

SEA FISH INDUSTRY AUTHORITY



Minutes of the

Seafood Regulation Expert Group

Meeting at the Provision Trade Federation, 17 Clerkenwell Green, London on Tuesday 19 January 2016

Present:

Martin Forsyth	British Frozen Food Federation
Chris Leftwich	National Association of British Market Authorities
Tim Silverthorne	National Federation of Fishmongers
Steve Norton	Federation of British Port Wholesale Fish Merchants
David Jarrad	Shellfish Association of Great Britain
Martyn Boyers	British Ports Association Fishing Ports Working Group
Mike Weavers	Defra – Fisheries Compliance Policy
Liz Stretton	Food Standards Agency
Peter Wilson	Seafish and meeting Chairman/Secretary
Fiona Wright	Seafish
Ivan Bartolo	Seafish

Apologies:

Mike Short	Food and Drink Federation
Malcolm Morrison	Scottish Fishermen's Federation
Dale Rodmell	National Federation of Fishermen's Organisation
Greg Howard	National Federation of Fish Friers
Paul Little	Defra
Cristina Fernandez	Seafish
Michael Bates	Scottish Seafood Association
Peter Andrews	British Retail Consortium
Jill Wilson	Food Standards Agency – Food Hygiene Policy

1. Welcome by the Chair and apologies for absence

Peter Wilson welcomed all to the meeting.

2. Minutes of last meeting held on May 2015

The minutes of the last meeting were approved as a correct record.

Copies of the Seafish industry meeting discussion guidelines had been circulated prior to the meeting with the agenda. Some concern was expressed over potentially stifling conversation. It was clarified this relates to business specific discussions and

competition law. It was also pointed out that there have never been any concerns raised over discussion by this group.

3. Expert Group Review – Better Regulation Delivery Office (BRDO)

BRDO had asked the Seafish Regulation Team if the Legislation Expert Group would join their network of technical groups to provide expertise on seafood. Although the group already provides a forum for discussing seafood issues with regulators its inclusion within the BRDO expert group hub will enhance its status and provide it with a more effective means of achieving resolution on behalf of the seafood sector.

There had been overall agreement with this and with its new title and the Seafood Regulation Expert Group (SREG) had now been included on the BRDO directory of expert panels <http://www.regulatorsdevelopment.info/grip/sites/default/files/the-expert-panels-directory.pdf>

SREG will continue dealing with issues as at present but be able to have a dialogue with other panels.

A revised remit had also been circulated

Meetings are currently scheduled at four monthly intervals during January, May and September. To avoid meetings being held directly after Christmas and the summer holiday period it was agreed that following the next meeting in May meetings would in future be held in February, June and October.

4. Official Controls Review – hygiene charges update

Peter Wilson

The current regulations provide instruction to Authorities on the application of EU controls in the food chain. For some foods this includes mandatory charges and some sectors of the seafood sector are included in this.

At the last meeting the scope of mandatory charging remained a concern. There was then the possibility of charging for approvals and re-inspection as a result of noncompliance. There was also the use of official veterinarians at border control which is currently not the practice in the UK and would involve increased cost.

Peter Wilson had discussed further progress with FSA. The trilogues between the European Parliament, the Council and the Commission had begun. As yet there had been no agreement on charging and the draft text now retained the existing charging regime. There was now also some flexibility on the deployment of staff at Border Inspection Posts.

Discussion

Training:

Chris Leftwich explained that veterinary science does not necessarily contain a food element and so there can be a lack of experience /knowledge of food in UK vets. However there may also be a lack of training for port health inspections. The Environmental Health degree is now achievable without the student being exposed to any food safety element. The seafood training needed for EHOs to achieve Official Fish Inspector level is no longer available.

It was pointed out that there might be agreements on flexibility for MS to decide what qualifications are necessary but overseen by vets. So the department head may need to be a qualified vet but inspectors not.

Charging:

Although there is currently an obligation to charge many authorities do not, although they do not necessarily inspect either.

Local Government cutbacks are a problem with a tendency to introduce charging for all inspections.

Port inspection charges are always based on full cost recovery, though inland this may be different.

