

<b>SUMMARY PAPER</b>	
<b>Seafood Regulation Expert Group (SREG)</b>	
<b>Wesley Hotel and Conferencing Centre, 81-103 Euston Street, London</b>	
<b>Date:</b>	<b>11.00 – 14.30 on Wednesday 8<sup>th</sup> March</b>
<b>Attendees:</b>	<p>Fiona Wright- Seafish (chair)            Ivan Bartolo- Seafish            Hannah Fawcett- Seafish            Cristina Fernandez- Seafish            Billijo Jones- West Yorkshire Trading Standards            Chris Leftwich- National Association of British Market Authorities            Dale Rodmell- National Federation of Fishermen’s Organisation (NFFO)            Tim Silverthorne- National Federation of Fishmongers            David Jarrad- Shellfish Association of Great Britain            Paul Little- Department for Environment, Food and Rural Affairs (DEFRA)            Chris Conder- Food Standards Agency            Gary Gould- Association of Port Health Authorities (APHA)            Gordon Maddan- Regulatory Delivery            Mark Simmonds- British Ports Association            Martyn Forsyth- British Frozen Food Federation (BFFF)</p>
<b>Apologies:</b>	<p>Jennifer Howie- Food Standards Scotland – Senior Policy Advisor            Karen Flanigan- Food Standards Agency Northern Ireland            Debbie Sharpe- Food Standards Agency Northern Ireland            Jill Wilson- Food Standards Agency            Gordon Hart- Marine Scotland            Lesley Fairhurst- Waitrose            Martyn Boyers- British Ports Association            Andrew Pillar- Scottish Pelagic Processors Association            Mike Short- Seafood Industry Alliance            Steve Norton- Retired            Simon Dwyer- Grimsby Fish Merchants Association            Laky Zervudachi- Direct Seafoods London            Doug McLeod- British Trout Association            Hugh Mantle- National Federation of Fish Friers</p>

**Key Action Points:**

1. Feedback Form to be sent to members.
2. Extend the timings of the SREG meeting.
3. Circulate finalised Terms of Reference to members/affiliates.
4. FSA to provide more information on the Code of Practice for Smoked Fish.
5. FSA to feedback on the results of authenticity surveys by local authorities.
6. DEFRA to feedback comments on fish name designation process to colleagues.
7. Comments on Histamine Code of Practice to be submitted to Ivan Bartolo by 14<sup>th</sup> March.
8. Distribute Ethoxyquin briefing paper to members.

9. Doodle Poll to be sent to members/affiliates to set the date of the next meeting.

## **Key discussion points**

### **1. Welcome and Apologies**

Fiona Wright (FW) welcomes all and opens the first meeting of the SREG since the retirement of the previous chair Pete Wilson in December 2016.

With Pete's retirement it was decided that no individual in the Seafish regulation team had the capacity to take on the running of this meeting in the same way as Pete so the responsibilities for the group have been split with FW taking over short-term as Chair. Members voiced unanimous support for FW continuing as Chair. The format of the meetings has changed to provide for a more discussion based forum and to reduce the amount of updating. This format is being trialled today and feedback forms will be sent with the minutes for comments going forward.

To assist with travel; the regular meeting time of 11:00 – 2:00 has been maintained for this session and as the format of the meeting has changed; it is anticipated that timings today will be tight. In future a return to 10:00 start will be sought.

### **2. Housekeeping**

- **Minutes from the last meeting**

The minutes from the last SREG meeting held on Tuesday 18<sup>th</sup> October were approved.

- **SREG review**

Existing members have been contacted as part of the review to gauge feedback on how they thought the SREG meetings should be run. New members were also contacted in areas where there were gaps in representation. As a result; the group has re-established its connections with devolved authority contacts, the Regulatory Delivery directorate and the Association of Port Health Authorities. Membership of the Group has also been extended to salmon and trout organisations to aid the sharing of information and welcomes Seafish's Primary Authority contact to the Group (West Yorkshire Trading Standards).

The group expresses their satisfaction with the above and highlights the importance of salmon and trout in the seafood industry, despite not being levy payers.

