

<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 – 14.40 on Tuesday 4<sup>th</sup> July 2017</b>	
<b>Attendees:</b>	<p>Fiona Wright Ivan Bartolo Hannah Thompson Cristina Fernández Jess Sparks Billijo Jones Chris Leftwich</p> <p>Dale Rodmell</p> <p>Gary Gould</p> <p>Jennifer Howie Lesley Fairhurst Martyn Boyers Martyn Forsyth Hugh Mantle Chris Melville</p> <p><b>Dial-In</b> Josep Campins Georgina Finch Debbie Sharpe</p>	<p>Seafish (chair) Seafish Seafish Seafish Seafish West Yorkshire Trading Standards Inland Wholesale Markets/Shellfish Association of Great Britain. National Federation of Fishermen's Organisation (NFFO) Association of Port Health Authorities (APHA) Food Standards Scotland Waitrose British Ports Association British Frozen Food Federation (BFFF) National Federation of Fish Friers (NFFF) Seafood Grimsby and Humber/ Grimsby Fish Merchants Association</p> <p>Food Standards Scotland Food Standards Scotland Food Standards Agency Northern Ireland</p>
<b>Apologies:</b>	<p>Tim Silverthorne David Jarrad Paul Little</p> <p>Gordon Maddan Jill Wilson Gordon Hart Mike Short Laky Zervudachi Doug McLeod Jimmy Buchan Stephen Hendry Malcolm Morrison</p>	<p>National Federation of Fishmongers Shellfish Association of Great Britain Department for Environment, Food and Rural Affairs (DEFRA) Regulatory Delivery Food Standards Agency Marine Scotland Seafood Industry Alliance Direct Seafoods London British Trout Association Scottish Seafood Association Food Standards Scotland Scottish Fishermen's Association</p>

**Key Action Points:**

1. Receive further information on agenda items from absentees.
2. FSS to speak with FSA regarding Code of Practice for Smoked Fish to update the group.
3. Doodle Poll to be sent to members/affiliates to set the date of the next meeting.

4. Waitrose to send BRC response to ID Marking questionnaire to Seafish.
5. FW to circulate animal by products documents for comments.

## **Key discussion points**

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

Fiona Wright (FW) welcomes all and opens the meeting.

There had been several last minute apologies for the meeting. As a result; Seafish representatives, with the assistance of individual SREG members, provided an update on most items due to be covered by the absent members. Further information on agenda topics will be sought from absentees and distributed after the meeting.

### **2. Housekeeping**

- **Minutes from the last meeting**

The minutes from the last SREG meeting held on Wednesday 8<sup>th</sup> March 2017 were approved.

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

#### **British Frozen Food Federation**

BFFF have been working with BRC Global Standards on their revised Global Food Safety Standard. The standard should be completed in a years' time with audits following its completion. Additionally, BRC's Storage and Distribution review has also been published. BRC Global Standards has recently been sold to LGC Standards. LGC Standards used to be government owned but had been privatised and is now a completely independent business however LGC Standards does retain some involvement with DEFRA. BRC Global Standards feels the acquisition is a good move.

BFFF have been involved with the FSA's traceability and efficacy stakeholder engagement group and recently took part in its second meeting. The project is designed to review the way in which retail food recalls work and address the variability in measures when a product recall happens.

Regarding the Newby Foods Limited court case and the distinction between MSM and DSM; a meeting was held last week and BFFF were unsatisfied with the outcome. Industry wanted clarity on the two definitions but felt they didn't get that. There is a hiatus at the moment, but there would be major implications for meat if the CJEU ruling is the interpretation adopted, as members are concerned about the audit burden.

BFFF are becoming increasingly interested in food waste and have been working with WRAP to explore potential alternatives.

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## National Federation of Fishermen's Organisation

NFFO continue their work on Brexit and make reference to the withdrawal of the UK from the London Fisheries Convention. 58% of fish caught in UK waters are caught by EU member states and the exemption for Irish waters under the Voisinage agreement was raised. NFFO expect the Fisheries Bill to come into view next year for setting quotas and the access rights for other states. The new Secretary of State (for Environment Food and Rural Affairs), Michael Gove had indicated the he will be active as far as fisheries are concerned and has been in touch with the NFFO and confirmed his desire for the UK to be a sovereign state. The NFFO have been asked which waters they want access to and other such questions regarding the single market. The NFFO are pressing the principle of zonal attachment and are meeting regularly with DEFRA.

