

Minutes of the

Seafish Food Legislation Expert Group Meeting

Held at the British Ports Association Headquarters, London on 15 May 2012

Present:

Andrea O'Shaughnessy	Marine Management Organisation
Su Dakin	British Frozen Food Federation
Sylvia Ankrah	FSA Hygiene and Microbiology
Tim Silverthorne	National Federation of Fishmongers
Malcolm Morrison	Scottish Fishermen's Federation
Chris Leftwich	National Association of British Market Authorities
Greg Howard	National Federation of Fish Friers
Catherine Pazderka	British Retail Consortium
Julie Fitton	Defra
Ivan Bartolo	Seafish
Peter Wilson	Seafish and Chair to meeting
Fiona Wright	Seafish
Sarah Horsfall	Seafish

Apologies:

Dr. Amanda Fox	Scottish Government – Food Drink Division
Martyn Boyers	British Ports Association Fishing Ports Working Group
Steve Norton	Federation of British Port Wholesale Fish Merchants
David Jarrad	Shellfish Association of Great Britain
Dale Rodmell	National Federation of Fishermen's Organisation
Gary Hooper	National Federation of Fishmongers
Mike Short	Food and Drink Federation
Karen Green	Seafish
Richard Ballantyne	British Ports Association

1. Welcome by the Chairman and apologies for absence

Peter Wilson welcomed everyone to the meeting and thanked the British ports Association for hosting the meeting. Richard Ballantyne had been called away on urgent business and was unable to attend.

The outcome of the defra 'conversation' held with industry on Seafish going forward and subsequent Ministerial response was reported on. A new Seafish Board had been appointed and industry panels would provide direction on activity. The role of chairman to the food legislation group would in future be taken on by Sarah Horsfall of Seafish with Peter Wilson chairing the marine expert group.

2. Minutes of last meeting held on 17 January 2012

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

3. Fisheries Control Regulation – draft guidance

Information requirements:

Peter Wilson explained that he had previously agreed to lead on producing industry guidance to the extension of existing seafood traceability information from point of landing up to retail. A guide had been drafted and he had recently met with defra to discuss it. The main concern was that the understanding that the application dates of January 2013 for quota species and January 2015 for non quota was incorrect. These dates applied to the introduction of electronic data systems and the traceability requirements applied from January 2012. The January 2013 date applied to recovery stocks and not quota species. It was also understood that other Member States were having problems with the introduction of this and had been raising concerns with the Commission.

There was clearly a need to amend and continue with the guidance although Peter Wilson thought it best to await any outcome from the difficulties that other Member States appeared to be having. He also considered that the emphasis of the guide should be on the existing food and common marketing order traceability systems as these provide the mechanism for the transfer and availability of the catch information.

It was pointed out that a need for guidance remained as EHOs from different local authorities will not interpret the requirements consistently. It was also thought that the electronic traceability requirement were likely to present problems to smaller businesses as they might not have the resources although it might be possible to access EFF funding for this. A further complication is a need for the electronic information to be accessible by the Competent Authorities of other Member States.

Julie Fitton confirmed that although the legislation is already in force, interpretations are still being discussed among Member States. If electronic reporting is a problem defra could look at ways to help. The existing electronic buyers and sellers system can capture all the necessary data. Currently buyers with an annual turnover of Euro 200,000 or more have to register transactions electronically and have the option of using the system if turnover is less.

With regard to the need to now provide species names at retail, Catherine Pazderka explained that a lot of consumers wanted them to be available. However, some retailers were struggling to find wall space to display posters and hence these were not always on display.

Weighing on landing:

Peter Wilson reported that the Control Regulation also required fish to be weighed on landing. Although already the case on most European markets this was not the

case in Scotland where fish is boxed and iced at sea and remains so until processed. Consequently there is no infrastructure in place to achieve this and to de-ice and weigh all fish would be detrimental to quality. The regulation does allow Member States to limit the extent of weighing provided sampling and control plans are in place and Marine Scotland had made a submission to the Commission. They had also hosted a number of meetings with industry who were understandably concerned at the practical difficulties and cost of this. Whilst a response from the Commission was awaited Peterhead Port Authority had undertaken a pilot trial to investigate the options.

Malcolm Morrison added that six vessels had taken part in the Peterhead trial last week. The Port Authority had provided the weighing and de-icing with crew providing the labour. This had taken a lot of time and would require vessels to land earlier in order to complete the paperwork before sale. There was also an issue with the space required to undertake weighing and cover all species. It was pointed out that problems in other ports would be different due to a lower number of boxes with similar or more species, ending up with as much weighing being required.