Concerns were raised during the review that the SREG meetings can be dry. It is hoped that with the new membership and meeting format; the group will focus more on the discussion of issues with policy makers rather than listening to Seafish updates. Increasingly the monthly newsletter is used to update the industry so the addition of a Q+A session on recent newsletters in the meetings, instead of repeating the information in them was put to the group. Members comment that in general people do not read documents in advance so advised caution with this new approach.

Meetings will continue to be held in London but to facilitate the involvement of the devolved authorities; the SREG will hold one meeting a year in Scotland.

The review of the SREG highlighted that consideration should be given to the Chair of the group being a Seafish board member or business representative. The Group comments on the suitability of Fiona Wright as chair of the Group, notably her knowledge and long experience of the industry.

The Group vote unanimously to make FW chair of the SREG going forward.

- **Terms of Reference (ToR)**

To reflect the changes in the SREG format; the ToR for the Group has been updated.

The ToR were briefly presented to members. Attention was drawn to the confidentiality criteria and agreed that the meetings will be open unless sensitive issues are raised and flagged as sensitive. The requirement for defining key terms and a “small working group” were also discussed. The ToR were generally agreed by SREG members and the final version of the ToR to be distributed.

### **3. Updates from Industry Representatives**

BFFF have been working on regulatory items such as Date of First Freezing (DoFF). On this matter it is felt that there is a difference in interpretation between the EU and UK. Food services ask for detailed specifications and sometimes this information is not always available. The European Commission cancelled the latest Working Group meeting which planned to discuss DoFF. BFFF call on DEFRA to engage with industry on the matter. DEFRA clarify that they do not agree with the EU’s views on this issue and will continue to argue the case. A modification of the EU guidelines would be welcomed by the industry it would also be useful to have the UK’s view on this matter and to engage stakeholders. At the moment it appears that member states are being left to interpret.

BFFF inform the SREG that their technical expert group is meeting next week and have recently written papers on food fraud. The BFFF have put a paper to the Food Standards Agency (FSA) regarding their concerns of the FSA’s “Regulating our Future” programme, the document is scheduled for discussion at the FSA Board meeting next week. BFFF have also expressed concerns regarding the new Primary Authority scheme.

The Implementing Regulation on voluntary origin labelling extends the requirements to include trademarks and brand names containing a geographical indication within its scope. IB commented that in a SIPA (Seafood International Importers and Processors Alliance) meeting it was raised that products with names such as “Nordic Seafood” could be considered misleading under this regulation.

NFFO have been working on Harbour Porpoise Designations, Special Protection Areas and the UK Blue Belt. They have been looking at the trade-offs between catching fish and environmental impact. The consultation on the South Marine Plan

# SEAFISH

is now complete; all areas must have a plan in place by 2021. The NFFO is working with the Marine Management Organisation on spatial policies and criticises DEFRA's lack of engagement on the MCZs for highly mobile species. MPA designations like Lyme Bay and Torbay have benefitted from early designation of reefs, the NFFO are helping to look at less certain areas such as sediment to better quantify risks to sediment habitats. This example also links with the "seabed integrity" element of the Marine Strategy Framework Directive.

The NFFO does not foresee MPA's going away with Brexit; Marine Planning is also a national initiative.

## **4. Updates from Government (part one)**

- **Regulatory Delivery**

### Primary Authority

A Primary Authority relationship enables a business or a group of businesses to form a legally recognised partnership with their chosen Local Authority. This provides the business with access to quality assured advice and bespoke support which focusses on the areas a business finds most challenging. Since it was introduced in 2009; Primary Authority has helped businesses avoid red tape. Primary Authority is set to expand from October 2017 so that every business can share in the benefits of assured advice and consistent regulation. It is hoped that a total of 250,000 businesses will benefit from these changes.

### Key changes:

- Simplification of coordinated partnerships will make it easier for groups of businesses, such as franchisees or members of a trade association, to access the benefits of Primary Authority. It places coordinators at the heart of partnerships, removing the requirement for individual businesses to rely on their co-ordinator to sign up for partnerships.
- Opening up Primary Authority partnerships to pre-start-up businesses (therefore reducing the likelihood of "if only I knew" situations) and businesses trading in only one Local Authority area. This has been achieved by reducing eligibility criteria & removing categories.
- Create a statutory role for national regulators to support Primary Authorities and share knowledge for technical complex issues. This allows for greater consistency across local and national regulation.

