

SEA FISH INDUSTRY AUTHORITY



Minutes of the
Seafish Food Legislation Expert Group
Meeting at the Wesley Hotel, Euston Street, London on Tuesday 12 May 2015

Present:

Mike Short	Food and Drink Federation
Su Dakin	British Frozen Food Federation
Peter Andrews	British Retail Consortium
Chris Leftwich	National Association of British Market Authorities
Tim Silverthorne	National Federation of Fishmongers
Gemma Hume	Better Regulation Delivery Office
David Jarrad	Shellfish Association of Great Britain
Hefin Davies	Food Standards Agency – Food and Feed Controls Policy
Jill Wilson	Food Standards Agency – Food Hygiene Policy
Jennifer Hopkins	Food Standards Agency – Food Hygiene Policy
Peter Wilson	Seafish and meeting Chairman/Secretary
Fiona Wright	Seafish
Ivan Bartolo	Seafish
Cristina Fernandez	Seafish

Apologies:

Malcolm Morrison	Scottish Fishermen's Federation
Steve Norton	Federation of British Port Wholesale Fish Merchants
Greg Howard	National Federation of Fish Friers
Mike Weavers	Defra – Fisheries Compliance Policy
Jacinta Vaz	Defra – Fisheries Compliance Policy
Martyn Boyers	British Ports Association Fishing Ports Working Group
Michael Bates	Scottish Seafood Association
Oliver Hamilton	Defra – Food Information Food Policy Unit

1. Welcome by the Chair and apologies for absence

Peter Wilson welcomed everyone to the meeting.

2. Minutes of last meeting held on 20 January 2015

The minutes of the last meeting were approved as a correct record.

3. Seafish Corporate Plan 2015 - 2018

The new corporate plan has been signed off by Ministers and is now available either in hard copy or downloadable from the Seafish web site at <http://progress.seafish.org/> An annual plan providing more detail for the current year is in draft and should be available soon.

4. Expert Group Review – Better Regulation Delivery Office (BRDO)

As reported at the last meeting, BRDO has asked the Seafish Regulation Team if they would like the Food Legislation Expert Group to join their network of technical groups to provide expertise on seafood. Local and national regulators and businesses can contact these expert panels for clarification and consultation on matters of technical interpretation and enforcement. They can also provide a key role in providing professional expertise to the regulatory community.

The panels cover a wide regulatory spectrum that includes food hygiene and labelling and can refer issues to other panels for views. The current list of panels can be accessed at <http://www.regulatorsdevelopment.info/grip/sites/default/files/the-expert-panels-directory.pdf>

Although FLEG already provides a forum for discussing seafood issues with regulators its inclusion within the BRDO expert group hub would enhance its status and provide it with a more effective means of achieving resolution on behalf of the seafood sector.

There had been overall agreement at the last meeting that becoming a seafood expert group within the BRDO network would be of benefit and worth taking further. It would continue dealing with issues as at present but be able to have a dialogue, include reports and requests, with other panels.

There had been a number of actions from the January meeting:

Expert Group Title: To fit within the existing BFDO expert panel framework the expert group title would become the:-

‘Seafood Regulation Expert Group’

Marine issues: It is important the catching sector continues to be a part of the group if it is to cover seafood. Some issues such as hygiene and official controls also impact on both onshore and offshore sectors. However, to extend the scope to include marine specific controls such as used to be considered by the marine expert group would present Seafish with resource issues and so the current status would be maintained.

Imports: Ivan Bartolo has now taken over as secretary of the BFFF/Seafish Importers Committee. He will discuss representing the Committee on the BRDO group at their next meeting.

Membership: Industry membership will remain with trade bodies. Government representation, including the Devolved Administrations is currently under review. Trading Standards and Environmental Health representatives currently sit on the Food Labelling and Hygiene Panels and could be invited to participate if the need arose.

Meeting agendas: This will continue to be set by Seafish on issues continuing from the previous meeting with new items included on the basis of developing issues. More direct involvement will also be sought from members. Reports on relevant topics from the BRDO Food Hygiene and Labelling Panels and BFFF Importers Committee will also be on the agenda together with any requests from other BRDO groups.

Venue: Meetings will continue to be in London. Ways of getting better engagement with Scotland, Wales and Northern Ireland are under consideration.

Remit: The current remit has been amended to take account of inclusion within the BRDO expert panel framework.

ACTION: Circulate draft remit for comment

Discussion

Port Health also needs to be included when considering enforcement. Both Ivan Bartolo and Chris Leftwich are both representative members of the Association of Port Health Inspectors (APHA).

Regarding the Devolved Administrations, BRDO are working with Welsh Assembly Wales and the Scottish Government is taking an interest in the Primary Authority model developed by BRDO.

