

*Animals and Plants* (the "European Commission Dictionary"). None of these publications make the distinction made in the French Order. The publications do not list *Placopecten magellanicus* as "pétoncles", and all list *Placopecten magellanicus* either as "Pecten d'Amerique", "Pecten magellanicus" or simply "Placopecten magellanicus".<sup>1</sup>

6. The pattern of nomenclature in these four publications does not support the differentiation between *Pectens* and non-*Pectens* that has been artificially and arbitrarily imposed on scallops under the French Order. It is interesting to note that in the introduction to the OECD Dictionary, there is a caveat that the Dictionary does not purport to make recommendations for commercial practice.<sup>2</sup>

c. *Domestic French practices reveal that even within France the term "coquilles Saint-Jacques" has not been limited to Pectens*

7. A December 1994 Order of the French Ministry of Agriculture and Fish regarding the Saint Pierre et Miquelon fishery establishes that, despite the EC's assertions to the contrary, within France the term "coquilles Saint-Jacques" is not limited to *Pectens*.<sup>3</sup> Article 1 of that Order clearly refers to *Placopecten magellanicus* as "coquilles Saint-Jacques". As well, a quota monitoring report prepared by French authorities in Saint Pierre indicates that *Placopecten magellanicus* in Saint Pierre et Miquelon were called "coquilles Saint-Jacques" prior to the December 1994 Order.<sup>4</sup>

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<sup>1</sup> The OECD Dictionary applies the term "pétoncles" to one species only, *Chlamys varius*. The 1993 FAO Yearbook only uses the term "pétoncles" for *Pecten yessoensis*.

<sup>2</sup> The introduction provides:

It should be stressed that, however desirable it would be to discourage the use of a number of confusing names, no attempt has been made here either to harmonize existing nomenclatures where discrepancies exist or to indicate preferences or to make recommendations of commercial practice.

<sup>3</sup> Arrêté du 23 décembre 1994 modifiant l'arrêté du 20 mars 1987 fixant certaines mesures de gestion et de conservation des ressources halieutiques dans les eaux territoriales et la zone économique au large des côtes de Saint-Pierre-et-Miquelon pris en application du décret n° 87-182 du 19 mars 1987; NOR: AGRM9402498A.

<sup>4</sup> The quota monitoring report is dated 25 January 1990, and bears the signature of the "L'Administrateur en Chef des Affaires Maritimes BEAUVALOT, Chef du Quartier." The report shows that "coquilles Saint-Jacques" were landed by fishermen in the waters of Saint Pierre