4. Common Marketing Order (CMO) Review

Fiona Wright reported that a revised proposal had had been drafted by the European Parliament. This had a number of significant changes to the information requirements previously discussed in the Commission draft. Under mandatory information pre packed and non prepacked product are now treated separately in line with the Food Information Regulation which does not apply to non prepacked. Packs containing mixes of product with different production method, landing dates and catch areas are now considered and the indication of catch area now allows the existing FAO areas 'were justified'. Under commercial designation the term 'fish' can be used in the ingredients declaration and hence allow for the term 'white fish fillets'. Fiona Wright agreed to see if she could circulate this latest draft.

Julie Fitton added that this was under discussion at the European Council were at present the focus was on discards.

ACTION: Fiona Wright to see if a copy of the revised EU Parliament proposal can be circulated.

5. Food Labelling – working groups and guidance

Fiona Wright reported that a number of working groups were being established in the area of general labelling and seafood specific labelling issues.

An industry workshop on specific fish labelling issues will consider the Food Information, Fisheries Control and Fish Labelling Regulations and the Common Marketing Order. This will establish the impact on industry, where guidance is needed and then begin to draft it. FDF, BFFF and BRC are involved as well as Seafish.

A Food Labelling Expert Group has also been established by the Better Regulation Delivery Office to provide a forum for resolving issues with food labelling now that the regulations are in force. This came about due to problems caused by different authorities interpreting rules in different ways and causing competitive advantages to some businesses and disadvantages to others. The group will cover all labelling issues and all food sectors and include regulators and enforcers as observers. It will put forward issues for consideration by an enforcement group which has taken on the role previously held by the L:ACORS food labelling group which considered and established common interpretation on legislation. The group will also be used as a consultation group for the drafting of guidance and is already starting to put together a list of issues to feed into the enforcement group.

Chris Leftwich is concerned that enforcement will not be consistent across local authorities. They were unlikely to challenge potentially illegal practices perpetrated by big businesses because the resources that these businesses can mobilise to counter any threat are large.

Sue Dakin emphasised the importance of the current facilitated dialogue between industry and enforcers. Guidance was needed and that this had to be agreed between EHOs, TSOs and industry. Well developed guidance sanctioned by regulators and enforcers should allow enforcers to be on a stronger footing should they need to challenge big businesses.

6. Imports and Exports

Ivan Bartolo provided an update on a number of issues:

Reinforced checks

There is now a Europe-wide system in place for dealing with consignments being subject to reinforced checks which is coordinated centrally by the RASFF office. This should resolve the problem of having to obtain all of the required results from individual Member States before clearance can be given.

Health Marks

Felixstowe has been reporting an increase in irregularities with health marks. Marks showing a UK establishment are being seen on consignments even though the last establishment has been outside the UK. Also “shelf-ready” goods are arriving without health marking on the inner packaging.

Sylvia Ankrah pointed out that it is illegal to label a product with a different health mark to where it was processed. Ivan explained that some come in with two health marks, one for the UK and one for the country of processing. Port Health are picking up these non-compliances but it is causing some delays. Sylvia will look into whether any problems have been reported.

Health certificates

New health certificates are to be used when importing composite products and for importing directly from a freezer vessel. Problems have been reported with the interpretation of the rules surrounding the composite product health certificate.

Tariffs

Tariffs are set to increase for seafood from certain countries in 2014 when the general system of preferences (GSP) is updated. Almost all countries that are expected to lose out from this change are negotiating Free Trade Agreements with the EU, so the effect will not be felt with these countries. However, negotiations have not yet started with Thailand, and with Ecuador are unlikely to be completed in time resulting in imports from these countries being subject to standard tariffs in 2014.

Catherine Pazderka asked if sustainability measures in a country were taken into account in setting tariffs. Ivan stated that there are many factors but he is not aware of sustainability being one of them but would look into it.

ACTION: Ivan Bartolo to look at preferential tariffs relating to sustainability

Importing products of aquaculture origin

Jamaica and Hong Kong are about to be removed from the permitted list; Gambia and Belize are about to be added.

Chris Leftwich pointed out that some red tilapia comes from Jamaica and will not be permitted if Jamaica is not on the list. Su Dakin asked where the list could be viewed.

Chris Leftwich also reported that India had been discussed at the Commission recently and was close to being delisted. Ivan added that the FVO report is now available online.

ACTION: Ivan to circulate the link to the DG SANCO list.