Seafish are considering a co-ordinated partnership agreement with NE Lincolnshire.

Other relevant BRDO groups would be Animal Health and Welfare and the Food Supplements sub group.

5. Official Controls Review – hygiene charges update

Hefin Davies FSA

The current regulations provide instruction to Authorities on the application of EU controls in the food chain. For some foods this includes mandatory charges and some sectors of the seafood sector are included in this. The review extends the scope from products of animal origin to include animal health, plant health and seeds. Options on charging were also being considered. Discussions so far had focussed on plants, feeds and pesticides.

The scope of mandatory charging remained a concern. In discussion so far, for imports this would continue but would also be applied to approvals and re-inspection

as a result of noncompliance. Charges would also include the use of official veterinarians at border control. Further charges could be applied at the discretion of individual Member States. Each Member State was holding out for what it wanted and another compromise text was due to be discussed. The UK position that Member States should be able to determine how, when and where charges should apply instead of having charges imposed under EU regulation remained.

The process was now moving away from the expert panels to governments and a new consolidated text was being prepared by the Commission for a trilogue between representatives of the European Parliament, the Council and the Commission, possibly in June. The final text is likely to go to Ministers and the EU Parliament early next year. Implementation would take place over 1 to 5 years with changes to charging likely in 2019. For those with concerns, now would be a good time to raise this with MEP's as discussion over the consolidated text is soon take place

Discussion

Has the proposed exemption for micro businesses gone? Yes.

Would small businesses be subject to an approval charge? This would not normally be mandatory for registered businesses such as fishmongers under the regulation but could be applied by Ministers. It was pointed out that fishing vessels are currently registered and not approved.

Does the current local business rate include cost of inspection? No.

Mandatory charging based upon effective risk based systems should shift the burden on to non-compliant businesses

Does the regulation include an appeals procedure? The right of appeal is in the regulation.

Concern expressed regarding increasing moves by local authorities to contract out inspections and the likely higher costs involved. There was also concern with the difference in approach between Member States such as the re-inspection of depuration centres. In England and Wales this is done every 1 to 3 years whilst in other countries it is only when the system is significantly altered.

The need to use vets at border inspection posts instead of port health officers as at present would add to cost. This was a matter of interpretation as the regulation currently states that this should be under the responsibility of a veterinarian which does not necessarily mean that they carry out the inspections.

6. Fisheries Control – traceability

Peter Wilson

The Fisheries Control Regulation includes a requirement for prescribed catch information to be 'available' throughout the supply chain. It applies to CN03 products (unprocessed) and came into force in January 2012. By January 2015 this transfer of information was supposed to be done electronically. At the present time there did not appear to be much activity to enforce this.

Although discussed at length at previous meetings it had now been a year since it had been raised. The coming into force of the Food Information to Consumers (FIC) and CMO consumer information requirements regulations in December last year had effectively taken over as food businesses sought guidance and so there had been no time to progress with this further. However, as this regulation provides a means of getting catch information to the consumer it had been raised at the industry stakeholder labelling meetings held throughout the UK during last year.

There was now some activity within the Commission with the setting up of an expert group at the end of last year to review compliance and implementation of the fisheries control measures. This met for the first time in March. In April the Commission had also provided a written answer to an MEP asking about actual implementation and initiatives to ensure compliance. In its response the Commission had referred to receiving Member States reports on this in the spring. It had also been reported that there was an inspection scheduled in Northern Ireland during the early part of the year.

There was also some development on establishing an electronic means of catch information transfer. GS One, a global standards organisation, had met with defra and subsequently with Peter Wilson and Mike Short. They provide and licence bar coding and radio frequency identification tags (RFID) and are aware of the regulatory requirements for seafood and integration with the FIC and CMO. They have been developing a system that would work throughout the supply chain and had been discussing this with a number of Member States.

In Ireland they had progressed as far as the introduction of an 'e-locate' scheme operated by BIM with EU funding. The scheme is open to registered buyers under the fisheries control regulations and provides financial assistance to implement common standards for weighing, labelling and traceability. Peter Wilson has details of contacts and will investigate.

ACTION: Peter Wilson to find out more about the Irish 'e-locate' scheme.

Discussion

The Commission had recently undertaken an inspection on labelling at Billingsgate and had appeared satisfied with the information being provided.

7. Labelling – Declaration of gross weight and date of freezing – stakeholder meeting

Peter Wilson

Despite a three year lead in period for the Food Information to Consumers regulation, issues remained with the Commission on date of freezing for unprocessed fishery products and the declaration of net weight.

Where fish is frozen more than once Defra guidance currently advises the date of freezing should be that of the product as presented to the consumer and not necessarily when first frozen. Recent Commission lawyer's interpretation was that this should be the first date.

