

SEA FISH INDUSTRY AUTHORITY



Minutes of the
Seafish Food Legislation Expert Group Meeting
Held in London on 20 April 2010

Present:

Ole Norgaard	Seafish Board Member and Chairman to the Expert Group
Ian Farley	The British Frozen Food Federation (BFFF)
Chris Leftwich	National Association of British Market Authorities (NABMA)
Steve Norton	The Federation of British Port Wholesale Fish Merchants (FBPWF)
Joanne Magee	Food and Drink Federation (FDF)
Mark Longstaff	Marine Management Organisation (MMO)
Andrea O'Shaughnessy	Marine Management Organisation (MMO)
Richard Ballantyne	British Ports Association Fishing Ports Working Group
Claudia Martins	Food Standards Agency (FSA)
Sylvette Peplowski	Shellfish Association of Great Britain (SAGB)
Peter Wilson	Seafish Legislation/Secretary to the Expert Group
Ivan Bartolo	Seafish Legislation
Fiona Wright	Seafish Legislation
Tricia Jordan	Seafish (minutes)

Apologies:

Linda Cross	Seafish Board Member
Martyn Boyers	British Ports Association Fishing Ports Working Group (BPAFP)
Malcolm Morrison	Scottish Fishermen's Federation (SFF)
David Jarrad	Shellfish Association of Great Britain
Cliff Morrison	Food and Drink Federation (FDF)
Dale Rodmell	National Federation of Fishermen's Organisation (NFFO)
Linden Jack	Food Standards Agency
Karen Green	Seafish Communications

1. Welcome by the Chairman and apologies for absence

The Chairman welcomed everyone and thanked FDF for hosting the meeting. Claudia Martins was standing in for Linden Jack, Sylvette Peplowski for David Jarrad and Richard Ballantyne for Martyn Boyers.

The Chairman reported on the current situation within Seafish and the court case with British Seafood for which the UK government is currently lodging an appeal with the Supreme Court.

2. Minutes of Last Meeting

The minutes of the last meeting on 20th October 2009 were approved as a correct record.

3. Fisheries control regulation

The new EU Fisheries Control Regulation came into force in January 2010. Concerns remain both for the catching and processing sectors.

For fishermen there is their ability to achieve the much tighter 10% log book tolerance on fish caught. The requirement for all fish to be weighed on landing could also be a problem, particularly in Scotland where fish is not normally weighed on landing. However, weighing at sea is permitted as an alternative and may alleviate this. Seafish have produced a fact sheet which provides guidance on estimating weight loss between catching and landing and also an on line ready reckoner to provide estimated live weight equivalents. This is available on the Seafish Business to Business web site at <http://www.seafish.org/b2b/area.asp?p=83>

The traceability requirements apply throughout the supply chain up to and including retail and incorporate data from fisheries control with that currently applicable under the food law and fish marketing regulations. However, the wording of the fisheries control regulation is such that it appears to extend the scope of the information requirements. The current requirement to provide information on catch area and method of production extends to all fishery products. Species names and notification of whether the product has previously been frozen or not will also have to be made available to the consumer at retail and it also appears to require catch information to be available at all stages up to retail.

These requirements do not come into force until January 2011. The Commission has indicated that there is no intention to extend current requirements and that concerns will be dealt with under implementation measures. These will be drafted in discussion with Member States and it is important that industry is kept informed and involved in this.

Chris Leftwich enquired whether the Marine Management Organisation (MMO) would be the enforcement body for the United Kingdom. Peter Wilson explained that the new Marine Management Organisation is the enforcement body for landings whilst Trading Standards currently cover labelling and information requirements at retail.

Steve Norton suggested involving the Local Authorities Coordinators of Regulatory Services. Peter Wilson added that he intended to meet with all those likely to be involved both on implementation and enforcement.

Ian Farley added that there was also a need to get the support of our European partners on this. Peter Wilson pointed out that this was already the case as the European Fish Processors Association (AIPCE) had also voiced concerns.

The Chairman advised that a separate working group be established to consider the issues raised and ensure that they are taken into account during the drafting of the Commission implementing measures.

ACTION: Seafish to establish a FLEG working group to ensure that concerns are taken into account during the drafting of Commission implementing measures.

4. FSA two a week and shellfish

At the last meeting in October Mark Bush of FSA had reported on the outcome of their 'two a week and sustainability' review. This had resulted in a recasting of the advice provided on their 'eatwell' web site. Shellfish had been given improved prominence but remained excluded from the two a week message. The inclusion of shellfish would require evidence to be provided to the Scientific Advisory Committee on Nutrition (SACN) for evaluation.

