

SEA FISH INDUSTRY AUTHORITY



Minutes of the

Seafish Food Legislation Expert Group Meeting

Held at the Food and Drink Federation HQ, 6 Catherine Street, London on 18 September 2012

Present:

Mike Short	Food and Drink Federation
Steve Norton	Federation of British Port Wholesale Fish Merchants
Su Dakin	British Frozen Food Federation
Sylvia Ankrah	FSA Hygiene and Microbiology
Tim Silverthorne	National Federation of Fishmongers
Dr Jonathan Back	FSA Food and Feed Controls
Chris Leftwich	National Association of British Market Authorities
David Jarrad	Shellfish Association of Great Britain
Sarah Horsfall	Seafish and Chair to meeting
Ivan Bartolo	Seafish
Peter Wilson	Seafish
Fiona Wright	Seafish

Apologies:

Malcolm Morrison	Scottish Fishermen's Federation
Andrea O'Shaughnessy	Marine Management Organisation
Dr. Amanda Fox	Scottish Government – Food Drink Division
Martyn Boyers	British Ports Association Fishing Ports Working Group
Greg Howard	National Federation of Fish Friers
Catherine Pazderka	British Retail Consortium
Dale Rodmell	National Federation of Fishermen's Organisation
Gary Hooper	National Federation of Fishmongers
Karen Green	Seafish
Richard Ballantyne	British Ports Association

1. Welcome by the Chairman and apologies for absence

Sarah Horsfall welcomed everyone to the meeting and thanked the Food and Drink Federation for hosting the meeting.

2. Minutes of last meeting held on 17 January 2012

Chris Leftwich asked if his reference to red tilapia under the Imports and Exports heading be amended to 'some red tilapia' and not 'all'. The minutes of the last meeting were then approved as a correct record.

3. Official Controls Review – hygiene charges

Peter Wilson provided some background to the Expert Group's previous involvement. This began in 1994 with Commission proposals to introduce a harmonised charging regime for official inspections. This was opposed as it was throughput and not risk based and considered to already be contributed to via the local business rates. The charges were eventually imposed both at first landing and import. In 2004 the Official Controls Regulation increased and extended the scope of the charging. The Expert Group worked with the FSA to develop guidance on the application of the charging for fish landed directly into the UK. One interesting UK interpretation was that the processing charge applied only to processing activities within the narrow meaning of processing in the hygiene regulations and not preparation. The application of these charges by local authorities was understood to be inconsistent.

Jonathan Back explained that the Commission was aware that there were issues with the current regulation and its application within different Member States that needed resolution. It had proved difficult to gain any useful information on how the different Member States are implementing official charging, or even if they are charging at all. They were also considering extending the scope from products of animal origin to include animal health, plant health and seeds into a single overarching controls regulation. This would require a lot of procedural issues to be resolved and rationalisation of terminology. However, an initial draft was possible early next year. On charging there had originally been a compromise with charging for some products but not all.

The options were to maintain the status quo, have full harmonisation, deregulate or extend the scope of charging with full cost recovery. The UK position on this will be put together once the Commission draft has been published. The text was likely to be finalised by 2015 and in place by 2018. Jonathan considered it important to engage with those sectors that this would impact upon, both to keep them informed and obtain feedback to assist the UK with its negotiating position and would report back as this developed.

Jonathan responded to a number of questions. On the FSA position on charging the FSA had focussed on meat processing charging but had not adopted full cost recovery. They would also like to take risk into account. The recent FSA official controls review was concerned with who actually carries out the controls and not part of the controls review. He did not consider that there would be any redefinition of ports of entry but the need was for clarity of terminology and not changes. A point was also made about the current variation in charges for export certificates.

Action: Jonathan Back to report back as and when further progress is made with the Commission review.
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4. Fisheries Control Regulation – draft guidance

Information requirements

Peter Wilson reported that as previously discussed the draft guidance document had been circulated following the meeting with Defra. The main change was that the traceability requirements had applied from January 2012 and not 2013 as originally understood, with the introduction of electronic data systems starting in January 2013. There was a need therefore to make the guidance more generally available. However, as it was likely that there would be further changes as a result of the ongoing review of the Common Marketing Order, it was agreed that the guide should be placed on the Seafish website as a draft pending the outcome of the CMO. A reference and link to the guide would also be made in the legislation newsletter.

Concern was expressed with the requirement to know which fishing vessel fish came from. It was explained that the lot number of a particular batch could apply to several and not just one vessel. It was also pointed out that in the case of Icelandic imports, these were regulated by the Icelandic Ministry of Fisheries. Fish that can originate from several vessels is weighed on arrival in the UK and the recorded weights reported back to Iceland. Information is available on which vessel caught which fish.

