

## **Seafish Food Legislation Newsletter**

**December 2017**

### **Seafish Activities**

#### **Reducing Red Tape**

##### **Acrylamide**

Parliament will adopt the regulation in November with publication in Official Journal to be in force after 20 days. There will be a 4 month transition, and so compliance will be required in April.

Regulation remains pragmatic with no maximum levels and no impact on traditional foods, but businesses should take suitable measures.

Commission Guidance is planned on interpretation of Art 2(2) and Art 2(3) businesses and MS enforcement responsibility. FSA guidance for enforcement and BHA guidance for industry are in the final draft stages. FSA monitoring results will be published shortly.

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#### **FDF Trade Association Round Table Meeting**

This round table brings together trade bodies of the food and drink sector with government to discuss issues related to exiting the EU.

Updates from the Defra representatives included progress in negotiations in Brussels, the upcoming reading of the withdrawal bill in the House of Commons and some of the amendments of relevance such as health certificates and geographical origin. There is a white paper setting out future trade policy

<https://www.gov.uk/government/publications/preparing-for-our-future-uk-trade-policy>

FTA will be discussed at Feb meeting. Industry was asked to consider list of current FTAs and identify the most important to their industry.

Defra are currently working on how quotas will be allocated update at January meeting. There will be an impact assessment for the bill which will focus on the impact by sector but 9 months away. Fish as food will be in 'agriculture, food and drink' whereas 'fishing' will be separate.

The FSA representative updated on the progress of work converting EU law to UK law under the withdrawal bill. There is a need to find UK entities to replace EU bodies such as Commission, Council and Parliament with law making powers and EFSA particularly for regulated products.

The FSA statute sets up an advisory body to protect public health and the consumer, the FSA does not have powers to give effect to decision as the Commission does. The withdrawal bill is wide enough to allow amendments but not the primary legislation amends that this would require. FSA 1990 functions as primary legislation with necessary powers but questions over whether it can be retained post exit.

The FSA are also considering how food safety incidents will be dealt with? And maintaining access to RASSFF. The FSA are not looking to replace this system but maintaining access through EU contacts. EU trade bodies could have a role in this.

Industry updated on UK membership of EU trade bodies. The majority of EU bodies wished to retain UK as a member but unsure how. Some have made changes to their terms of reference to allow the UK to remain a member. The FDF will run survey on the experiences of group.

The Home Office have set up a confidential Employee Representative Group. This will focus on existing citizens and any registration scheme. FDF are members and will update through this group.

Defra updates on non tariff barriers, advising business has contingency plans in place if barriers remain. Defra requested information on any potential barriers and impacts, and also issues beyond food such as packaging and transport

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## **Regulation our Future – Segmentation Working Group**

Updates on this program to modernise food law enforcement can be found in the recent FSA [board papers](#).

The segmentation working group is tasked with steering the work on improving the risk assessment model to more accurately assess the risk of a business and therefore the frequency of inspection. This is with the aim of best use of resource in targeting higher risk premises.

The work involves improvements to the current scoring system, as well as developing a new model to be used for all food businesses. There were proposals on how assurance schemes or primary authority could reduce risk scores.

Work on a similar model for food standards is underway and is in the fact finding stage.

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## Importers Forum Meeting

The British Frozen Foods Federation (BFFF)/Seafish importers Committee met on 28 November 2017. Defra gave an update on work being carried out on non-tariff barriers, which will be useful for Brexit negotiations and for possible future free trade agreements. Importers Forum members will be asked to comment once the draft document is available. The Food Standards Agency gave an update on its plans to make available the details of third country exporters on the re-enforced checks list. Other topics discussed were Indian aquaculture product, the functioning of the European Rapid Alert system, discussions in Brussels on dual quality product and the work of the Market Advisory Council.

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## Trade Facilitation Meeting

A small group of industry and government representatives discussed the future of the trade facilitation panel (TFP). The TFP was originally set up to iron out trade cross-border problems. Recent TFP discussions relating to Brexit have been "top line" and not helpful in terms of addressing specific cross-border problems. The group resolved to return the TFP to its original aims, which are to address:

- Declarations and processes (mostly relating to Customs)
- Border Inspection Post processes
- Future trade deals and mechanisms around technical barriers to trade

Members stressed that the focus should be on eliminating possible future hold-ups and the most important of these would be port health clearance.

An HMRC representative said that on Day 1 post-Brexit the least cross-border friction will be felt by:

- Well-resourced importers who are used to importing from third countries
- Businesses that use intermediaries
- Businesses that have been making preparations and contingency plans: liaising with suppliers and intermediaries, and mobilising resources and skills especially those necessary to handle extra administration.

Importers who move EU goods in trucks across the channel without using intermediaries will be most affected, partly because the physical infrastructure at the UK side is unlikely to be fully in place and working at full efficiency. Some haulier firms are preparing extensively, in part by strengthening ties with HMRC. HMRC are hoping to produce guidance for industry with recommendations on what to do in a no deal scenario.

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## **Department for International Trade- Policy Briefing Event**

Seafish attended the event which provided an opportunity to hear about the recently introduced Trade Bill and for industry to feed back questions and thoughts. Speeches and presentations were given by the Minister of the State in the Department for International Trade (DIT) and Deputy Directors within DIT. Discussions included the status of current and future Free Trade Agreements, Trade Remedies, the WTO transition and the UK specification and the UK's Trade Preference Scheme.