Comments from the group that industry representatives seem quite happy with the new Secretary of State.

## Association of Port Health Authorities

APHA is looking to publish their new handbook in the next few months, which has received input from Seafish's Responsible Fishing Scheme team. APHA are looking to expand further than they used to go and welcomes anyone interested in advertising in the handbook to get in touch.

## Shellfish Association of Great Britain

The group set up by David Jarrad to deal with recent issues surrounding crab exports to China, is going really well. David has also been invited to meet with the Secretary of State, Michael Gove. He hopes to raise items like changes to legislation, for example with shellfish waters because at present we go about it in a different way to other European countries.

## National Federation of Fish Friers

The NFFF have been involved with the media launch, planned for Monday 10<sup>th</sup> July, for the British Takeaway Consortium. The group intends to pull together disparate takeaway organisation to, for example, lobby government on apprenticeships, immigration etc. A full launch was originally planned but this has been postponed. The Consortium is sponsored by Just Eat who do not run the group but cover admin costs.

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

- **Food Standards Agency (FSA)**

### Proposed Acrylamide Regulation

Acrylamide has a perceived cancer risk and is formed when starchy foods are cooked at high temperatures typically through frying. Although the Acrylamide regulation does not include fried fish, it does include fried potatoes and therefore the fish and chip industry.

Some Member States are keen for end product testing but industry and the FSA were not happy with this approach to managing Acrylamide and would prefer testing to take place during the process, via HACCP. The current proposal mixes both

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approaches: Acrylamide is treated as a food safety issue and therefore food businesses are expected to have it in their HACCP plan. A benchmark, end-product limit would act as an indicator of the controls, but would not be enforced and could be as simple as a colour chart. One SREG member comments that the key word through the regulatory process seems to have been to “mitigate”.

There will be controls for suppliers of potato products and a greater level of control for franchises and multi-site organisations who would be expected to do some end-product testing. The British Hospitality Association (BHA) and the Potato Council (PC) are trying to tighten and clarify the requirements as they are currently a little woolly. The FSA had been in touch to ask what the BHA and PC think should be in the enforcement guidance.

Attendees ask to what extent the proposed regulation covers primary producers and what would be considered as reasonably practical. Controls are based on starch content and the temperature of the oil, also looking at sugar, dried matter, consistent colour and product suitability. For example, there is a requirement for potatoes to be stored at 6°C so primary producers will need to look at that. It is also going to be a requirement not to fry above 170°C but this varies across the member states; some are quite draconian, but one SREG member suggests required temperatures can only be a recommendation.

The FSA are consulting local authority enforcement officers and Seafish has been able to respond, and has suggested that more clarity is needed on ‘multisite’ businesses. There are no plans for industry guidance from the FSA but there will be a BHA guide produced for industry that has had FSA involvement.

It looks likely that the EU will go ahead with these mitigation measures, not much is likely to change now. The regulation is due to come into force after a four month transition phase, which could potentially be the first half of 2018 but the position will be clearer in September. Environmental Health are looking to be supportive and advising on the matter and have said they intend to enforce by ensuring FBOs have the checks in place under HACCP.

## Code of Practice for Smoked Fish

The FSA contacted Ivan Bartolo (IB) a few months ago with a PDF of the Code of Practice and has been waiting to receive a Microsoft Word version to insert comments onto ever since. IB is also awaiting further information from the FSA about this document and its status.

IB looked through the 100+ page document briefly and advises the group that it largely contains good manufacturing practice for smoked, salted and marinated fish. It seems to have been put together by the Spanish with some input from the salmon industry. Some of the language in the document is difficult to interpret, with the use of some non-standard words like “non de-contamination”.

On one hand it seems to be a good document with a great level of detail. All the info is there, you wouldn’t need a textbook. However when achieving this level of detail, items tend to focus on different areas, for example vacuum packing and Clostridium Botulinum are not mentioned.

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Unsure whether this document is EU in origin, IB assumes so but is not certain and therefore is uncertain as to the level of input required.

FSS received the document at the same time as the FSA. It was due for discussion in the EU a while ago. FSS further understands the document to be industry lead; it has not come from the FSA. SREG members suggest finding out what the purpose of the document is. FSS to speak with FSA and feedback.

