

# SEA FISH INDUSTRY AUTHORITY



Minutes of the

## Seafish Food Legislation Expert Group

Meeting at the British Ports Association Headquarters, 30 Park Street, London  
on Tuesday 13 May 2014

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### Present:

Mike Short	Food and Drink Federation
Su Dakin	British Frozen Food Federation
Catherine Pazderka	British Retail Consortium
Chris Leftwich	National Association of British Market Authorities
Tim Silverthorne	National Federation of Fishmongers
Steve Norton	Federation of British Port Wholesale Fish Merchants
David Jarrad	Shellfish Association of Great Britain
Dale Rodmell	National Federation of Fishermen's Organisation
Richard Ballantyne	British Ports Association
Hefin Davies	Food Standards Agency
Gill Wilson	Food Standards Agency
Jaya Shah	Food Standards Agency
Peter Wilson	Seafish and meeting Chairman/Secretary
Fiona Wright	Seafish
Ivan Bartolo	Seafish
Cristina Fernandez	Seafish

### Apologies:

Malcolm Morrison	Scottish Fishermen's Federation
Paul Little	Defra
Gary Owen	Marine Management Organisation
Mike Weavers	Defra
Martin Morgan	Marine Scotland
Stephen Parry	Seafish Board
John Cox	Scottish Seafood Association
Martyn Boyers	British Ports Association Fishing Ports Working Group
Greg Howard	National Federation of Fish Friers

### 1. Welcome by the Chair and apologies for absence

Peter Wilson welcomed everyone to the meeting and thanked the British Ports Association for hosting the meeting.

### 2. Minutes of last meeting held on 21 January 2014

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

### **3. Official Controls Review – hygiene charges**

Hefin Davies FSA

At the last meeting there was an update on progress with the draft regulation with the UK looking to maintain the current flexibility on charging for inspections. There had also been an FSA consultation on their draft regulatory impact assessment.

Charging is only related to hygiene. The proposal covers a wide range of official controls and charging is not the biggest sticking point although it does rank highly among the issues.

In April the EU Parliament had voted on its first position paper in which the FSA had managed to secure the UK line on charging that it should be left to Member States to decide how and when charging is applied. Micro business exemption whilst considered to be a good idea would be difficult to achieve in practice and Member States must now decide how much to charge and where. An easy option would be to accept mandatory charges but the UK is not willing to do so. The Council has not yet published this first position but FSA have seen some of the redrafted articles and it appears to be similar to the UK position.

Agreement will be needed between the Parliament and Council of Ministers and the FSA will continue to consult with industry groups during this process.

With bivalve molluscs it is still the FSA interpretation that whilst for classified waters the monitoring controls are not chargeable the initial sanitary survey would be. The FSA is aware of the problems this could cause but if the UK position of Member States determining charges is agreed then these charges can be applied fairly.

#### Discussion

The importance was expressed of keeping the various industry sectors informed and up to date together with the circulation of documents to obtain industry views. Hefin confirmed that update letters will be circulated and regular meetings will be held with all stakeholders. Papers circulated so far by the Commission have been intended for Competent Authority, but the upcoming ones on charging will be circulated for views.

Following the vote in Parliament, recommending the removal of the small business exemption, a lot of their members had called SAGB wanting to know how to get involved. They needed to know how the proposal would impact on such business and would FSA produce a paper on the impact? Hefin explained that there is no certainty about what will be happening even if the UK position is adopted and would have to look at each sector.

Was any intention to brief the new intake of MEPs to make them aware of UK views? Hefin thought that this would depend upon the amount of change. MEPs are difficult to influence as FSA are government and industry groups may have more influence.

Concern was expressed regarding the question of a level playing field between Member States. Hefin thought that charges would be different between Member

States due to differing circumstances and overheads but that is unlikely to influence business decisions. An exception would be Border Inspection Posts where there has been call for a flat rate to avoid distortion of the market.

#### **4. Fisheries control regulation – traceability enforcement**

Peter Wilson Seafish

At the last meeting In January the scheduled MMO stakeholder meeting in London was subsequently cancelled. The MMO now intend to hold a number of roadshows at coastal venues.

It had also been suggested that the MMO and Defra be taken on a site visit to a major processor to get first-hand knowledge of the existing one up/one down food law traceability system and suitability for providing the necessary catch information. This took place following the Labelling and Traceability seminar in Grimsby (Item 6) together with Seafish. The internal traceability at the factory visited was very effective and although details of fishing vessels were not immediately available they could be accessed by direct contact with the supplier. A medium size processor was also visited.

In subsequent discussion, it had been explained that although the ‘buyers and sellers’ controls had made an impact on ‘black fish’ sales the Commission wished to do more. Hence they had extended the traceability requirements beyond first sale to allow for cross checking further along the distribution chain. Whilst the traceability systems seen in Grimsby are impressive, there were concerns where fish was supplied from elsewhere via a third party and the ability of the processor to obtain and confirm the names of the fishing vessel(s) it had been sourced from. Is it worth considering such information to be included as a condition of purchase alongside species, size, quantity and quality?