5. Traceability and consumer information

Peter Wilson

The Fisheries Control Regulation includes a requirement for prescribed catch information to be 'available' throughout the supply chain. Although this came into force in 2012 there appeared to have been little action taken to implement it.

Toward the end of 2014 the CMO regulation introduced a requirement for more precise catch information and fishing method to be provided to the consumer. For businesses to comply there was an increasing need for this information to be available at first sale.

The Commission were also starting to review compliance within the EU and an FVO inspection had taken place in February last year. This had included an inspection at Peterhead fish market where issues with the availability of the catch information were raised.

Scotland

Food Standards Scotland and Marine Scotland decided to address the situation on Peterhead fish market by developing specific market guidance. Seafish, having

already produced industry guidance for both fisheries control traceability and consumer information, worked with them.

Prior to the FVO inspection both Seafish and Marine Scotland had hosted stakeholder meetings to inform local industry what was required. Following the FVO inspection the sales offices in Peterhead had started to forward information to registered buyers prior to sale and apply some labelling on the market.

This did not fully comply but the opportunity was taken to develop guidance around it. At an industry meeting in Peterhead in December a draft fish market guide was discussed and subject to some minor amendment accepted. An information template based upon that already being used but extended to include more information was also discussed.

Further work, particularly on transport documentation is now required but the industry is moving toward compliance.

Seafish Guidance

The Fisheries Control Traceability guide published in 2012 was in need of updating and so it was decided that this be combined with the CMO consumer information guide. This is now available on the Seafish web site

http://www.seafish.org/media/publications/Web_Traceability_CMO_guide_V4_2015.pdf

the guidance has also been put forward for primary authority approval (see agenda item 7).

FVO visit

A visit was made in December as the first of a series of fact finding visits to look at the functioning and enforcement of official controls on traceability and labelling of seafood. Peter Wilson attended a meeting with the inspection team in York to discuss the development of the Seafish guidance.

Discussion

Grimsby Market provides traceability information and even provides catch certificates, but this is at a cost to agents. Costs can be added to regular charges associated with the port, but even amounts as low as 2p/kg are significant to margins. Grimsby Market has chosen to use attachable labels despite the expense, as it believes this is the best way of ensuring legal compliance.

At Brixham all boxes are labelled and the cost is included in the landing fees. There is a need to know what markets are doing regarding traceability compliance.

Mike Weavers commented that the Seafish guidance has been extremely useful and was encouraged by the business progress towards compliance. There had been a

recent fact finding mission by the FVO following an audit looking at how the regs were being enforced in the UK. The Commission will continue to monitor the situation and business leading on compliance will be positively received. There is also a Commission consultation on the implementation of the control regulations.

Liz Stretton confirmed that the FVO visit was fact finding and not an audit. It is not certain that the FVO will publish a report on their visit to the UK, but it is more likely that they will publish a combined report on the findings of their visits to five other Member States.

It was pointed out that in the UK the multiples dominate and put down their demands, and industry follows. Ultimately this is the main driver for compliance.

On the Seafish guidance it was asked if industry is following it and is it accepted by the devolved administrations. Does it have the same status as a code of practice and are retailers gold plating it? The guidance does not have the same status as a code of practice but while it does not contain any gold plating, one cannot stop individual retailers from upgrading traceability requirements.

6. New minimum residue limits for biocides in the food chain

Ivan Bartolo

The Biocidal Products Regulation (BPR) requires toxicology and exposure data to be submitted by biocide manufacturers in the next couple of years for the 50+ biocides currently approved for food. Their use is to be reviewed by the European Chemicals Agency (ECHA), with the default minimum residue limit (MRL) being 0.01 mg/kg.

Included are disinfectants, such as chlorates and quaternary ammonium compounds (QACs), which are used in the food industry to control pathogenic bacteria. The review has already resulted in an MRL for QACs of 0.1ppm. The food industry as well as the Food Standards Agency is concerned that this MRL and future MRLs to be applied to other biocides will make it difficult for businesses to maintain high standards of hygiene. Currently the default value of 0.01ppm applies to chlorate in food (including water used as an ingredient) which is unrealistic as the World Health Organisation MRL for chlorate in drinking water is 0.7ppm.