The inconsistency between imports which are not covered by these regulation and EU caught fish and was also raised.

ACTION: Draft guidance document to be put on to Seafish website pending completion of CMO review.
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Weighing on landing

There had been progress with the problems in Scotland with the requirement for fish to be weighed on landing. The sampling and control plans submitted by Marine Scotland had now been approved by the Commission and initial reports on the weighing trial being conducted by Peterhead Port Authority were that it was going well. It was reported that Marine Scotland had imposed a deadline of January 2013 for the implementation of the weighing plans.

Funding to aid compliance with traceability

In a recent news item on their website the MMO is co-ordinating an EU aid scheme on behalf of the UK through which up to 90 per cent funding may be provided towards equipment, systems or software which supports the traceability of fisheries or aquaculture products. Interestingly this refers to the General Food Law one up and one down requirement with no reference to the fisheries control measures attached to it.

5. Common Marketing Order (CMO) Review

Fiona Wright reported that the European Parliament had now adopted the report by Struan Stevenson on amendments to the original Commission proposals published last year. This has brought back in the proposal for consumer labelling to include more information on the catch area and date of landing for product sold fresh with

catch date an option. An indication that fish has been caught in EU waters and detail of the flag state of the fishing vessel is also proposed. On date of freezing, the Commission is to examine views from Member States. The UK believes some frozen products should be exempted from this provision because they already show the date of freezing and a best before date.

It was noted that there is still along way to go with this as there has to be agreement between the European Parliament, Council of Ministers and the Commission.

6. Food Labelling – working groups and guidance

Fiona Wright reported on a BRC workshop on seafood labelling which included FDF, BFFF, Seafish and Defra. The workshop provided an overview of the new food labelling requirements and discussion on draft FDF guidance. This aims to seek clarification on the interpretation of some terms in the new regulation so that it does not place a disproportionate burden on food businesses.

A working group comprised of FDF, BFFF and Seafish subsequently met to consider redrafting of the guidance in light of Defra comments at workshop. It subsequently met with Defra to discuss the final draft with at this stage a positive outcome.

Date of freezing of unprocessed fishery products: this will only apply at the time that product is packaged for the consumer, even if nothing is done other than repack the product.

Indication of 'defrosted': The overriding factor is if it would be misleading to omit the declaration of defrosted. Therefore if a product is expected to have not been frozen, such as 'fresh', but has been it should be labelled if defrosted but otherwise not. However, a declaration of defrosted is required under the fisheries controls requirements.

Added proteins: for fishery products containing added proteins of a different animal origin, the name of the food shall bear an indication of the presence of those proteins and of their origin. This was interpreted to mean only foreign proteins added for a technical purpose and not as a food ingredient.

Added water: a requirement to include in the name of the food the presence of added water over 5% of finished product weight will apply to whole and prepared fishery products but not processed such as fish fingers.

Formed: fishery products which give the impression that they are made of a whole piece of fish, but actually consist of different pieces combined together shall bear the indication 'formed fish'. This applies to all products with the appearance of a fish fillet so would not include geometric shapes. However, it was thought that there may be an opportunity to change the wording from formed to something more appropriate.

Glazing: net weight and not gross weight must be declared making percentage glaze irrelevant.

7. Imports and Exports

Ivan Bartolo provided an update on a number of issues:

Japan: has recently been refusing entry to shrimp with *ethoxyquin* present. In the EU this is allowed in fish feed to 150ppm but there are no limits for seafood. Media reports say that Japan is enforcing an MRL of 0.01ppm in shrimp. Affected exporting countries are Vietnam and India.

Belize and Gambia: as anticipated at the last meeting, both are now authorised to export products of aquaculture origin to the EU.

Tariffs: at the last meeting Catherine Pazderka asked if the updated GSP tariff preference regime for 2014 incorporates a sustainability element. It does as exporting GSP countries could benefit by having more money to spend on sustainable development and good governance if they choose to do so. GSP+ countries are required to sign up to specific international sustainability conventions.

Survey project: Seafish is planning to undertake a “Finfish Survey” type project in order to characterise supplies of crustaceans and pelagic fish. This should help provide the evidence when needed such as making the case for Autonomous Tariff Quotas.

Free Trade Agreements: The EU is currently negotiating free trade agreements with the USA and Vietnam. With respect to the US, the Department for Business, Innovation and Skills has asked interested parties to list regulatory differences that are interfering with trade between the two countries.