Seafish and SAGB had subsequently met with the FSA Head of Nutrition and representatives from SACN, the Committee on Toxicology and FSA Hygiene to consider taking this forward. It was pointed out that there would be a need to present data on the nutritional aspects of shellfish to all three groups for consideration. This would require information on consumption patterns, portion sizes and consideration of scope. The work would be quite technical in nature and require the involvement of external expertise.

It was clear that this exercise would take some time and require external cost. It had been agreed that Seafish and SAGB first consider and produce a scoping document for further discussion.

Chris Leftwich enquired if this could be taken forward by SAGB whilst the current situation with Seafish is resolved. The Chairman considered the shellfish issue to be important and recommended that Seafish at least continue with the scoping document and discussion with FSA to prepare for the technical work.

ACTION: Seafish to endeavour to continue with the scoping document

5. Nutrition and health claims regulation

The draft Seafish omega 3 guidance tabled at the last meeting is now available on the Seafish web site at <http://www.seafish.org/resources/publications.asp>

Seafish has also set up a dedicated web page to keep industry informed about the progress of this regulation as annexes and approved claims lists are progressing.

The annex to the regulation containing the omega 3 nutrition claims has been published and is now in force. Therefore 'source of' and 'high in' claims can be made for omega 3 at 15% and 30% of required daily intake. This stands at 250mg although there is still pressure to increase this to 450mg.

There have been some useful positive opinions on health claims from the European Food Safety Authority (EFSA). Positive opinions were given on claims for iodine, zinc, selenium and the fish oil component DHA/EPA, although not omega 3.

A recent FSA update gave notification of an ad hoc working group meeting on 27th May to discuss claims related to DHA and ALA. Suggested points for discussion included claimed effects, target population, conditions of use, importance of conversion rate of ALA to DHA and EPA and interaction with existing legislation such as nutrition claims.

The FSA has also updated its guidance on the regulation to remove references to expired transitional measures and to update references to other legislation that has also changed and to amend some of the examples and advice now that more clarification has been received from the Commission. The guide remains largely the same. Although more clarity is still needed on what is and is not a commercial communication. This relates to whether Seafish promotional material is 'commercial' and must comply with this regulation. This is to be discussed further with FSA.

Jo Magee asked what the situation was with the Joint Health Claims Initiative heart health claim. Fiona explained that JHCI claim had been considered too vague and not specific enough and as yet there was no positive opinion agreed.

Peter Wilson added that the term 'marine omega 3' could perhaps be used to differentiate between fish oil (EHA/DPA) and vegetable oil (AHA) omega 3.

Chris Leftwich added that there was a Royal Society of Medicine Conference taking place in London on 26 and 27 May on the benefits of Omega 3 and he would forward details to Peter Wilson to circulate.

ACTION: Chris Leftwich to forward details of the Royal Society of Medicine conference to Seafish.
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6. Imports issues

Indonesia

Two new decisions on Indonesian seafood have just been published and are now in force. One decision requires 20% of aquaculture consignments to be tested at the Border Inspection Post (BIP) for antibiotic residues. The other revoked Decision 2006/236/EC, which required increased testing for heavy metals on caught fish from Indonesia.

It was thought that very little if anything had been reported on the EU Rapid Alert System (RASFF) whilst the heavy metals testing had been in place.

Bangladesh:

A draft decision is being discussed at SCFCAH requiring 20% of consignments of crustaceans from Bangladesh to be tested for antibiotic residues at the BIP. This is in addition to the current requirement for all consignments to be accompanied by test results.

The Chairman added that this was a semicarbazide issue and work was ongoing to demonstrate that its presence was natural.

India

It is understood that further restrictions have been discussed at SCFCAH (but not an outright ban).

Illegal, Unreported and Unregulated Fishing

New countries added to the Commission notified list are Russia, Panama, Algeria and Bahamas. A Seafish guide for 3rd country exporters is available on the Seafish web site. There are also new Customs requirements.

GSP/Certificate of Origin

The Commission is still going ahead with its proposed change to the current rules of origin that apply to the Generalised System of Preferences (GSP) that would require exporters themselves to certify the origin of the goods rather than the Competent Authority of the exporter. Without verification from the exporting country's authorities importers would be liable if such claims eventually proved to be fraudulent. Concerns had been expressed to HM Revenue and Customs. This may be voted on by the Commission during May.

7. Origin guidance

The proposal for Seafish to draft 'origin' guidance as discussed at the last meeting had not progressed.

FSA Scotland had recently consulted on draft guidance for consumers on country of origin labelling. This was a Scottish specific consultation and gave guidance on the use of the term 'Scotland' in origin labelling. The guide is easy to follow and fish is specifically covered but the advice differed from that given in the FSA guide on clear labelling and fish labelling. A response was circulated noting this.

A subsequent stakeholder meeting was scheduled to discuss the draft guide, but unfortunately bad weather prevented Seafish attending. The comments were sent to the meeting organiser but did not appear to have been raised.

