Seafish Food Legislation Expert Group

Update December 2014

Import and Export

Extension to the current ban on certain bivalve molluscs from Peru

Currently, no bivalve molluscs from Peru may be imported into the EU except eviscerated scallops of aquaculture origin and heat treated bivalve molluscs. This is a consequence of Commission Decision 2008/866, which was introduced following an outbreak of hepatitis A that was associated with Peruvian bivalve molluscs. Commission Implementing Decision 2014/874/EU has now extended the ban to 30 November 2015.

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Myanmar: shrimp testing requirement repealed

All consignments of shrimp from Myanmar intended for import into the EU have been subject to analytical testing since 2002. The tests were to ensure the consignments were not injurious to health, in particular in relation to the presence of residues of chloramphenicol.

The European Commission has now issued Implementing Decision 2014/873/EU, repealing the 2002 Decision, so that shrimps from Myanmar no longer require extra tests at the border. Aquaculture products from Myanmar, however, remain banned the EU.

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Ecuador maintains current tariff preferences

Legislation has been published ensuring that exports of products originating in Ecuador will continue to enjoy tariff reductions equivalent to the GSP+ regime that was in force in 2014. Ecuador was set to lose its eligibility to GSP because it had been classified as an upper middle income country for three consecutive years. The new arrangement will remain in place until the EU–Ecuador trade agreement enters into force; this is expected to happen in summer 2015.

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**Philippines granted GSP+ status**

The European Commission has established that the Philippines meets the eligibility criteria necessary for GSP+ status and has published a Delegated Regulation granting GSP+ status to the Philippines from 25 December 2014. This will allow all seafood originating in the Philippines to have duty-free access to EU markets except for shrimps with customs classification CN0306179x.

Commission Delegated Regulation No 1386/2014 is available [here](http://www.seafish.org/industry-support/legislation/updates/monthly-newsletters).

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**IUU: Belize cleared; two Caribbean and two South Pacific island states shown yellow cards**

The Commission has removed Belize from the list of non-cooperating flag states in the fight against illegal, unreported and unregulated (IUU) fishing. Fishery products caught by Belize-flagged vessels have been allowed in the EU since 18 December 2014 regardless of the date of catch of the products.

The Commission has notified the Solomon Islands, Tuvalu, St Kitts and Nevis and St Vincent and the Grenadines of the possibility of their being identified as non-cooperating third countries in the fight against IUU fishing. These "yellow cards" allow the Commission to take up formal dialogue with these flag states in order to address the issues.

The red card shown to Sri Lanka in October 2014 will come into force on 15 January 2015.

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**Vietnam delays new glaze and moisture limits on exports**

According to Vietnamese Decree No 36, pangasius for export may not contain ice glaze that exceeds 10% of the product. The water content of the product without glaze may not be higher than 83%. The requirement was meant to come into effect on 1 January 2015; however, following concerns that Vietnamese producers were not prepared for the changes, implementation has been delayed for a year. Producers were concerned...
that the price of Vietnamese pangasius would have to increase and this would damage trade.

Decree No. 36/2014/ND-CP on raising, processing and exporting pangasius (unofficial translation) is available here.

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**EU Updates**

**Discussions on non-dioxin-like PCBs in spiny dogfish**

The Standing Committee has discussed the possibility of amending the maximum level of non-dioxin-like polychlorinated biphenyls (PCBs) permitted in spiny dogfish (*Squalus acanthias*). These dogfish are caught as by-catch in the US and imported into the EU. However, as shown by the large number of Rapid Alerts, this species tends to have non-dioxin-like PCB levels in excess of the current maximum limit of 75 ppb. A proposal has been produced to increase the maximum permitted level to 200 ppb. Some concern was voiced that this might encourage the marketing of species, which is endangered; on the other hand spiny dogfish are caught only as by-catch. If imports from the US are to continue, the current permitted maximum level will have to be increased.