Chris Leftwich asked if questions had been asked from the USA point of view and offered a contact if needed.

8. Hygiene Regulations – date of freezing

Regulation 16/2012 came into force on 1 July 2012 and requires business-to-business information to be available on the date of production, which for fishery products is date catching or harvesting, and if different the date of freezing. This applies up to further processing or consumer labelling. There have subsequently been problems with interpretation.

Fiona Wright explained that a mistranslation in the Italian text of ‘made available’ to ‘available with’ has resulted in Italian companies requiring ‘date of first freezing’ and the ‘date of catch’ on consumer packs. This has subsequently been corrected but companies were still putting the requirements into contracts and the Italian authorities have issued a note of clarification.

The Commission also issued a draft guidance note to clarify the requirements to achieve consistent application through the Union. However, FDF, BFFF and Seafish are not happy with this with regard to fishery products and have been raising a number of concerns with FSA.

On the date of freezing there is confusion as to which dates apply in the case of refreezing. The Commission guidance indicates first freezing whereas the industry view is that this applies to any subsequent prepared or processed fishery product and not simply the raw material.

On the date of production the Commission explains that when processing has occurred a new cycle begins and a 'resetting of the clock' to give that production and freezing date. However, 'prepared' fishery products are not considered 'processed'. To provide consistency with other products of animal origin fish should become fishery products when their wholeness is changed.

The Regulation is not being enforced whilst interpretation is clarified. The UK position is that the date of freezing is the date of latest freezing and the date of production is the date of the latest process. The Commission's hygiene Working Group will discuss this on 12th October.

9. Hygiene Regulations – parasites

Following the last meeting Sylvia Ankrah had circulated draft Commission guidance on the term "obviously contaminated" in the fish hygiene regulations and FSA consumer advice on parasites, and thanked those who had responded.

FSA Scotland had taken the lead on the meaning of the term 'obviously contaminated' and had put forward the view that candling is the preferred method for detection. A view from the Commission is now awaited.

FSA was updating its existing advice to consumers on the anisakis parasite. This was to be updated to extend the scope from wild salmon to wild caught fish. It was important to remember that the advice applied to consumers, in particular anglers and not food businesses that were already required to meet with hygiene requirements. When finalised the advice will be placed on the Consumer Choices website

The point was made that the reference in the guide to river caught fish should extend to sea caught and also if consideration was to be made of other parasites.

10. Any Other Business

Cadmium in crabmeat

A question was raised regarding progress with the FSA survey of brown crab meat products and consumer advice on consumption. Sylvia Ankrah understood that the work would be completed by the end of the year and would report back at the next meeting.

PAHs: new limits now in force

A new set of maximum levels of polycyclic aromatic hydrocarbons (PAHs) permitted in seafood comes into effect on 1 September 2012. There is now no maximum level

for seafood that has not been smoked, other than fresh, chilled or frozen bivalve molluscs. From 1 September, seafood covered by the legislation will have to comply with two measures of PAHs: the level of benzo(a)pyrene and also the sum of the levels of benzo(a)pyrene, benz(a)anthracene, benzo(b)fluoranthene and chrysene. Another set of lower levels is due come into force on 1 September 2014.

New additive requirements

At the last meeting it was reported that MTR-79, an additive which is used widely in exporting countries to prevent water loss in frozen fillets, will no longer be permitted in seafood after 31 May 2013. This contains bicarbonate which is not a permitted additive. However, there is a possibility that the bicarbonate reacts with the citric acid to fizz once water is added, so it may not present in the final product.

Thresholds of Toxicological Concern (TTC)

A recent favourable EFSA Opinion might allow an end to the zero tolerance approach to undesirable substances in foods. This has previously caused problems with certain veterinary residues whose presence has become detected at very low levels as a result of more accurate detection methods.

FSA Traceability Guidance

Regulation 931/2011 sets out the information that food businesses are required to keep to demonstrate traceability and the FSA is currently drafting guidance to explain the effects of the new regulation. They are also considering withdrawing their UK guidance issued in 2007 as revised EU guidance covers the same requirements.

Government consultations

Government is improving the way it consults by adopting a more proportionate and targeted approach. The emphasis is on understanding the effects of a proposal and focusing on real engagement with key groups rather than following a set process. The key Consultation Principles require departments to follow a range of timescales rather than defaulting to a 12-week period and give more thought to how they engage with and consult with those who are affected.

11. Date of Next Meeting

The next meeting will take place on Tuesday 15th January 2013 at the Food Standards Agency Office in London.

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