At a recent Commission meeting, where biocide MRLs were discussed, the UK and at least 6 other member states made a strong case for prioritising food hygiene. The UK also proposed that chlorate MRLs should be set under contaminant, not pesticide, legislation in order to ensure that health impacts are considered fully. The Chilled Food Association is asking all UK businesses to send in results of biocide residue analysis to support the UK's position in favour of setting sensible MRLs.

Discussion

Has the risk been defined? There has been pressure from Germany who wish to reduce all chemicals in food. Contaminants regulations look at risk and set MRLs, rather than set at what is achievable.

Germany and Holland do not chlorinate water whereas the UK does. Water used as an ingredient is included and as water is chlorinated at 0.7ppm this would cause foods to be above limits. Testing can also be a problem and changes to sanitisers available for use could drive up costs.

The FSA are working with the HSE although HSE are the lead authority enforcing this. FSA and HSE are collating information and there will be a consultation later in the year.

7. Primary Authority and Seafish guidance

Fiona Wright

Seafish has entered into a direct partnership agreement with West Yorkshire trading standards. The primary authority scheme is a better regulation initiative which allows multisite businesses to get assured advice from one primary authority of their choosing and this advice is applicable in all authorities. This gives business more confidence in their business. This has been expanded to cover trade bodies when representing their members.

Seafish is in a unique position in not being a multisite business or a trade body. After discussion it was felt a direct partnership would be the best fit. This is currently only available in England but there are plans to extend into Scotland.

Although Primary Authorities are intended to give specific advice to business it is more likely that Seafish will get guidance approved so that businesses following it can rely on it as a defence and provide consistency of enforcement throughout the authorities in England.

We are currently putting three guides through the approval process. Although these are published as Seafish guides while we get approval. We have received comments back on the traceability guide which make it more user friendly for enforcement officers. There is an updated labelling guide for seafood that reflects the changes in interpretation of weight declaration on glazed foods and date of first freezing. Also weight declarations on glazed foods guide

Discussion

Seafish had first approached East Riding Council but they have a policy of dealing only with businesses in their geographical area. They had suggested West Yorkshire

as Morrisons is based there and may be interested in attracting other seafood businesses.

If you follow advice from the primary authority this means that you cannot be challenged. Endorsement adds considerable weight to advice and guidance.

The FSA often comment on guidance but cannot endorse, as this would clash with their involvement in dispute situations. FSA and Defra have to pull back from producing guidance because guidance is seen as added red tape and therefore has to be reduced.

The primary authority scheme is currently available only in England. BRDO are in the advanced stages of talks with Scottish Government about extending the scheme

8. Determination of deglazed net weight

Peter Wilson

Despite a requirement to declare the net product weight of glazed fishery products, there is currently no prescribed methodology for its determination. Aware of this the Commission produced a draft Decision requiring the use of the Codex standards or guidance produced by their own metrology group, WELMEC. This has been discussed at their expert group but following disagreement was shelved last October. However it is likely to return.

Prior to its withdrawal Seafish had been discussing this with Defra. Seafood businesses have tended to develop their own methods based upon Codex and there was some resistance to having this imposed upon them. This is for official controls but businesses would need to be sure that that their methods were compatible.

Several businesses had responded to a request to provide details of what methods they use which had demonstrated some variation. It was thought that it would be worth discussing this directly with businesses and a stakeholder meeting is planned to be held in Grimsby on 22 March. Seafish are organising it with speakers from Defra and the National Measurement and Regulation Office (NMRO).

Discussion

The US has a standard produced by the National Institute of Standards and Technology and the Department of Commerce (2013): NIST Handbook 133: Checking the Net Contents of Packaged Goods

<http://www.nist.gov/pml/wmd/pubs/upload/hb133-13-final.pdf>

It will be useful to collate methods currently used. MMRO are doing this and potentially with some Seafish funding to compare methods.

9. Better Regulation Delivery Office Food Standards and Labelling and Food Hygiene Expert Panel reports

Fiona Wright

Food Labelling Group

Advertising Standards Authority (ASA) update – there have been ongoing concerns over the ASA acting as a regulator without controls seen on other regulators. Particularly where it comes to health claims. TSOs also refer to ASA determinations when considering labelling compliance. This has led to a certain amount of gold plating. The ASA were invited to join the labelling group to try to resolve some of these issues. The ASA will now take primary authority advice into account during determinations and if they disagree will contact the primary authority to discuss and if necessary refer to BRDO. The ASA are also going to undergo an independent review under the regulators code.

