Regulation (EC) No 852/2004
- Regulation (EC) No 853/2004, Annex III, Section VII (as amended)
- Regulation (EC) No 854/2004, Article 6, Annex II (as amended)
- The Food Safety and Hygiene (England) Regulations 2013
- Food Law Code of Practice (England)
- Food Law Practice Guidance (England)

1.2 The council actively participates in the North West Shellfish Liaison Group (NWSLG). An open invitation is maintained to trade representatives at the NWSLG and their contribution to the group is acknowledged. However, this document is produced as a means to outline the council's requirements so that LBMs can be harvested efficiently and in accordance with the above legislation and statutory guidance.

1.3 The council has responsibility for the following shellfish beds:

Authority	LMB	Location
Wyre Borough Council	Cockles	Pilling Sands East (B066W)

2.0 Liaison

2.1 It is not possible for the Wyre Council to monitor every landing in its area or to detect abuse in the use of registration documents by concentrating resources on sampling only. However, the NWSLG is familiar with the commercial activities throughout the North West and has a regime of monitoring of landings of LBMs.

2.2 In practice, monitoring is achieved through effective and periodic liaison through NWSLG meetings as well as a presence during LBM landings. Furthermore, it is within the remit of North Western Inshore Fisheries and Conservation Authority (NWIFCA) to track the movement of fishing vessels in their local waters and provide other vital information to help verify the information contained in registration documents and the activities of harvesters.

For example, the seasonality of the harvesting season, minimum landings size, checks on whether shellfish were harvested under the appropriate permissions/NWIFCA licences.

3.0 Registration Documents – general

- 3.1 Under Regulation 853/2004, each batch of LBMs that are to be placed on the market (commercial volumes in excess of 5kgs) must be accompanied by a registration document (unless issued with a permanent transport authorisation) to identify each batch harvested and transported. The registration document must be completed upon landing and accompany the batch from the classified harvesting area, and between establishments, up to and including the arrival of the batch at a relay area, dispatch centre or processing establishment.
- 3.2 Local authorities must issue such registration documents to NWIFCA permitted gatherers and agents, including fishing vessels that harvest LBMs. To enable the system of documentation to be monitored, a unique number is used on the document and the unique code number must be given to the harvester or gatherer before they carry out harvesting. Local authorities must provide registration documents on demand and cannot make any charge for the issue of such documents, nor can it **unreasonably** refuse to issue the documents to a gatherer.
- 3.3 Requests for registration forms must be submitted in writing to the council by email to commercialsafety@wyre.gov.uk Requests will be processed as soon as possible and registration forms will be issued by post. Requests for registration documents should be made well in advance of the bed opening date to ensure sufficient time for the documents to be posted. Registration forms will **not** be available directly from the fishery site.
- 3.4 Registration documents will only be issued to the following:
- Gatherers: who are in possession of a valid NWIFCA live bivalve molluscs gatherers permit, or
 - An agent: who is a Registered Food Business Operator, or
 - Operators of Approved Premises: which includes Purification, Dispatch Centres and Processing Establishments
- It is considered reasonable to refuse to provide registration documents to a gatherer who is not in possession of a valid NWIFCA (LBM) gatherers permit.**
- 3.5 In accordance with the NWSLG, the council operates a triplicate copy registration document system as a means of tracking and verifying the authenticity of registration documents it has issued. Only limited numbers of registration documents will be issued to each harvester to assist in effectively monitoring/tracking of product for traceability and verification purposes. A copy of the registration document is provided at Appendix 1.
- 3.6 The triplicate copy registration document must be used as follows:
- Top copy (white) to accompany the LBM batch
 - Second copy (pink) to be returned to the relevant NWSLG local authority
 - Third copy (yellow) retained by the gather or "agent", with notes for gatherers on the reverse.

- 3.7 The date of receipt must be recorded on the registration document (this can be date stamped) when the batch is received at a dispatch centre, purification centre, relaying area, or processing establishment by the operator of the establishment or relaying area.
- 3.8 To facilitate efficient opening of the shellfish beds, applications for shellfish registration documents must be made as soon as possible after notification that bed will open. Applications should be made to the council in writing (preferably by email).

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Commented [CP1]: Would we not want to stop issuing documents to a gatherer/agent if they did not return LA copies?

4.0 Registration documents – multiple gatherers

- 4.1 Registration documents may be completed on behalf of the gatherer, for example, by an “agent” providing all required information relating to the batch is appropriately completed. The supplying harvester(s) must be able to support the declaration made on the registration document by the agent.
- 4.2 Appendix 2, the hierarchy, provides details of what is required from the independent gatherer, and a gatherer providing shellfish to an agent in order to complete with registration documents completely and correctly.
- 4.3 Appendix 3 the Express Agreement, where there is an ‘Express Agreement’ between at least two parties, the FBO can sign the Registration Document(s), on behalf of those gatherers who are exclusive to that ‘Appointed Agent’. However, the registration document must include the name and address of the gatherer(s).
- 4.4 Appendix 4 the annex document is required when multiple gatherers provide shellfish to a single agent. Whenever an agent completes registration documents on behalf of a number of gatherers, the registration document must contain the identity and address details of all of those gatherers contributing to that batch.

