

European Court ratifies adoption of chemical method for biotoxin detection

The EU General Court (EUGC) has rejected the Spanish appeal against the decision of the European Commission (EC) to replace the biological method of detecting marine biotoxins in live molluscs by a chemical method.

The EUGC stated in its sentence "the chemical method more adequately ensures the protection of consumers' health and can also reduce the number of animal tests."

Therefore it confirms that the biological method of detecting marine biotoxins in bivalve molluscs may "be replaced by a chemical method", *EFE* agency reported.

Production areas of bivalve molluscs should undergo regular checks to ensure the absence of marine toxins.

In 2011, the EC decided to change the method of analysis for detecting marine biotoxins in bivalve molluscs (clams, oysters, mussels and scallops) marketed for human consumption and to adopt a chemical method, considering that it is more reliable and does not imply the use of animals.

The Galician Government reported that from June of that year the validation of the technique and sample analysis of the routine check programme was started in parallel with the bioassay method.

In addition, in February 2013, the National Accreditation Body (ENAC) authorized the Technological Institute for the Control of the Marine Environment (Intecmar) to use the chemical method.

Spain argued from the outset that the EC infringes the Community law because the replacement of the biological method for the chemical one causes seriously impacts on the protection of public health and significantly affects Galician producers.

Therefore, at the request of the Galician authorities, in 2011 the central government asked the EUGC the annulment of the regulations by which the EC imposed this method.

Now, the Court established that Spain could not demonstrate that the chemical method is less reliable than the biological and the principle of proportionality is not infringed.

Furthermore, it stressed, "The protection of health has increasing importance with regard to economic considerations, which may justify negative economic consequences, even important ones for some players," *La Opinion* reported.

The Galician Ministry of Rural Areas and the Sea said it is evaluating, through Intecmar, the Court ruling.

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