Net weight must be declared. However, Defra guidance advises that where product is glazed that gross weight can still be used together with net but this must not be ambiguous. Commission lawyers have taken the view that gross weight cannot be declared.

A number of processors were concerned both with the impact of providing first date of freezing to consumers and not being able to declare gross weight. Seafish and BFFF had subsequently hosted a stakeholder meeting in Grimsby to consider both issues. On net weight there were concerns with the variance in compliance between Member States, existing trading systems based upon gross weight, amount of glaze and a need for a transitional period. Options included continuing to declare both until formally told otherwise and consideration of other regulations regarding declaration of gross weight on master cartons. Industry needed to provide defra with data to help with further representation to the Commission. There was also a need to meet with retailers to discuss dates of freezing.

Discussion

Su Dakin added that there was a need to deal with the legal advice and impact on businesses. The defra advice had not so far been changed and the approach taken by other Member States had to be taken into account. A meeting between industry and retailers was scheduled for Thursday that week. Also, if previously frozen unprocessed fish was defrosted and sold as chilled there was no requirement to declare date of freezing.

Other points raised were a need to educate the consumer that commercial freezing was not the same as that in a domestic freezer, involving the primary authority supermarkets group, standardisation of the amount of glaze and use of gross weight in food service.

8. Better Regulation Delivery Office Food Labelling and Food Hygiene Expert Panel reports

Food Labelling

Su Dakin reported that from a seafood perspective the Seafish letter asking for transitional arrangements on the CMO consumer labelling was worth having and on date of freezing and weight declaration defra advice for now was to continue to follow their national guidance. The FDF guide on product sold by number is to be passed to the enforcement group for agreement. There was also discussion on the use of calculated or target weight regarding the fish content of breaded product.

Food Hygiene

Fiona Wright explained that the Business Expert Food Hygiene Group had met with the National Food Hygiene Focus group representing enforcement. Relevant items included the ruling that primary authority takes precedence over advice from local authority advice on the same issue, the FSA establishing a database of successful prosecutions to be made available to other authorities and the requirement for defra to limit their online guidance to just two pages resulting in potential loss of current guidance. The Expert Labelling Group is to discuss with Defra.

9. Imports – update

Ivan Bartolo

Contaminants: From 20 May 2015, Commission Regulation 2015/704 will increase the maximum level of non-dioxin-like PCBs in wild caught spiny dogfish (*Squalus acanthias*). These are caught as by-catch in the US and lower levels of PCBs are not achievable.

FVO reports: Vietnam has been experiencing several RASFF notifications for norovirus in cooked clams.

IUU: South Korea and the Philippines are cleared; yellow card to Thailand. Thailand will have six months (up to October 2015) to implement a corrective tailor-made action plan.

Trade negotiations: EU/Vietnam held 12th round – hoping for conclusion in June although implementation will take another 1-2 years. However fishery products might be considered “sensitive” and not be zero-tariffed. EU/Indonesia held scoping study; EU/Thailand stalled.

New regulations on Inward Processing Relief come into effect in May 2016. Currently you pay duties as if importing, and then claim them back when you re-export. This flexibility is going to be removed.

10. Any other business

10.1 Cadmium in brown meat of crab: David Jarrad reported that the Seafish survey had shown consumption to be limited and was concerned that any FSA advice to limit consumption would have little impact whilst exposure from cereal crops would and yet was unlikely to receive any attention. He was also concerned that consumers might confuse the brown meat of crab with brown crab meat, both white and brown.

10.2 Crab imports to China: The situation was getting worse with China applying the same limit to all edible parts. Defra were now moving for all crab to be tested before export. All this has effectively killed a trade of £15 million and 20 – 30% of UK landings and was now impacting on prices within the UK. Irish, French and Dutch vessels are having no problems despite fishing the same areas which leads to the conclusion that this is political. At present only the live market is being affected and not processed crab.

10.3 CMO catch areas: The names of the FAO sub-areas and divisions of the North East Atlantic and Mediterranean and Black Sea in all EU official languages is now available on the EU Fisheries website at

http://ec.europa.eu/newsroom/mare/itemdetail.cfm?item_id=19467

10.4 Proposed Codex code of practice on scallop products: This is currently at Step 3 of the drafting process. Currently there is discussion ongoing on ways of controlling the algal toxin risk with some countries shucking at sea when alive and others such as the UK shucking ashore and subject to HACCP controls.

10.5 Deglazed weight: Su Dakin asked if there was any further progress on the proposed amendments to the EU WELMEC guidance.

ACTION: Peter Wilson to seek update on WELMEC guidance

11. Date of Next Meeting

The next meeting will take place on Tuesday 15 September 2015 at the Provision Trade Federation, 17 Clerkenwell Green, London EC1R 0DP

Peter Wilson
Secretary to the Seafish Food Legislation Expert Group
June 2015