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**Benzoate limits in shrimp to be revised**

Benzoic acid and benzoates (E210–213) are currently permitted in shrimps by Regulation 1333/2008. The maximum permitted limit for the use of benzoic acid/benzoate in cooked crustaceans and molluscs is 1000 mg/kg. The Food Spoilage and Safety Predictor model ([http://sssp.dtuaqua.dk](http://sssp.dtuaqua.dk)) predicts that these levels are insufficient to prevent the growth of *Listeria monocytogenes* in brine at pH 5.8. The Commission is therefore proposing to increase the permitted level of E210–213 benzoic acid/benzoates to 1500 mg/kg in cooked shrimps in brine.

Proposed legislation [http://t.co/nGw6j94rdX](http://t.co/nGw6j94rdX)
Contact i_bartolo@seafish.co.uk
**PAH limits relaxed for some traditionally smoked products**

A new amendment to the Contaminants Regulation derogates certain traditionally smoked seafood products from complying with the new polycyclic aromatic hydrocarbon (PAH) limits that came into effect on 1 September 2014. Traditionally smoked seafood products smoked in Ireland, Latvia, Romania, Finland, Sweden and the UK and intended for consumption within the same country may contain PAHs up to the limits in force before 1 September 2014, i.e. 5.0 µg/kg for benzo(a)pyrene and 30.0 µg/kg for the sum of benzo(a)pyrene, benz(a)anthracene, benzo(b)fluoranthene and chrysene.

Regulation 1327/2014 amending Regulation 1881/2006 as regards PAHs is available [here](http://www.seafish.org/industry-support/legislation/updates/monthly-newsletters).

Information on contaminant legislation is available on the Seafish website [here](http://www.seafish.org/industry-support/legislation/updates/monthly-newsletters).

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**Glazed Fishery Products (Analytical Method): Member State Experts to Discuss Draft Measure on 16 December**

Member State experts are expected to discuss a Commission draft measure on the determination of drained net weight for certain glazed fishery products at a meeting to be held on 16 December 2014. Although no vote on this measure is expected to take place during this meeting.

If the Committee issues a favourable opinion on the draft, the Commission will send it to the European Parliament and the Council for scrutiny. The scrutiny period will last for 3 months. If neither of the institutions objects to the draft, the Commission will adopt the Regulation.

It will then be published in the Official Journal and enter into force.

**General Food Law (Fitness Check)**

Stakeholders of the agri-food sector are scheduled to discuss the expected Fitness Check on Regulation (EC) No 178/2002 (General Food Law Regulation) at a meeting to be held on 12 December 2014.

The Fitness Check would identify excessive administrative burdens, overlaps, gaps, inconsistencies and/or obsolete measures which may have appeared on time, and would help to identify the cumulative impact of legislation.
The Final Report on the fitness check, expected in the form of a Commission Staff Working Document, is expected to be presented in mid-2015.

Contact f_wright@seafish.co.uk

**Official controls proposal – FSA Stakeholder Update**

We have now almost reached the end of 2014, which has seen some intense debate and negotiation on the official controls proposal. Under the Italian Presidency of the Council, the last 6 months have prioritised the key issues of charging, the use of official veterinarians and the scope of delegated acts. We have also made significant progress on many of the other areas of the proposal.

Consensus on charging remains elusive with positions around the table polarised on what is a very important issue for everyone. The UK is pushing strongly for Member States to be able to determine how, when and where charges should apply instead of having charges imposed in EU law.

We are closer to agreement on the scope of suitably trained and qualified staff and how this should apply to controls in the meat sector through the use of official veterinarians and auxiliaries. We are working to retain the current flexibilities in the control system, whilst some Member States want to increase the prescriptive use of official veterinarians – something that is not supported by convincing public health arguments.

The next Council meeting will be held in mid-January and will be the first to be led by the Latvian Presidency, who are taking over from Italy. The Presidency will be prioritising compromise on the key issues of charging and use of official veterinarians in order to progress towards a first position on the entire proposal in Council. The UK has been meeting with the Latvian authorities in advance of their Presidency in order to discuss these priorities.

The new Commission agreed its work plan on 16 December and has withdrawn its proposals for Plant Reproductive Material. We are hoping that the Commission will explain the implications for the official controls proposal early in the New Year. We are also looking forward to the Spring when we believe that negotiations will begin between the Council, European Parliament and Commission. This will be the most opportune moment for stakeholders to engage with members of the European Parliament on their key issues, and we will keep you informed as we get closer to this stage.