## Mercury

The European Commission want to nuance mercury levels in fish, to make the rules more specific, but a draft European regulation has been pending in the ether for a while. The idea is that the Commission want to change the long list of contaminants; there has been a lot of discussion in the Commission about moving some contaminants to the pesticide legislation. Historically, Mercury has been used as a pesticide for some food commodities but not for fish. As a result Mercury remains in the contaminant legislation.

Seafish attended a meeting with DG SANTE where two people from the U.S. talked about Selenium and Mercury and how the relationship between the two is solid science now. It is inaccurate to assess the toxicity of a foodstuff on the basis of its mercury level without taking into account also its selenium level. It is difficult however to see how this information can be put into traditional legislation that is based on limit setting for the contaminant. Perhaps longer term, a way might be found to incorporate the information, for now advice could be issued instead. It was also noted that although the current FSA advice on seafood consumption with regard to mercury content takes no account of selenium, it is nevertheless good advice.

One member comments that the Mercury/Selenium information is not new, the information has been out for years but the Commission just haven't accepted it. Suggests conversion to Methyl Mercury is a concern, the matter of which will be discussed at International Association of Fish Inspectors board level, at the World Seafood Congress in Iceland in September.

Discussions surrounded the changing stance on the consumption of seafood in the U.S and tests undertaken on Mercury/Selenium levels in the Faroes and Seychelles.

Changes in legislation are unlikely to happen for a while but there might be if the UK decides to write its own laws post-Brexit. If anyone would like copy of the contaminant list should contact IB.

## Regulating our Future (RoF)

WYTS recently attended a workshop hosted by the FSA for local authority enforcers and FW sits on the 'segmentation' working group of the RoF scheme.

The FSA want to have the RoF scheme rolled out by 2020. Originally, there were discussions on introducing a permit to trade, there was a great deal of interest in it originally and a lot of people in the Yorkshire and Humber said there was a need for it. It seems that this may have been dropped.

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The FSA have proposed to make it compulsory for FBO's to register as a food business before trading and will impose a financial penalty if they trade without registration. This would be introduced over two phases. A consultation for this change is out at the moment.

A revamp of the FSA website is planned to make more user friendly for new businesses.

## Results of Authenticity Surveys

No update provided. FSA to provide further information.

## Expert Group on Food Hygiene and Control of Food of Animal Origin

Newly formed by DG SANTE; this expert group has been set up to assist the Commission and facilitate for discussions on implementing and delegated acts for the new official controls regulation. Minutes from the first meeting have just been published on the European Commission website. FSA to provide further information.

- **Regulatory Delivery**

## Brexit

The FDF round table meetings bring together industry and government representatives. At the last meeting; they discussed the recent movements within government. Since the election, most notably, Andrea Leadsom's replacement by Michael Gove, George Eustice remaining as fisheries minister and Liz Truss becoming Secretary of State for the treasury. In general, attendees were pleased with the appointments. There had been some contact with Michael Gove and industry had been impressed with his interest and commitment to the industry.

Formal negotiations have now begun and priority agreement areas are Finance, Citizens, Ireland, Trade & separation. Trade agreements will be in the next phase, possibly at the end of 2017, and it was stated that the UK is currently in discussions with 16 countries regarding trade.

Some industry members explained that contracts are already being affected by Brexit. English law jurisdiction is no longer acceptable on contracts and another Member State's jurisdiction must be used instead.

The Queens speech contained a list of necessary bills: repeal, customs, trade, agriculture, Fisheries. On timescales for this, fisheries are more advanced than agriculture but the Repeal Bill will be first.

FDF members/affiliates plan to write letters to the minister of their own constituencies.

At the recent Trade Facilitation Expert Panel; HMRC explained that it is in the public domain that the UK will be leaving the Customs Union and the single market. The UK is leaving the single market because that is what leaving the EU means. There will be a special and specific British trade model with the EU; it will not be the same as the Swiss or Canadian models, for example. With regards to customs, the intention is to have something similar to what we have now i.e. no tariffs, but everything is up for negotiation, we won't know the details until the end. The FSA

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have said that any deviation in regulation will lead to non-tariff barriers and this will form part of the negotiations, but we may get some idea along the way.

If anyone has comments they would like to pass onto the Trade Facilitation Expert Panel, they should get in touch with Ivan Bartolo.

Industry seem a little upset that they are not being consulted enough, perhaps government prefer seeing specific case study issues? The group were recommended to keep an eye on the Department for Exiting the EU (DExEU) website as the department seems to regularly post information on the site. It was also noted from a legislative point of view, Seafish cannot lobby.