5.0 Document retention and enforcement

- 5.1 The council will maintain a register of all registration documents issued in their area and those completed copy registration documents returned by gatherers or agents. It will check this register and investigate any anomalies.
- 5.2 The council is required to check the details recorded on a registration document when LBMs are landed.
- 5.3 The council will also carry out regular examinations of the application and completion of registration documents to verify traceability as part of the inspection at dispatch or at purification centres / processing establishments; however, checks can be made at any part of the traceability chain.

5.4 A copy of each registration documents for each batch sent and received must be retained for at least twelve months after its dispatch or receipt, or a longer period as specified by the NWSLG, this is to include the following;

1. The gatherer, agent of Food Business Operator harvesting and transporting LBMs
2. The merchant (FBO) buying / receiving shellfish from gatherers prior to transport and sale to a dispatch centre, purification centre, relaying area, or processing establishment.
3. Where received at a dispatch centre, purification centre, relaying area, or processing establishment, i.e. by the operator of the establishment or relaying area.

6.0 [Food Business Registration](#)

6.1 Registration must be completed with the relevant local authority within which the business is located. If not already registered with an appropriate local authority, food registration must be completed prior to an application being made for shellfish registration documents. Shellfish registrations documents will not be issued without prior food registration.

Appendix 1

[authority contact details]

Live bivalve molluscs/ Live shellfish registration document
(Regulation (EC) No. 853/2004 – Article 7, Annex III, Section VII, Chapter I)

Registration document No: [unique reference]

Issued by: [authority name] Date of Issue:

Name and address of gatherer:

Food authority where shellfish landed: [authority name]

Date of gathering:

Detailed location of production or purification centre: [LBM location]

Class of Production Area: (A, B, C) [Classification]

Address of inland authority:

Name of shellfish species (common and scientific name) and Weight: [LBM type] Kgs

Destination - Name and address: (and if applicable approval number):

Signature of gatherer: Date of signature:

When shellfish originate from a production area classified as B or C

Relaying area:

Duration of relaying:

OR/O/OU

Address of Purification Centre:

Duration of purification:

Place of receipt:

Date of receipt:

Reminder – This document must be kept by the food business operator receiving the live bivalve molluscs/live shellfish and a copy kept by the gatherer, for at least 12 months or such longer period as the Food Authority may specify.

Information contained within this document, may be provided to other enforcing authorities for enforcement purposes.

Appendix 1 cont.

Registration document notes

1. A Registration document from the production area to a despatch centre, purification centre, relaying area or processing plant, shall be issued by [local authority name] for shellfish gathered from [LBM location]. This will be sent, upon request, to the Food Business Operator/gatherer for completion by the Food Business Operator/gatherer for each batch, in a way which is both legible and indelible.
2. Registration documents will be issued to Food Business Operators/gatherers upon the production of a copy of a food business registration form, approval document or valid shellfish gathering permit.
3. [Local authority name] shall keep a register indicating the number of each registration document issued, together with the name of the person collecting the live shellfish, and of the person to whom the document was issued.
4. The Food Business Operator/gatherer, having harvested the shellfish, shall keep a copy of each Registration Document for a period at least 12 months.
5. The relevant Food Business Operator/gatherer shall ensure that the completed registration document accompanies each batch at all times.
6. If a batch in respect of which a registration document has been issued is split for any reason, the person having control of the original batch at the time of splitting shall ensure that the information accompanying the original batch accompanies each sub-batch. The information shall be in the same form as the registration document and sent together with the full name and address of the person splitting the batch.
7. In order to assist the industry further, the second duplicate copy of this form is to be returned to the authority. Should gatherers fail to return the second copy documents, the authority may limit the number of documents issued to the Food Business Operator/gatherer.
8. The person receiving a registration document for a batch of live shellfish shall put on it the date on which it was received and shall keep it available for inspection for at least 12 months.
9. If a production area/classified bed is closed temporarily the [local authority name] will not issue further registration documents for that area and may suspend the validity of any such registration documentation already issued for that area.

Most of the information required for the document is self-explanatory, however the following guidance may be of use when completing the registration document.

Location of production area: This should be completed with as much information as possible, to identify the location of gathering, for example grid reference, SIN code, Box number.