FW highlights that Seafish are looking to convert their "direct" Primary Authority partnership to a "co-ordinated" partnership under the proposed new arrangements. It is intended that a co-ordinated agreement would be facilitated by the Seafood Regulation Expert Group who would act as the members. The notion was welcomed by the consensus of attendees. Some concern was expressed by those with existing Primary Authority agreements as to the implications it would have on their agreement. Recommendation made for further discussion.

### Brexit

UK Government facilitates forums to understand business concerns. 180 trade associations, engagement leads from government departments and business

# SEAFISH

representatives attend these Business Reference Panels which BEIS coordinates. The panels are proving quite powerful and are working well.

The Department for International Trade have explained their work in several meetings and have asked for feedback from the industry. Its focus is trade facilitation, (imports, exports, ports borders, SPS controls) and improving the landscape for business post-Brexit. On customs; the WTO trade facilitation agreement will be considered in the context on Brexit and the need to reduce burdens for business.

Government has been surprised by the complexity of supply chains and a lot of thinking is being done on how to dig into the detail, quickly and the best way to formalise that. The aim is to maintain the status quo for day one of Brexit and postpone simplification of the legislation. It is clear that business wants status quo for day one. Different sectors need to explain their needs to government in order to fill possible gaps.

Challenges ahead: Common Fisheries Policy; Quotas; VAT; SPS requirements; customs; complexity of global food supply chains.

The lack of data on fishery products passing through Rotterdam port and arriving to the UK was raised as an issue.

Discussions surrounding hygiene requirements and how stringently the EU scrutinises such standards in non-member states. Members call for assurance from government that this will not be forgotten.

Discussions surrounding how the UK will keep up with changes in EU law once the UK has left the European Union and how important it is that changes to European regulations are foreseen and do not emerge from the ether.

- **DEFRA**

## IUU Fishing

PL provides an introduction to the EU's "traffic light" carding system for combatting Illegal, Unreported and Unregulated (IUU) fishing.

Currently Cambodia is the only "red-card" country with nine other countries on amber cards; PL advises that the full details are on the European Commission's website. Republic of Guinea and Sri Lanka have recently been given green cards.

## Food Traceability and Labelling

PL provides an introduction to Food Information to Consumers and Common Organisation of the Markets regulations which cover all information to consumers. These two regulations fall within the scope of two different DG's in the EU who operate with different remits. No further updates on the matter were given.

## Fish name designations

An update was provided on the list of fish names awaiting official designation including Argentinian Red Stripe and a summary of the process for designating

# SEAFISH

official fish names was given. Pendi Najran of DEFRA will keep the group up to date with developments.

Several members call for clarity and a revamp of the current fish name designation system. They express confusion with the current procedures, particularly for large organisations and the ease of industry accessing the necessary information.

PL advises that his DEFRA colleagues are aware that the process needs slicking up and will communicate the group's request for assurance procedures to them.

Discussions surrounding the Australian "one name, one species" rule and its applicability in the UK.

## **5. Updates from Government (part two)**

- **Food Standards Agency (FSA)**

### Official Controls

The European Parliament has adopted new regulations on Official Controls. The horizontal package cuts across many sectors and replaces Regulation 882/2004, as well as 854/2004 and others. As it currently stands, 882/2004 sets the framework for the organisation and delivery of official controls. It covers all controls that are carried out to verify compliance with food and feed law, animal health and animal welfare rules.

The new regulation includes:

- An extension of the current scope to include plant health, plant reproductive material and plant protection products
- The introduction of 'other official activities', which include animal and plant disease monitoring and control/eradication activities

The final text was agreed in the Council on the 19th of December. It is expected to be finally agreed in Parliament this month (March), but this is only a formality and changes to the text now are extremely unlikely. The main provisions of the regulation will apply in December 2019, after the UK is expected to have left the EU. Therefore it will not be directly applicable to the UK, but we may need to include some provisions in national law to ensure equivalence with EU law for trading purposes. A number of implementing and delegated acts are commissioned by the regulation. The UK intends to play a role in these negotiations, which will start imminently.

Members comment on the new role of veterinaries at border inspection posts and the definition of official controls were raised to FSA. Members with specific questions relating to official controls to email Chris Conder.

### Ethoxyquin

Due to the technical nature of this topic; it was agreed that the briefing note on Ethoxyquin will be distributed to members and anyone with comments should email them to Chris Conder.