#### **Discussion**

It was pointed out that there should be an incentive for suppliers to big supermarkets to get traceability systems right as there are big fines for mistakes. Smaller businesses cannot afford the implementing systems and there is less incentive to invest. MMO need to recognise where the opportunities for fraud are likely to occur.

Fraud does affect legitimate business if they are being undercut by illegal fish trade and concern was expressed with charter boats who are allowed 25kg per person per trip which can be higher than the local quota. This fish is not supposed to be sold.

There is also a problem in applying controls as a result of mixing of fish from different vessels. This starts at the fishmarket and becomes unworkable by the time fish gets to retail.

It was agreed that traceability will continue to be important, particularly in light of the horsemeat scandal. The focus should be on one step traceability as direct traceability from the point of sale to the fishing vessel is generally not possible.

## **5. Common Organisation of the Markets Regulation (CMO) – consumer information**

Peter Wilson Seafish

Both the food information to consumers (FIC) and CMO labelling requirements come into force on December 13 this year and suppliers/retailers had to consider labelling now in order to meet this deadline. With the FIC there had been a 3 year lead in but with the CMO this was only one year. Seafish were receiving a lot of enquiries from processors who were trying to understand just what products the new requirements applied to and what was actually required. He was now drafting guidance based upon the questions being asked but it would take time as he needed to get support from both industry and defra.

Defra were now consulting on implementing regulations for the CMO and amendment to existing fish labelling legislation.

### Discussion

It was pointed out that the need to provide more detail on catch area is a big problem for retailers who are tending to implement this differently in the absence of any clarity or guidance. They wanted to include this with FIC changes.

Also, concern was expressed that the defra impact assessment considered that there would be no impact on food business in having to provide the additional catch information. This was not considered to be the case.

Guidance was needed 18 months ago and enforcement need to recognise this.

A letter to Trading Standards regarding the FIC asking that enforcement be proportionate to the difficulties in compliance was being drafted by BFFF. It was agreed that a similar letter was needed for the CMO.

<p><b>Action:</b> It was agreed that the drafting of guidance should be given priority by Seafish</p>
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## **6. Grimsby consumer labelling and traceability seminar**

Peter Wilson Seafish

As already reported Seafish were receiving a lot of enquires on the CMO consumer labelling requirements. It was decided therefore to hold a seminar in Grimsby to inform and discuss with local businesses both the FIC and CMO requirements. The Fisheries Control traceability requirements were also presented as the MMO are looking at enforcement.

The seminar took place at the Humber Seafood Institute in April. It was very well attended with some 40 delegates present including most of the major processors together with representation from defra and MMO. A repeat seminar has been requested by Seafood Scotland and a date is currently being arranged.

The presentations can be accessed on the Seafish web site at <http://www.seafish.org/industry-support/legislation/traceability-and-labelling>

## **7. Imports and exports**

Ivan Bartolo Seafish

### Imports

#### *Illegal, unreported and unregulated fishing (IUU)*

An advisory note on due diligence was being prepared by BRC and the Environmental Justice Foundation (EJF) and is causing some concerns among business operators due to implied liability, especially if dealing in good faith.

### Discussion

It was pointed out that BRC were currently working on the guide which would provide a source of information and was not meant to be prescriptive. This was still being drafted but should be available soon.

#### *Salted cod tariff codes*

Some jurisdictions have been insisting on classifying frozen cod with 1–2% salt as “salted cod” under CN0305, which commands a higher rate of duty. A Regulation has clarified that the cut-off is set at the point where the salt acts alone as a preservative, and this is at 20% salt.

### Exports

#### *Initiated discussions to facilitate health certification for exporting*

The vision is to maintain an information base of current export certificates (and notes for guidance), and have the capacity and resource to negotiate the content and format of new certificates with the recipient country. This requires both government authorities and industry to work towards this so is an ambitious undertaking.

#### *4-hexylresorcinol (4HR)*

This active ingredient in Prawnfresh, is not an approved additive in Japan and makes it difficult for the UK to export nephrops there. The normal timeframe for accepting new additives in Japan is 5 years. However in the context of the current Economic Partnership Agreement negotiations, a number of additives are being looked at for fast-track acceptance under Japanese law. The Department for International development and Department for Business, Innovation & Skills have agreed to push 4HR on behalf of UK exporters.

### *Seafish guidance for airfreighting live crustacea*

Work on this should begin this summer. It will contain an account of current best practice with emphasis on maximising survival and by extension minimising “cruelty”.

### *Chinese visit*

Defra have advised that the Chinese authorities will be auditing the UK’s seafood safety systems during a visit in June this year.