Department of Health update – responses to the implementation of nutrition labelling exemption to ‘small and local’ had not seen a clear consensus. The views have been submitted to the Commission due to cross border trade. There is a meeting to discuss in April.

Defra update – the meat and fish question and answer guide that was originally not for publication will now be published subject to resolution of some legal issues.

Food Hygiene Group

Biocides/Chlorates – covered elsewhere on agenda. There is a plan for a guide on chemicals and best use led by the Chilled Food Association.

The enforcement group have proposed a new registration form for business under regulation 852/2004. Currently this is only required under regulation 853/2004.

Raised the issue of the number of products being sold that could potentially mislead consumers such as seen with tuna. Campden have also seen an increase in enquires regarding these. So we are going to see if we can work together to alert business of the legality of these products.

Discussion

Liz Stretton added that it is the duty of new businesses to ensure they are registered. Local authorities have a duty to register new businesses within 28 days. Scores on the Doors is a good example of consumer power as consumers will demand to see the sticker. To obtain this, the business has to be in touch with local environmental health.

10. Imports – update

Ivan Bartolo

IUU: Delegates can attend the Chatham House event 15–16 February 2015 to hear the latest developments. This includes the Sri Lankan ban being maintained and Thailand being inspected at the end of this month.

Registration of reefer vessels: A consignment of containers with Pacific Cod was rejected in Denmark in December, because the transport vessel was not EU-registered/approved. Although the decision was quickly reversed it would appear that the Commission already considers that transport vessels require registration.

New customs classification decision on a seafood product containing a mix of raw squid (65%), cooked clam (20%) and blanched shrimps (15%): classified as a processed product and subject to a higher rate of duty.

Discussion

It was reported that there should be no issues with traceability paperwork on European boats. Third countries may not have the infrastructure in place.

11. Any other business

11.1 Tuna Treatment

Some years ago the expert group became actively engaged in banning the treatment of fresh tuna with carbon monoxide to retain its fresh red colouration. The concern was that this masked subsequent spoilage and possible histamine formation that could lead to food poisoning.

It was reported that nitrite was now being used to reconstitute the red colour of defrosted frozen tuna which is normally brown. This is then vacuum packed having been treated with plant extracts to retain the colour.

Although not undertaken in the UK there was some concern over possible imports and will be raised with the FSA.

Discussion

There is a risk to the whole tuna industry if there are histamine outbreaks.

11.2 Use of Desliming Agents

An enquiry had been received from the Dutch questioning the use of a desliming agent on fish prior to filleting. Although not clear if this would be permitted under the hygiene regulations the intention appeared simply to help with filleting and not enhance appearance.

Discussion

Washing in water has been sufficient to remove slime in the past.

If this is a processing aid it does not need to be declared. Its use may be limited to eels and other fish producing slime.

11.3 Chlorine dioxide

Yet another product for food treatment brought to our attention was the use of chlorine dioxide to prevent bacterial growth in the water used for soaking scallops. Only potable or potable quality water should be used for this process.

11.4 Codex Code of Practice for scallops

At a recent Codex meeting in Norway concerns over the holding of scallops at sea with subsequent shucking ashore appeared to have been largely addressed.

11.5 Hygiene regulations and scallops

During a meeting with the Commission prior to Codex they noted that the hygiene regulations require scallops to be alive prior to shucking. The Scallop Association had expressed some concern with this. Peter Wilson is to raise this with FSA.

11.6 Responsible Fishing Ports Scheme

Martin Boyers is involved and will be able to provide an update on this at the next meeting.

11.7 Health benefits

The seafood industry should be doing more to promote the health aspects of seafood to promote consumption. He suggested that the industry should be working with government on this.

11.8 Seafood Week

Seafood Week was a good initiative but some aspects of its organisation need to be improved. Fiona Wright will raise this with the Corporate Relations Director.

11. Date of Next Meeting

The next meeting will take place on Tuesday 17 May 2016 in London. Venue to be confirmed.

Peter Wilson
Secretary to the Seafish Regulation Expert Group
February 2016