One SREG member had met with a representative from DExEU and they seem to like receiving one representation from one group rather than a series of individual representations.

FSS suggests that from a Scottish perspective, they are looking for clarity and communication. Existing communication lines are OK but need to sure up what information is getting pushed through.

## Primary Authority 3 (PA3)

A consultation on unlocking the potential of the Primary Authority scheme and the Enterprise Act finished at the end of April. It sought views on the enforcement regulation and other proposed changes. All responses have been submitted and the results will be published shortly.

Seafish currently have a direct partnership under the Primary Authority scheme and have discussed converting to a co-ordinated partnership, with members of the Seafood Regulation Expert Group acting as its members. This change would give SREG members better protection. Seafish continue to investigate the option.

One SREG member has been in a coordinated partnership for three years. PA3 represents a legal change to their responsibilities, particularly surrounding the role of the coordinator. Assured advice is a keystone of the benefits to this scheme and PA3 remains the only legally available route for certainty; yet questions remain about the enforceability of the assured advice. Industry needs certainty and the member suggests that the details of PA3 are not yet clear, asking if there will be further consultation on the details, perhaps a White Paper that explains why and how it will operate from October 2017. Concern was also expressed regarding the launch date, referencing an inadequate admin launch for PA2.

There will not be a searchable database for those with assured advice, so members ask what is the value of such advice? A Knowledge Hub forum has been set up but has confidentiality issues. Concerns that PA3 will become more complicated as organisations can have direct and co-ordinated partnerships as well as multiple coordinated partnerships.

Discussions surrounding developments of the Greggs court case, the grey area of local byelaws and the onus of the business to inform the enforcer of their potentially multi-faceted primary authority arrangements.

## 5. Updates from Seafish

- **Brussels Developments**

### Workshop on Brexit at the PECH Committee

Held on 21<sup>st</sup> June 2017 this workshop looked at the impact of Brexit on the Common Fisheries Policy. Three experts presented on the areas below. Only UKIP MEPS attended the meeting and the chairman hopes to hold another event in September, CF requested that the chair invited UK representatives to the next meeting.

#### 1. 'Legal Framework for Governance'

The expert considers that fisheries are not central to the negotiations. The current UK fishing opportunities will be redistributed amongst the Member States. Historic rights were mentioned as potentially important when facilitating preferential access and the presenter discussed the difficulty of straddling and highly migratory fish species which would have to be dealt with under international fisheries conventions.

Post-Brexit the UK can act independently and form alliances divergent to EU interests and will be required to continue its participation in Sustainable Fisheries Agreements. Discussions surrounding the role of European Courts of Justice in the solution of future conflicts and the possibility of having an informal way to solve conflicts however there is nothing on the table yet.

The only legal documented case of withdrawal from the EU is Greenland. However Greenland's specific text does not refer to fishing and concluded a fisheries agreement. In this respect, Protocol 34 links free access of Greenlandic fisheries products to the EU market, to EU access to Greenland's fishing zones. It is expected the UK agreement will be completely different.

#### 2. 'Trade and Economic Related Issues'

The French expert advises that there are many trade flows for the UK and explains the 'Rotterdam Effect' on UK import and export trade statistics (if the custom clearance is sought at an EU border, these products are considered as intra-EU imports, despite potentially originating from third countries).

If WTO tariffs were applied to the current trade flows, the UK average weighted import tariff would be around 13%, generating EUR 169 million additional custom revenues for the British Government. As the UK exports to the EU-27 mostly belong to the category of fresh (PS1) and frozen (PS2) products, the UK average weighted export tariff would be around 10.8%. All things being equal, such a tariff will generate EUR 150 million additional custom revenues for the EU-27. The impact of these tariffs will be felt more on the frozen and less so on the fresh fisheries products.

#### 3. 'Resources and Fisheries: A Case Study'

The expert presented a case study on Germany stating the UK exports fish products of about EUR 150 million to Germany while it imports products of about EUR 230 million from Germany. The presentation discusses the challenges surrounding distribution of fishing opportunities, data collection, relative stability and the application of management plans.



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## Markets Advisory Council (MAC)

Held 16<sup>th</sup>-18<sup>th</sup> May 2017; three Working Groups of the MAC discussed EU production (WG1), EU market (WG2) and EU control and sanitary issues, consumer rules (WG3).