### Veterinary Residues

No update provided but specific questions welcomed via email to Chris Conder.

# SEAFISH

## Regulating our Future (RoF)

PowerPoint presented to inform the group on the key elements of the (RoF) program. Concerns raised over the charging of sanitary surveys for shellfisheries in particular. The FSA asserts that no decision has been made on charges yet and that the timeline for these changes is 2020. It was stressed that this program is not necessarily the same in the devolved nations.

## Code of Practice for Smoked Fish

Contrary to the understanding of the FSA; members of the SREG were unaware of this document. More information was requested about the code of practice and questions to be directed to David Alexander and Jill Wilson of the FSA.

Members enquire about the FSA's current involvement in authenticity surveys of seafood. The FSA advises local authorities on their priorities for food sampling. In the FSA's sampling plan for 2016-17 they have asked local authorities to prioritise testing for fish species substitution in fisheries products. Seafish ask when the results of these tests will be made available. FSA to return with an answer.

- **Food Standards Scotland (FSS) (Written Submission)**

## Consultation: Shellfish Review

FSS has issued three shellfish consultations as part of a wider review to ensure effective and sustainable future official controls delivery. These consultations review the guidance on controls applicable to the scallop sector and FSS' approach to and delivery of shellfish classification and monitoring. They also explore potential partnership working approaches to help maintain the delivery of a high quality, robust and proportionate official control programme.

The consultations which run until 12th May 2017 are available on the links below. Views from all interested parties are welcome:

- [FSS Shellfish Review: Bivalve mollusc classification and monitoring: consultation on changes to the official control programme](#)
- [FSS Shellfish Review: Draft guidance on shellfish toxin controls for the scallop sector](#)
- [FSS Shellfish Review: Options for changing classification determinations](#)

## Regulatory Strategy

On 24 January, FSS launched a 12-week public consultation seeking views on a draft regulatory strategy, and the associated principles of effective and sustainable regulatory oversight and official control delivery, as agreed by the FSS Board.

FSS' primary concern will always be consumer protection, so this means that food businesses that operate responsibly and do things that benefit consumers' interests should benefit from risk-based and proportionate regulation, whilst effective and dissuasive action is taken with those businesses who do not step up to their responsibilities to consumers. Scotland has a thriving food and drink sector which has a strong reputation both at home and abroad, and it is clear that a compliant food and drink industry is good for consumers as well as being good for business. Prioritising consumer protection and applying better regulation principles

# SEAFISH

to support a responsible and flourishing food and drink sector are therefore the central themes running through the FSS' proposed regulatory approach.

FSS are also seeking early views on certain aspects of the food and feed regulatory system that may need to be reviewed or changed in the future, so that it remains effective, efficient and risk-based to meet the needs and challenges of modern Scotland.

The consultation closes on 18 April 2017.

Members of the SREG comment on the common theme of a food business "licence" between FSA and FSS resource strategies.

- **Food Standards Agency (FSA)- Northern Ireland (Written Submission)**

## NI Classification Policy/Protocol

FSA Northern Ireland is currently revising its shellfish classification protocol to update the amendments that have occurred to the EU Hygiene legislation regarding the classification criteria for Class A areas and also to bring the policies more in line with the Great British approach.

Classification awards for 2017 have been issued in Northern Ireland, the list for which is published on the FSA website.

## Official Control agreements

FSA Northern Ireland is working to set in place a number of agreements with various parties to ensure official controls in shellfish will be carried out post 31 March 2017 when current agreements come to an end. In Northern Ireland FSA will be setting up a government to government agreement with AFBI to undertake official controls shellfish analysis work for a range of parameters.

## Risk Assessments

FSA Northern Ireland is reviewing the Northern Ireland biotoxin and phytoplankton monitoring programmes and is assessing official controls monitoring data from a pilot programme where the FSA in Northern Ireland had been conducting weekly monitoring in one production area. A risk assessment will be undertaken to determine future monitoring arrangements in all production areas. Revised programmes to be implemented in 17/18.

Members of the SREG acknowledged that biotoxins are an extremely expensive system to operate routine monitoring for and comments on the fine line between official controls and environmental monitoring. Members also stated that there is a sense of general acceptance in the industry that there is a problem and that they will stop harvesting.