IUU

The Regulation will be reviewed next year and Member States are currently presenting their views on how the regulation could be improved. The Commission is in talks with flag states that are struggling to comply (Panama, Belize, Mauritania, Guinea, Senegal, Thailand, China, S Korea, Sri Lanka, Indonesia, Philippines, Papua NG) and will be rolling out an extensive vessel blacklist next year.

In a discussion on blacklisted vessels concern was raised that there was no mechanism to delist active vessels and none had been added since it came out. It was pointed out that blacklisting occurred because the Flag State was not taking appropriate action on suspicion of illegal fishing .

Exporting to China

There is a new health certificate and new procedures for exporting fishery products to China. They will be in force from 1 Jun 2012 with no transition period.

Certificates for live fish and shellfish are being negotiated. There have been problems reported with China already refusing certain certificates for live but a transitional period has been agreed until the new certificate is agreed.

Su Dakin asked if certificates need to be issued before 1st June or for shipments arriving after 1st June. Ivan pointed out that this had been subject to lengthy negotiation and so no transition period applied.

7. Hygiene Regulations – updates

Cadmium in brown crabmeat:

Sylvia Ankrah reported that the Commission had asked Member States to provide advice on consumption nationally. Data obtained in the UK was considered insufficient to give proportionate advice and so FSA has decided to carry out research to collect the necessary data and is about to put the work out to tender. Some 300 brown meat and products will be sampled in the summer from retail premises and the aim is to issue consumer advice towards the end of the year. Industry will be given a chance to comment before any advice is issued.

Chris Leftwich commented that FSA were visiting Billingsgate today to find out more about crab processing and how to dress crabs.

Tim Silverthorne asked if testing will be UK wide. Sylvia said it should be UK and would be in the details of contractors sampling plan.

Date of freezing

FSA are consulting on a regulatory impact assessment on Regulation 16/2012 requiring date of freezing or date of production to accompany frozen batches not yet at the labelling stage.

Sue Dakin still had issues with how this information should be made available and which date of freezing if defrosted and refrozen although the indication seems to be it is the date of initial freezing. Sylvia understood that guidance would be issued.

Desinewed meat

Following a recent EU inspection the technique of defleshing bone with low pressure water jets had been stopped in the meat industry despite objection from the FSA. Some seafood processors had been approached by their customers who thought that this might apply to fish. Sylvia confirmed that the current desinewed meat issues do not concern fishery products.

Official controls review

As previously reported the Commission are undertaking a review of the Official Controls Regulation 882/2004. This currently includes the charging regimes associated with official inspections for both imports and domestic product. The FSA are currently undertaking a review of the current system as applied in the UK. Peter Wilson is to meet with Jonathan Back at FSA later in the month to discuss the hygiene charging regime as applied to the seafood sector.

8. Any Other Business

Additives

Ivan Bartolo reported that the Chinese authorities are looking to remove certain additives from their permitted list. Among these is 4-hexylresorcinol, which is the active ingredient of preparations such as Xyrex Prawnfresh, used as an alternative to sulphite to retard melanosis. He has informed the FSA of the importance of this additive.

Government Chemist symposium

Lucy Foster of Defra's Food Authenticity Programme has agreed to expand her Steering Group to include more trade members from the seafood industry. Defra is also running a project to develop DNA-based methods for authenticating fish geographical origin. LGC, who are partners, have sent a Needs Analysis questionnaire to establish which species and why.

Parasite guidance

The hygiene regulations specify that fishery products must be subject to a visual examination in order to detect visible parasites and must not be obviously contaminated. Sylvia Ankrah reported that the Commission were looking to develop guidance on the term 'obviously contaminated' and asked for views on this. Ivan Bartolo added that this probably resulted from the Danes and Germans currently being at odds over the presence of parasites in canned fish livers. Codex specify no more than 2 per kg and Seafish 3 per 3.2 kg in the flesh. However, they were more likely to be present in the liver.

ACTION: Comments on the term 'obviously contaminated' to Sylvia Ankrah at FSA
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New additive requirements

MTR-79 is an additive which is used widely in exporting countries as a 'non-phosphate phosphate' to prevent water loss in frozen fillets. This contains sodium bicarbonate which is permitted in foods. However, it will no longer be permitted in seafood after 31 May 2013. Products placed on the market before 1 June 2013 may continue to be marketed until their use-by date. Phosphates will continue to be allowed in frozen fillets and frozen crustacea up to the prescribed level.

10. Date of Next Meeting

The next meeting will take place on Tuesday 18th September 2012 at the Food And Drink Federation Headquarters in London

Peter Wilson
Secretary to the Seafish Food Legislation Expert Group
July 2012