### 1. EU Production (WG1)

Producer Organisations (POs) are in a difficult situation due to the late adoption of the EMFF. Financial support for Production Management Plans (PMPs) from 2014-15 have not been paid until late 2016/early 2017 putting a burden on POs across the EU. Stakeholders criticised the system asking for greater transparency on funding.

DG AGRI presented on their specific fund for the promotion of agri-food products. It has a complex application process, and there are currently no cases of fisheries products receiving funding under this scheme. DG MARE says they may be able to facilitate going forward.

EUMOFA tool was criticised for its data collection; namely its use of EUROSTAT data. Catching sector said they would like real-time data, not projections. The Commission said they plan to meet with member states in June about the future of EUMOFA.

Workshop in the next meeting will look at how POs operate in different Member States. There is no interest in the group developing a Brexit position and some participants said they do not want the UK in the MAC. The post-Brexit scenario would be discussed in the near future however.

### 2. EU Market (WG2)

Long Distance Advisory Council (LDAC) presented a response to a letter from the Commission that said they are developing an IT system to support Member States in implementing the catch documentation scheme under the TRACES platform of DG SANTE. The Commission is in conversation with Member States to ensure uniform implementation. The MAC and LDAC have drafted a joint opinion calling for, amongst others, industry collaboration on the system, exchange of information on IUU and on decisions made by third countries. The opinion will be sent to DG MARE and DG TRADE.

The EU-Japan agreement is now quite advanced and likely to be finalised soon. CETA implementation will also be soon as Canada has domestically ratified it. A report on the modernisation of the EU-Mexico free trade agreement is on the DG TRADE website and references were made to the Singapore free trade agreement and modernisation of the Chile agreement. MAC members questioned the Commission regarding concerns of the Western Sahara fisheries and a new study on EU consumer habit was discussed. This working group similarly didn't want to talk about Brexit but did recognise the need for future discussion.

### 3. EU control and sanitary issues, consumer rules (WG3)

A presentation was made by Spain on traceability projects and troubles were shared by the Dutch Processors Association regarding the storage of their fresh fish but a representative from DG SANTE was not available to discuss the matter.

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A presentation was also given on 'fish dependence day' which is an older study analysing the dependence on fish and aquaculture products. The report concludes that if a country is not self-sufficient then it is not sustainable. A final presentation was also given on the circular economy and on food waste with little explanation.

The Irish wish to discuss tackling the issues of Cadmium in Chinese crustaceans at the next meeting and will also not take any action on Brexit at the moment.

Seafish propose circulating agendas for upcoming MAC meetings to the SREG and others, so comments can be submitted in advance and represented at the meeting. This is our access to the Commission but we are reliant on people providing the information, so it really needs industry's involvement.

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

- **Marine Scotland (written submission)**

Nothing new to add on Marine mammal legislation.

Fish labelling and traceability – Scottish Government and Food Standards Scotland issued a reminder note about statutory requirements to Scottish stake holders, on 31 March. The reminder was an agreed action resulting from a previous EU audit.

Scottish landings target – Discussions continue with Scottish pelagic vessel representatives, Producer Organisations and processors about increasing landings of pelagic fish into Scotland.

- **Food Standards Scotland (FSS)**

### Shellfish Review: Consultation

Food Standards Scotland issued three consultations which ended in May 2017. Industry widely welcomed the opportunity to engage and it gave food for thought for FSS. A summary of responses and FSS actions will be published soon. Respondents had a number of concerns regarding any shift in resource requirement from the regulator to business and at a workshop in April 2017 it was agreed that FSS would establish a Classification and Monitoring Forum through which the outputs from the exercise will, where appropriate, be discussed and progressed. Invitations to stakeholder groups in Scotland will be issued shortly.

On scallops – revised guidance on shellfish toxins will be finalised and will take into account feedback from stakeholders. It was perhaps over-worked and complex but there is a lot of information to fit in. There were some concerns raised that the 'small quantities exemption' proposal may be too bureaucratic, others thought that it was inappropriate to allow such a generous exemption. Another respondent felt that the proposal to extend the definition of local to all of Scotland was welcomed, but that it still restricted access to where the key markets are for live in-shell product. Other issues relating to French toxin closures impacting on landings and enforcement here. All issues will be considered when the guidance is finalised later in the year. We want to be able to show a document that says this is how we manage the sector.