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## **Association of Port Health Authorities Training Day**

Seafish gave a presentation at the Association of Port Health Authorities (APHA) Port Health Training Day on 22 November 2017. The presentation touched on some aspects of the Regulation Department's activities and the particular issues faced by seafood during import checks. Other issues covered at the Training Day were the Food Standards Agency's import policy and its Regulating our Future programme, the likely effect of Brexit on the Environmental Health profession, and peroxide/silver ion water treatment systems.

APHA has launched the latest edition of their handbook for 2018/19. Extensively revised and updated it provides essential information on Port Health matters. For further information on how to obtain a copy see: [www.porthhealthassociation.co.uk](http://www.porthhealthassociation.co.uk)

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## **Seafood Regulation Expert Group**

A meeting was held on Friday 8<sup>th</sup> December in London and the group welcomed new representation from the Marine Management Organisation and guest speaker Aileen O'Sullivan from the Sea Fisheries Protection Authority (SFPA) in Ireland. SFPA presented on the regulatory dispute between the Commission and Ireland surrounding Irish Scallops and the agenda further facilitated rich discussions between government and the supply chain on wider developments in UK/EU seafood regulation.

Key points of discussion were:

- Brexit
- US Marine Mammal Protection Act
- Official Controls Regulation 2017/625
- EU Working Group Updates
- Scallops in the Hygiene and Official Controls Regulations in Ireland
- The FSA's Regulating our Future Program
- Nutritional Work on Healthy Fish and Chips
- Fisheries Control

- Traceability and the CMO Statutory Instrument
- Access to E-Log Information

The draft minutes will be available from 22<sup>nd</sup> December [here](#)

For more details or to get involved please contact:

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## **Brussels**

### **EU Market Advisory Council (MAC).**

Workings Groups 1, 2 and 3 of the MAC will take place in January 23-24 2018 in Brussels. The agendas are under preparation. If you wish a Working Group to tackle any specific issue, please communicate this to Seafish. Possible topics for discussion in WG3 are the following: follow up on Tubs with water for the storage of fresh fish; EU Control Regulation; Discussion and consideration of MAC recommendation regarding the following issues raised by SANTE (the use of illegal additives; the use of illegal additives in aquaculture farms, such as crystal violet (CV) or malachite green; temperature of storage fish at landing at -9 ° C to -18 ° C; fishery products contaminated with diesel, due to the double use of storage tanks in boats; added water in fish (including glazing); fish flour for human consumption which not complies with EU Legislation.

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### **ASEM SPS Seminar on Food Safety new policies, new challenges and new cooperation and technical aspects, 5-6 December 2017.**

The Asia Europe Meeting (ASEM) is an informal platform for dialogue and cooperation between Asia and Europe on the big challenges of a fast-changing world. The focus of the conference held in Brussels on 5-6 December was food safety, in particular food standards and official controls, e-commerce practices, food related frauds and animal health international standards. It also included a session on combatting antimicrobial resistance. It brought together experts from 30 European and 21 Asian countries, as well as the European Commission and the ASEAN Secretariat.

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### **Combating Transnational Organised Crime in the Fishing Industry: Global Challenges and International Cooperation**

On 23 November MEPs Ricardo Serrão Santos and Alain Cadec hosted an event in the European Parliament with the aim to follow-up current and new international

programmes to combat fisheries crime and also highlight results and lessons learned so far. This conference gathered policy-makers and stakeholders with the aim to follow-up on ongoing and new international programmes to combat fisheries crime also highlighting results and lessons learned so far. Concrete fisheries crime cases were also presented as well as the work of the EU in terms of fight against IUU fishing as well as the need to improve inter-agency and international cooperation for better enforcement against crimes linked to IUU fishing.

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## **Consultations**

### **EU Fisheries Control System**

In April 2017 an evaluation by the Commission confirmed that the legislative framework for the Control Regulations (1224/2009) is not fit for purpose and more needs to be done, yet clarified its high relevance in ensuring compliance with the Common Fisheries Policy.

A stakeholder consultation was launched in November to tackle the deficiencies identified and views were requested on three policy options:

**Option 1:** No policy change. Continue current policy and focus on implementation and enforcement of existing framework.

**Option 2:** Amendment of the Fisheries Control Regulation.

**Option 3:** Amendment of the Fisheries Control System.

Specific actions were identified in the consultation under options 2 and 3. These included a requirement for “registered weighers” and “unique trip identifiers” as well as regulating for the digitalisation of the IUU and traceability systems. Generally no major changes are proposed.

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## **Marine Legislation**

The Seafish Marine newsletter can be found [here](#), this month it includes

Details of consultations on:

EU Scotland – Review of Inshore Mackerel Fishery Trial

EU – Consultation on the Environment and Pesticides

EU – Consultation on Pharmaceuticals in the Environment

...and updates on:

EU – Import of Far Eastern Shrimp and the Environment

EU – Project Primefish

EU Parliament – Research Paper on Recreational and Semi-Subsistence Fishing

EU – New Aquatic Animal Health Legislation

England – Announcement on New Environmental Body

EU – Changes to the EURL for Molluscs following Brexit