Ian Farley pointed out that the Scottish guide had been produced for the consumer only to enable them to understand labelling and was not for industry.

Jo Magee added that the new EU Food Information Regulation proposals appeared to be tightening up on origin labelling with processed fish products likely to be included.

8. Hygiene regulation review

A proposal to put forward by the FSA to remove marine gastropods from the requirements of harvesting area classification under the product specific hygiene regulation 853/2004 remained. Further progress appeared to have been limited to a recommendation to add echinoderms and tunicates and exclude one gastropod as it is a filter feeder. However, there had now been a proposal to amend the control

regulation (854/2004) requiring marine gastropods to be monitored at the fish market, dispatch centre or processing establishment as is currently the case with wild scallops. It is hoped that the gastropod requirements are near to resolution as this is still causing some confusion both within industry and with local authorities.

The FSA had reported a move to 24 hour monitoring under the mouse bioassay in January 2010 but had subsequently reverted to 5 hours as a result of what appeared unreliable results. CEFAS are reported to be currently working on chemical alternatives.

Claudia Martins was unsure of when gastropods would officially be removed from the classification requirements but would check with colleagues. She also explained that the use of a chemical (LC-MS) assay for DSP should replace the bioassay by 2011. The Commission were likely to vote on its use during the summer giving Member States 3 years for implementation. Several laboratories in the UK were now able to use this method.

ACTION: Claudia Martins to check on current position on the gastropod proposals.

9. FSA consultation on updated guidance on date marks to food

The FSA has updated its guide on date marking to reduce food waste and improve consumer confidence in use of date marking. The guide is clear but very repetitive, so could be shortened considerably. A two page version will be published shortly for small businesses. The response deadline is 16 June and is available at <http://www.food.gov.uk/consultations/consulteng/2010/fsaguidanceappdatemarksfoodeng>

Ian Farley stressed that other date marking requirements such as for quick frozen foods were not covered by this consultation. The Chairman added that decisions on date marking were usually lead by the multiples.

ACTION: Fiona Wright to draft and circulate a response.

10. Contaminants update

Cadmium

the Commission continues to discuss lowering the level of cadmium exposure to the population. There is no intention at the moment to introduce a limit for the brown meat of crab. However, advice on the consumption of crab will be issued to inform consumers of the brown meat that they may be exceeding the safety guideline limit for cadmium.

Arsenic

Following a recent EFSA Opinion that exposure to inorganic arsenic in food be reduced, the Commission is considering possible risk management options. This is likely to include setting maximum levels for arsenic in various food categories.

Dioxins and dioxin-like polychlorinated biphenyls (PCBs)

There is currently a delay in setting the revised limits. In the meantime, the Commission is accepting new data from industry, especially where any potential problem is identified.

Non-dioxin-like PCBs

The Commission has made minor changes to the proposed limits. These previously included the muscle meat of fishery products with higher limits for eel and now 'river fish' has a proposed higher limit. The brown meat of crab is excluded.

Polycyclic aromatic hydrocarbons (PAHs)

In December the Standing Committee agreed to base the new limits on the sum of the 4 PAH's: benzo(a)pyrene (BAP), benz(a)anthracene, benzo(b)fluoranthene and chrysene. The Commission will also be maintaining individual limits for BAP. There is some remaining concern that traditional direct-smoked fish may exceed the new limits.

Steve Norton reported that Grimsby smoked fish, cold smoked using the traditional kiln smoking process, has recently been awarded EU protected name status (PGI).

11. Local Better Regulation Office (LBRO) trading places

Established by the Department of Business, Innovations and Skills the LBRO is tasked with reducing regulatory burden. To assist with awareness of issues and to provide a forum for discussion, two reference panels have been established.

The Local Authority Regulatory Services Panel is made up of representatives from local authorities. This highlighted a need for local authority officers to have a better understanding of the realities of regulatory compliance whilst running a business. The 'trading places' project, where officers were invited to spend time in a business to get a better understanding of the practical implications was developed as a way of helping with this. A pilot scheme proved successful and the LBRO were now looking for businesses willing to participate. Billingsgate fish market was now involved and Grimsby fish market likely to as well.

On the industry side a Business Reference Panel had recently been set up. Peter Wilson had been invited to attend its first meeting which included membership from a wide range of businesses including several multiples and high street retailers.

Chris Leftwich advised that at Billingsgate the scheme had appeared very useful and LBRO are planning further visits in the near future.

12. Any other business

12.1 Border Controls

The UK Border and Immigration Agency had previously reported on the introduction of new electronic based controls and the inclusion of fishermen. It had been agreed that Seafish would assist in the development of industry guidance and an industry working group, made up of fishermen's organisations, had been set up to take this

forward. They have been made aware of potential problems due to the current ease of movement between Northern Ireland and the Republic.