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## Codex: histamine guidance

With thanks to SREG for taking the time to review the recent draft of the Codex document on histamine. In general terms we agree that the draft as rewritten is suitable both in terms of food safety requirements and current industry practice in the UK. Some comments suggested the cleaning and cooling section could be beefed up. FSS has been working in tandem with the FSA on the new draft.

By way of context, this histamine section will sit within the Code of Practice for Fish and Fishery Products (CAC/RCP 52-2003) and will be added to the processing of specific fish and shellfish products section within the RCP 52. An electronic working group will need to revise the other sections of RCP52 to be consistent with, complement, and reference where appropriate the new section.

A member of the SREG asked if there is a plan to assist small vessels complying with the Codex guidance and if Seafish are planning to publish a guidance document to support compliance. FSS suggest that there seems to be enough flexibility for smaller vessels and that HACCP should be applied. Seafish recommends that the Responsible Fishing Scheme (RFS) does have compliance support guides that reference HACCP. If a gap has been identified for guidance Seafish can look at supplying that. The retailers desire to move away from the intensive fishing was mentioned and questions surrounding fishermen's awareness of HACCP asked.

It has been agreed that a table of 'at risk' species will be produced following the Joint FAO/WHO Expert Meeting on the Public Health Risks of Histamine and Other Biogenic Amines from Fish and Fishery Products. Consideration is being given to possibly including Salmonids in the list of at risk species pending a formal review.

The timescale for formal inclusion is unclear and members were under the impression that there won't be another Codex meeting on the matter. The SREG discussed the difficulties in getting the histamine guide to fishermen and discussed possible solutions e.g. advertising in the Fishing News, communication through RFS and the British Ports Association. The histamine risk of small fishing vessels was described as very low; the highest risk usually comes from imported tuna and kitchen misuse.

## Regulatory Strategy

No change from the update provided at the SREG meeting in March 2017.

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

The FSA in Northern Ireland has finalised the revision of the Northern Ireland shellfish classification protocol, which outlines the process for getting an area classified by FSA, the FBO's requirements and how classifications are determined.

The FSA in Northern Ireland is still working with FSA England & Wales in carrying out a risk assessment that will determine future risk based monitoring in classified shellfish production areas for marine biotoxins and phytoplankton. It is hoped this will be completed by the end of 2017.

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On shellfish classification; one SREG member asks if something is currently happening between the UK and the U.S. FSS clarify that the US are requiring exclusion zones in order to trade. CFAS produced good practice guidance setting out the requirement for the exclusion zone system. In general, the process requires a sanitary survey with a sensible approach to managing classification. It is on the books but it would require a statutory change. If a member state wishes to trade with the U.S further than the statute then compliance with that annex is subject to a potential audit by the U.S. This was agreed following trade in Spain and the Netherlands. Current requirement is set out in the EURL good practice guidance for exclusion zones, but this is only for shellfish from A classifications. It seems the razor clam industry is keen for this but there is a potential to need 24 straight A classification tests to achieve an exclusion zone. Discussions surrounding new shellfish toxins arriving in the UK.

## 7. Updates from Seafish

- Imports

### Importers Forum

The Importers Forum is chaired by BFFF and Seafish provide the secretariat. The forum usually hosts quite lively discussions between importers and the FSA. The next forum is planned for 17<sup>th</sup> July and there hasn't been a meeting of this group since the last SREG meeting.

Work is on-going however IB has met with the FSA since and talked about the increased restrictions on aquaculture products from India. It appears that the Indian authorities are delisting any exporter found to be in breach. De-listing is not the normal procedure, usually the exporter is not delisted but is subject to extra testing. These restrictions harm importers, creating additional costs on testing & demurrage for the importer, but do not necessarily spur the Indian competent authority to take action. IB also talked with the FSA about end-use. HMRC had taken the issue to Europe and a resolution has been found. Heavy admin is still required when using the end-use procedure. UK guidance is currently being produced.

When importing e.g. breaded fillets, you are not just importing fish but also other ingredients. The FSA has recently clarified that foods containing ingredients that are products of animal origin (POAO) must themselves be sourced from approved establishments from EU-approved third countries. This requires that the exporting country has an approved residue testing programme. A typical example would be surimi containing an egg ingredient. If you import a seafood product containing an ingredient made from Chinese eggs, you will be OK because China has a residue plan that covers eggs. However a product with a Thai or Vietnamese egg ingredient might be refused; each specific POAO ingredient must be checked to ensure it is allowed into the EU.