## **8. Hygiene regulations**

Gill Wilson FSA & Peter Wilson Seafish

### *Temperature of melting ice*

The French had raised their concern with the Commission that the temperature of melting ice was considered to be 0-4 degrees in some Member States whilst in France it was 0-2 degrees. Their concern is not with fish held on ice but product maintained in chilled storage. Codex has a range of 0-2 degrees. Member States have called for scientific evidence and possible next steps are discussion/guidance or to ask for EFSA opinion.

### Discussion

BFFF had drafted a paper on the definition of ‘chilled, frozen and defrosted’ which had been sent to the Commission and other Member States. Jill Wilson confirmed this had been raised at the meeting.

Pointed out that agreement was reached during hygiene regulations negotiations of 0-4 degrees

Seafish had previously undertaken trials on the superchilling of fish at a temperature of -2.7 degrees using seawater ice. This did not freeze the fish but further reduced bacterial spoilage, extending shelf life.

### *Norovirus*

The FSA had opposed the limits recommended by EFSA and the Commission have asked FSA to come up with an alternative to such limits. SAGB and industry representatives are working on an alternative approach.

### *CODEX code of practice on shucking scallops*

The USA and Canada had been leading on the drafting of a new standard and code of practice. Both of these countries require shucking to be done at sea whilst in the UK this is done ashore. As discussions have progressed most issues have been resolved. However, a requirement to remove dead scallops remained and efforts are ongoing between defra, FSA, the Scallop Association and Seafish to resolve this

### *Scallops – French Classification of Harvesting Waters*

This was reported on at the last meeting. The French authorities had classified an area that goes beyond their 12 mile limit for scallops. An incident had occurred at the end of last year involving a UK vessel when the area was subject to algal toxin closure. Although the UK vessel was not subject to French control the FSA view was that they should accept the French closure. However, as the vessel concerned had

not apparently been aware of the closure the FSA had agreed to talk to their French counterparts and take a lead in ensuring that an effective communication system is established.

The FSA have now provided a link showing a map of the zones which the French monitor and which show if areas are closed for fishing because of toxin alerts. The link is below and the map shows the zones and if they are open / closed.

<http://www.dirm-memn.developpement-durable.gouv.fr/decision-regime-des-zones-de-peche-a131.html>

## **9. Food Law Regulation 178/2002 – EU ‘fitness check’**

Fiona Wright Seafish

The EU carries out fitness checks on areas of legislation to ensure they are still fit for purpose. Food law has been included as 98% of food law is European in origin. The expected evaluation of the Food Law Regulation 178/2002 would perform a comprehensive policy evaluation with the aim of assessing whether the regulatory framework for food is fit for purpose. The findings would serve as a basis for drawing policy conclusions on the future of food legislation.

The check will identify excessive administrative burdens, overlaps, gaps, inconsistencies and/or obsolete measures which may have appeared over time, and to identify the cumulative impact of the legislation.

The scope of the survey is being agreed before putting the survey out to tender.

## **10. WELMEC guide on deglazed drained weight**

Peter Wilson Seafish

WELMEC is an EU joint working group including representation from Member States weights and measures and the EU Free Trade Association. Its principal is to establish a harmonised and consistent approach to European legal metrology. This includes the development of guidance such as drained weight.

At the last meeting a recently published guide on deglazed weight was tabled and circulated. A processor had subsequently pointed out that the method was not particularly suitable for IQF fillets. These are non uniform in thickness and the prescribed technique of immersion in a water bath tends to result in the thinner tail part defrosting whilst water can freeze onto the thicker part. Their approach is to place a fillet in a polythene bag to prevent water pick up.

The UK National Measurement Office (NMO) sits on the WELMEC committee responsible for the drained weight guide. A call to them resulted in a meeting a demonstration of both methods on fish fillets and prawns. As a result the NMO wished to present this alternative method to the next WELMEC committee meeting in June but asked for industry feedback first.

**Action:** Peter Wilson to circulate the method for industry comment

### Discussion

The Seafood Importers and Processors Alliance (SIPA) claimed that short weights continue to be a serious issue EU-wide and yet some within industry groups are succeeding in retaining the gross weight declaration on packs.

Others commented that there whilst there was a need for a standard such as WELMEC there was also a lack of enforcement.

## **11. Any other business**

### *Contaminants*

A request for comments on a possible reduction to the permitted lead level in cephalopods had been circulated. From the lack of information received, it appears this is not an issue that will affect the UK.

### *Brominated flame retardants*

EFSA has again asked Member States to monitor for several classes of brominated flame retardants in foodstuffs including fish and fishery products.

### *Crab meat consumption*

It was reported that the results of the Seafish survey of crab brown meat would be available at the next legislation meeting.

## **12. Date of Next Meeting**

The next meeting will take place on Tuesday 16 September 2014 at the Wesley Hotel (previously MIC Hotel) London.

Peter Wilson  
Secretary to the Seafish Food Legislation Expert Group  
July 2014