12.2 Fishermen's apprenticeships

The Whitby Fishing School has raised concern that the new Apprenticeship, Skills, Children and Learning Act (2009) could present a problem to those who wish to embark on a fisherman's apprenticeship. The Act appears to allow apprenticeship schemes only if an employer is involved which is a problem as fishermen tend to be self employed.

However, it would appear there is sufficient flexibility in the Act to allow alternative forms of apprenticeship schemes and that the way forward is to discuss the issue of fishermen's apprenticeships with one of the several government bodies enacting the legislation, possibly the Sector Skills Council.

12.3 Animal By-Products Regulation update

Defra are currently preparing their consultation on the implementing measures for small quantities of low risk by-product that are subject to national rules and this will be launched after the election. Fiona Wright is writing the guidance for the clean shell exemption and also its application to land for use as fertilizer or soil improver as this is a wider range of uses than currently available under exemptions. The shell project to obtain analytical data for the guidance has stalled due to current funding restrictions but as Defra are also keen to complete this work Seafish are confident that funding will continue.

There has also been Commission guidance on the overlapping controls of legislation to control the transport of dangerous goods and ABPR transport controls. Defra do not consider there be any problems with the transport of fish products as it related to diseased material that poses an imminent risk to the public or environment such as foot and mouth.

12.4 EFSA Opinion on Parasites

EFSA had been asked to assess food safety concerns due to possible allergic reactions in consumers to parasites that may be present in fishery products and also to evaluate alternative treatments for killing viable parasites in fishery products. They had concluded that allergenic reactions to the parasite *Anisakis simplex* appeared to be limited almost exclusively to the Basque Region in Spain and recommend that research into infectivity and data collection should be improved on. They also concluded that farmed salmon have a negligible risk of being infected with *Anisakis*, which supports the FSA advice that farmed salmon does not need the 24 hours at 20°C treatment. They also reported that alternative freezing regimes to kill such parasites should be permitted.

The report also points out that it is estimated that many people are infected with food-borne trematodes worldwide. Most of these infections result from the consumption of raw or undercooked freshwater fishery products. The highest prevalence of these infections is in southeast and east Asia, but increasing numbers of infections are being recognised due largely to the increased importation of affected seafood and travel to endemic regions.

Claudia Martins reported that a meeting had been planned with the Commission to discuss the findings of the report and need for any changes to current controls but cancelled due to the recent travel disruption.

12.5 Food Composition review

It had previously been reported that the British Nutrition Foundation had held a workshop to discuss updating current food composition data such as that prescribed in the McCance and Widdowson publication and the EU nutritional information database. Seafish had been successful in arguing for fish to be given a priority in the work planned for 2010/2011 and will now be involved in the planning stage. Seafish are scheduled to be meeting with UKfoodcomp representatives next month to discuss the most appropriate products and nutrients to be included.

12.6 Fish Labelling Regulations:

New regulations came into force on 6 April 2010 and apply to all four administrations. These update the commercial designations.

12.7 SAGB:

Sylvette Peplowski tabled a report on the nutritional benefits of shellfish which will be made available on their web site.

12.8 Seafish Communications Update

The April 2010 Seafish Communications Team update was tabled which provides a summary of activities during the past quarter. This gives detail of advertorials, competitions, press releases, new guidance and in particular it lists consumer media activity. This demonstrates Seafish involvement in trying to ensure that media articles are technically correct and balanced.

12.9 Office of Government Commerce (OGC) – Supplier Engagement launch

An office of HM Treasury the OGC helps Government deliver best value for money. Their Food Category Board had been looking into food procurement for what is a big market as it includes schools, the armed forces, prisons and National Health Service. They had concluded that current contractual arrangements were in need of improvement and were introducing a new collaborative approach. Clearly a measure to improve efficiency it appears to be promoting supply from bigger suppliers to cut costs.

12.10 Toxins in Scallops

FSA had recently circulated a notification to heads of environmental services. The Commission had expressed concern that the system of own checks utilised by some scallop businesses were not sufficiently robust to demonstrate that food safety requirements were being met for whole king scallops. Local authorities were therefore being asked to check that adequate HACCP controls were in place.

Peter Wilson added that this was no doubt the Commission's response to recent notifications on their rapid alert (RASFF) system where whole scallops from the UK had been rejected by other Member states.

12.11 Food Standards Agency Scotland review

The Food Standards Agency Scotland has recently undergone a structural review following that which had taken place in London. This came into effect on 1 April 2010. Peter Wilson will circulate the new organisational chart.

ACTION: Peter Wilson to circulate new FSA Scotland organisational chart.

13. Date and venue of next meeting

The next meeting will be held on Tuesday 20 July 2010, provisionally at the BFFF offices in Grantham.

Peter Wilson
Secretary to the Seafish Food Legislation Group
30 April 2010