A reminder that there is joint FSA/BFFF/Seafish guidance on re-enforced checks and Seafish guidance on tariffs available.

A reminder that members can refer import-specific issues to IB to raise with the Importers Forum.

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## Trade Facilitation Expert Panel

Largely covered earlier in the meeting.

Discussed the 'One Government at the Border' initiative. This is a relatively large project hoping to simplify the current import procedure that requires the involvement of more than 30 government departments. The initiative hopes to achieve a single point of contact. A point was made that traders do like giving information, just not in different formats to different authorities. Progress has fallen very quiet recently, the expert panel sought reassurance that something is happening. Progress relating to the 'single window' has also fallen quiet. Now awaiting a report back as to where the project is and whether there will be stakeholder engagement.

## Third Countries Authorised to Export

The Republic of Kiribati, the former Yugoslav Republic of Macedonia and Georgia have been added to the list of countries from which seafood imports into the EU are authorised. Significant volumes of yellowfin and skipjack tuna are caught by Kiribati-flagged fishing vessels and processed in Kiribati. Authorised establishments in the three countries are yet to appear on the official European Commission list.

- **Animal By Products**

DEFRA have been in contact with Seafish to ask what should be changed on animal by products (ABP) legislation once the UK has left the EU. FW has been through the regulations, implementing measures and guidance and has a good understanding of the historic issues. As a result three areas worth addressing were discussed:

1. The landing obligation has created a new category of animal by product. The original legislation was written without knowledge of the landings obligation. When fish is landed undersized it is prohibited for human consumption and therefore automatically becomes ABP. The issue is that the fish become ABP on the vessel and ports are not approved to handle ABP. Currently the undersized fish can be sent for additives so continues to be treated under food law. SREG members argue that fish landed under the landings obligations can be classed as food and questions the effect on measurability.

2. Categorisation of fish and shellfish that die from environmental conditions not slaughter.

Category 3 ABP must have been slaughtered. If they die from other causes they must be classed as category 2. To prevent the risk from decomposed animals; the addition of a clause to category 2 for decomposed animals would be recommended.

3. Return to sea, but not disposal at sea

Shellfish such as mussels are often landed to be declumped and sorted, then undersized animals, empty shells and byssal threads returned to the sea. This is currently classed as processing on land and therefore any waste cannot be returned to sea. SREG member argues the difference here is between returning alive and dead products.

The SREG question whether all dead crabs are disposed of? Could they go for a different product when otherwise they would be classed category two? There is an

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exemption for products sent back to sea as bait; it was assumed the UK would keep these derogations.

## 8. AOB

### ID Marking Questionnaire

Seafish are looking to respond to an FSA questionnaire seeking opinions on the application of ID marks. The questionnaire had been distributed to SREG members in advance of the meeting and there was a reminder that the questions largely related to meat products, but there are equivalent fish products that would be similarly labelled. SREG members were reminded of the difference between ID and health marks and its relevance to fisheries products. ID marks must be applied before the product leaves a food establishment, but there is a lack of clarity regarding where the mark has to be (e.g. outer or inner packaging). There are cases where the marking has been used fraudulently so cutting down on fraud whilst allowing flexibility is key.

The questionnaire asks whether providing guidance would suffice, or whether the annex to the regulation should be amended, and offers several suggestions as to what the amendment could look like.

Discussions surrounding HPP processing and the triggers for changing an ID mark. Some members suggest the original ID mark should stay through the supply chain, others suggest any more than two ID marks gets confusing. Further discussions surrounding the complexities involved in the multitude of handling possibilities and suggest governing to a philosophy rather than to rules (i.e. if packaging sleeve can be removed, the ID mark must be on the box).

Responses to the questionnaire are due to the FSA by 28<sup>th</sup> July and Seafish are meeting to discuss a response on 18<sup>th</sup> July.

### Anisakis

During the SREG meeting; FSS were made aware of an increase in reports of Anisakis with high visible counts in fish consignments. Generally being picked up by other member states when the fish land after being boxed and sent directly.

Discussions from the group as to potential reasons for the increase e.g. a new trade, an issue in one specific fishing area. Discussions also surrounding historic cases.

## 9. Close

A doodle poll will be emailed to SREG members/affiliates alongside the minutes to decide the date for the next meeting. It is anticipated the next meeting will be held in September 2017, at the Seafish offices in Edinburgh.