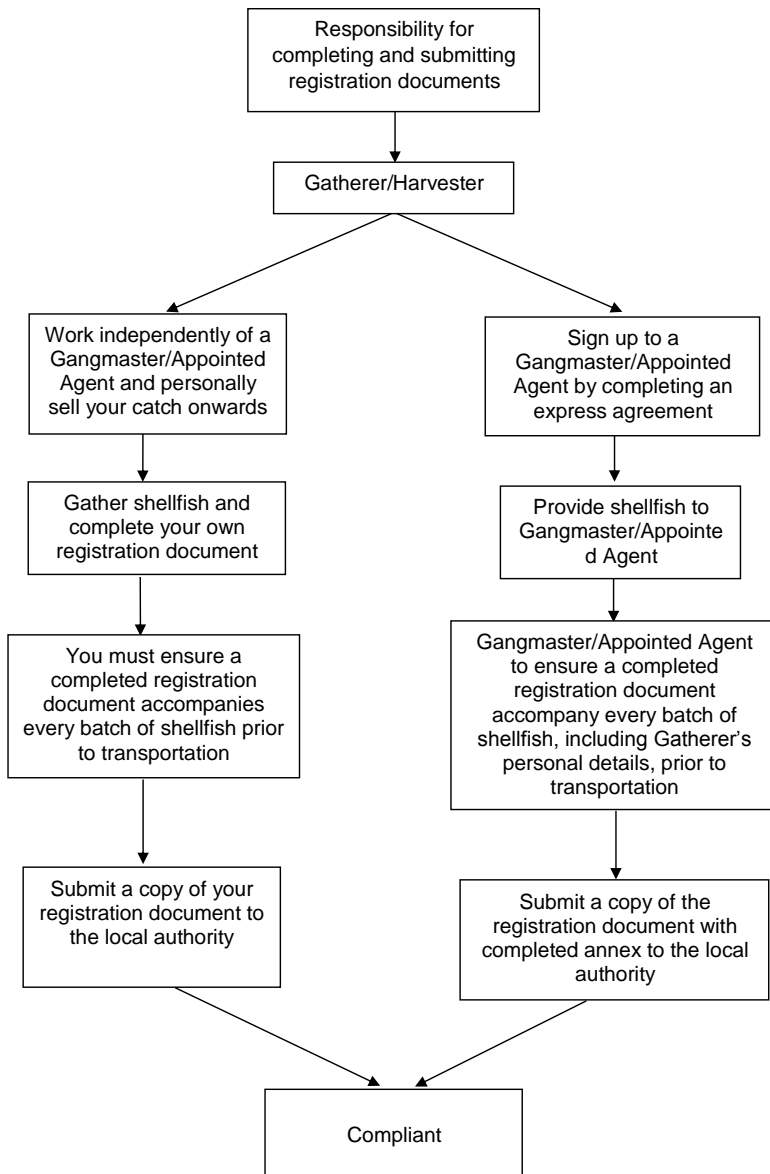
Name of shellfish species being moved: The common name and the scientific name should be given. Examples are shown below:

Common name	Scientific name
Common (Blue) Mussel	Mytilus edulis
Common Cockle	Cerastoderma edule
Pacific Oyster	Crassostrea Gigas

Destination of shellfish Being moved: Shellfish should normally only be going to purification, dispatch centres or processing establishments approved under European Hygiene Regulations which will have an approval number. You must ensure that this is completed to ensure full traceability.

Appendix 2

Hierarchy in relation to registration documents



Appendix 3

Ref no: _____

Express agreement

I The Gatherer (*1) hereby confirm that I have agreed to provide all of the shellfish that I gather from the named shellfish bed between the dates identified below to the Appointed Agent (*2) identified below by express agreement. I confirm that by appointing the said agent to act on my behalf, the agent is duly authorised to sign the relevant registration documents on my behalf.

Gatherer's details

(*1)Name of Gatherer:	Signature:	Permit No:	Ref Number:
Address:	Shellfish Bed [LBM location]	Date From: Date To:	Agreement Dated:

(*1)Name of Gatherer:	Signature:	Permit No:	Ref Number:
Address:	Shellfish Bed [LBM location]	Date From: Date To:	Agreement Dated:

(*1)Name of Gatherer:	Signature:	Permit No:	Ref Number:
Address:	Shellfish Bed [LBM location]	Date From: Date To:	Agreement Dated:

(*1)Name of Gatherer:	Signature:	Permit No:	Ref Number:
Address:	Shellfish Bed [LBM location]	Date From: Date To:	Agreement Dated:

Appointed agent details

(*2)Name of Agent:	Signature:	Company Name:	Address:
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Agents must ensure that signed express agreements are forwarded to [local authority name and contact details]

Appendix 4

Annex – list of gatherers from whom live bivalve molluscs were received

Annex to registration document No: _____ Date: _____ -----

Name of company: _____ Appointed agent: _____

Name of Gatherer Permit No.	Address	Weight Kgs	Express Agreement Ref:
			[unique reference]
			[unique reference]
			[unique reference]
			[unique reference]
			[unique reference]
			[unique reference]
			[unique reference]
			[unique reference]
			[unique reference]

Where more than one gatherer contributes to a batch of live bivalve molluscs all of the contact details must be provided

Appendix 4 cont.

Agents must ensure that this document is forwarded to [local authority name and contact details]

Annex to registration document No: _____

Name of Gatherer Permit No.	Address	Weight	Express agreement ref:
			[unique reference]
			[unique reference]
			[unique reference]
			[unique reference]
			[unique reference]
			[unique reference]
			[unique reference]
			[unique reference]
			[unique reference]
			[unique reference]

Where more than one gatherer contributes to a batch of live bivalve molluscs all of the contact details must be provided

Agents must ensure that this document is forwarded to [local authority name and contact details]