## 6. Updates from Seafish

- **Imports**

### End Use

AIPCE have worked with DG TAXUD to conceive a process that will allow the transfer of end use liability as long as each link in the chain has put up a financial guarantee. There was a meeting in the European Commission on 1 March and the feedback from HMRC is that the meeting was positive. The Commission are issuing a revised document by the end of this week to the Commission's expert group. Member States will have about a week to comment, then the European Commission will hold a meeting with AIPCE. Hopefully after that the document will be published and everyone can move forward.

### Trade Facilitation

A meeting of the Trade Facilitation Expert Group was held on 1 March.

### US/UK equivalence on bivalve molluscs

It is hoped that limited trade in live bivalve molluscs from Classification A waters will commence between the US, Netherlands and Spain towards the end of the year. Other member states will gradually be allowed to trade. There is an obligation to comply with the requirements for buffer zones around Sewage Treatment Works discharges and around marinas in Cefas guidance.

Some members comment that it is more likely that the UK will get US imports than the US getting the UK's.

### IUU

It seems Comoros and St Vincent & the Grenadines are very likely to get a red card soon.

### Scallops

Essentially no new information on this matter. The latest information affirms that CODEX is going ahead with the Code of Practice requiring scallops either to be shucked alive, whether at sea or ashore. Scallops landed whole will have to show "no evident signs of death".

- **CODEX Histamine Code of Practice**

The new Codex histamine code of practice was circulated in advance of the meeting and was introduced as a good technical document. Concerns were raised that the document does not recognise whole fish, notably because histamine levels can fluctuate in different parts of the fish. Comments on the document to be submitted to Ivan Bartolo by 14th March.

- **Brussels Developments**

### Brexit

Article 50 will be triggered at the end of the month, with negotiations likely to start 1<sup>st</sup> April. Once Article 50 is triggered there are two negotiations: UK withdrawal from the EU and the new trade agreement between the UK and the EU. Many studies suggest that a CETA plus scenario is the option the UK government will most likely adopt. Cristina Fernandez (CF) welcomes members to sign up to her weekly Brussels newsletter for the latest information from Brussels.

# SEAFISH

Questions related to the post-Brexit scenario and the CFP. More specifically members asked if the UK would still have to comply with this EU policy. CF reminds the meeting that in a post-Brexit situation UK will be still bound by some International conventions (e.g. The Law of the Sea). George Eustice had previously stated that the landing obligation will not be addressed post-Brexit however the group discusses that it can be adapted into the UK's fisheries management plan. Discussions about UK quota allocations sold abroad and the UK's ability to change quota system post-Brexit.

Members enquire into the legal obligations of the EU to provide updates on the process and comment that they would appreciate Seafish keeping them in the loop on developments. CF suggests that as regards the UK future trade agreement with the EU we can expect similar updates to those seen during the TTIP negotiations and that working papers are often blank as it is a mandate.

Seafish asked what they are doing to inform Brexit who responded by saying that they have supplied information to DEFRA who are "sitting on it" for the time being.

## MAC

Members asked any input they have for the MAC would be welcomed.

- **AOB**

### Seizure of Dead Crabs

Seafish have received queries recently relating to the seizure of dead or weak crabs by local environmental health officers declaring them as "unfit for consumption." These seizures have largely been from wholesale and retail. It is worth clarifying that there is no hygiene law stating that you cannot sell dead crabs (unprocessed). However, it is considered best practice to sort out dead crabs because unless they are alive there is concern about their safety. For example, it is not known; how long the crabs have been dead, why they died and at what temperature they have been kept. It is generally accepted that crabs must have been killed with answers to such questions and procedures for dealing with dead crabs should be in a food business' HACCP.

CL notes that it is not just brown crabs being seized but imported swimmer crabs. These crabs are imported dead and because they come from warm water and on ice they would not be unfit as they would not spoil in the same way as the domestic brown crabs. Presently the guidance produced by Seafish does not cover this species it is based on brown crabs.

It was also noted that dead crabs only fall under animal bi-products legislation if they are no longer intended for human consumption. However, if crabs were purposefully killed for consumption, they would fall within the scope of hygiene regulations.

- **Close**

A doodle poll will be emailed to SREG members and affiliates to decide the date of the next meeting, which is anticipated to be in June.