There is still plenty of opportunity to negotiate on the detail of the proposal and a final decision, including on charging, is not expected until late 2015 at the earliest.

Stakeholders are encouraged to submit their views on the Commission’s proposals and any other issues directly to the FSA via email to offcpolicy@foodstandards.gsi.gov.uk.
Update on the European Commission's policy on norovirus

The following is an extract from the UK representative’s summary of the EU Commission Bivalve Molluscs Working Group meeting 11–12 December 2014.

A future strategy for norovirus controls for Live Bivalve Molluscs (LBMs)

Following previous working group meetings, at which it was agreed that there was not yet a sufficiently robust evidence base to support development of a legislative limit for norovirus, the Commission initiated discussions on an alternative approach for controlling the risks. The Commission acknowledged the technical difficulties and potential impacts on industry but highlighted that, in light of the established risks to human health, doing nothing was not an option.

In seeking agreement on the way forward the Commission emphasised its intention to work with the industry and Member States to ensure that measures to protect public health are both proportionate and manageable for industry. Following discussion and a robust exchange of views it was agreed that three actions would be taken forward:

1. An EU-wide baseline survey on norovirus contamination in LBMs addressing EFSA’s recommendation to collect more data would be carried out;

2. A legislative proposal for managing the risk of norovirus linked to a shellfish related outbreak would be developed. Such a measure would be in line with the Codex (CAC/GL 79-2012) approach and based on a system already employed in France;

3. The potential for buffer (exclusion) zones to be used as a future means of controlling norovirus risk in shellfish harvesting areas across the EU would be considered.

Member States discussed a questionnaire which had been drafted by the EU Reference Laboratory (EURL). The purpose of the questionnaire is to inform the development of a specification for the proposed baseline survey. A revised version will be sent to Member States and we will circulate a draft UK response to stakeholders for comment in due course. Completed questionnaires must be returned by the end of February 2015 and these will be reviewed by the EU working group.

The Commission emphasised the need to develop a harmonised procedure for controlling norovirus risk whilst the baseline data was being collected, and suggested that a protocol currently being applied in France for risk management of harvesting areas clearly linked to a norovirus outbreak could provide a framework for taking this forward. The Commission acknowledged that further work would be required to ensure the protocol was suitable for use across the EU, but achieved agreement in principle to develop this discussion. In addition, the Commission indicated the Working Group would also consider the potential for buffer (exclusion) zones to be applied as a means of managing norovirus risks in the vicinity of sewage discharges and overflows. The EURL noted that this approach was applied elsewhere in the World with contamination measured in terms of effluent dilution. Member States broadly supported the principle of buffer zones, but were in strong agreement that further work would be required to fully
assess the costs, benefits and impacts on industry. The FSA has funded a review of possible approaches for application of exclusion zones in the UK which is nearing completion and this will be shared with stakeholders when finalised.

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**Landing Obligation – effective 01/01/2015**

The first phase of the discard ban comes into effect on 01/01/2015. The Commission has updated its Q+A document http://ec.europa.eu/fisheries/cfp/fishing_rules/landing-obligation/index_en.htm

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**Labelling**

The Food Information to Consumers came into effect from 13/12/14, the working group to discuss some outstanding issues is scheduled for the end of Jan 15.

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**Seafood Consumer Information**

The extension of catch information details provided to consumers for certain seafood products came into force on 13/12/14.

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**UK Updates**

**Business Companion**

This is a government sponsored information website providing an easy route to free legislative information and guidance for business. www.businesscompanion.info

**Consultation on extending the scope of the duty for non-economic regulators to have regard to economic growth and defining the scope of the Small Business Appeals Champions**

This consultation is part of the Deregulation Bill; it extends the scope of the regulators that have to take into account economic growth before regulating as well as the
appointment of a Small Business Appeals Champion for some of the regulators. The consultation gives details of the regulators already covered, those to be included in this Bill and which regulators will have a Small Business Champion appointed. Regulators include EA, FSA, GLA and Cefas. The consultation can be viewed here. 

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