

SEA FISH INDUSTRY AUTHORITY



Minutes of the

Seafish Food Legislation Expert Group Meeting

Held at the Food Standards Agency HQ, Aviation House, London on 15 January 2013

Present:

Mike Short	Food and Drink Federation
Su Dakin	British Frozen Food Federation
Greg Howard	National Federation of Fish Friers
Sylvia Ankrah	FSA Hygiene and Microbiology
Dr. Jonathan Back	FSA Food and Feed Controls
Dr. Alison Spalding	FSA Better Regulation and Sustainability
Stefan Pietrzyk	Defra
Shelley Martin	Scottish Government – Food Drink Division
Catherine Pazderka	British Retail Consortium
Martin Boyers	British Ports Association Fishing Ports Working Group
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
John Cox	Scottish Seafood Association
Steve Norton	Federation of British Port Wholesale Fish Merchants
Gary Hooper	National Federation of Fishmongers
Chris Leftwich	National Association of British Market Authorities
Tim Silverthorne	National Federation of Fishmongers
David Jarrad	Shellfish Association of Great Britain
Dale Rodmell	National Federation of Fishermen's Organisation
Gary Hooper	National Federation of Fishmongers

1. Welcome by the Chair and apologies for absence

Sarah Horsfall welcomed everyone to the meeting and thanked the Food Standards Agency for hosting the meeting.

2. Minutes of last meeting held on 15 May 2012

FSA had pointed out that the reference to FSA Scotland taking the lead on updating its consumer advice on parasites under item 9 should read FSA. The minutes of the last meeting were then approved as a correct record.

3. Official Controls Review – hygiene charges

Jonathan Back summarised the background to the current review and Commission concern with the implementation of the existing controls within Member States. The Commission wished to extend the scope from products of animal origin to include animal health, plant health and seeds. Options on charging were also being considered. The FSA favoured a risk based approach.

Since the last meeting he had circulated a preliminary draft Commission proposal on official controls together with a summary of the main changes to the current framework. On financing, this will involve an extension of mandatory fees and a requirement for Member States to recover the full cost. Such fees would apply to a significantly increased number of businesses, regardless of size, through to retail. One exception was micro businesses where Member States would be able to exempt such businesses from fees or provide partial or full refunds for any fees collected. Micro businesses were defined as employing less than 10 people and whose annual turnover and or balance sheet did not exceed 2 million euros.

The negotiations were to start in February with a new regulation likely to be in place in two years time followed by a three year transition period. The UK needed a negotiating position. On charging this is currently down to Member States with few mandatory charges. Although the proposals required full cost recovery for all controls, micro businesses could be exempt. Jonathan was looking for views from the different industry sectors on how this could impact on individual businesses in dealing with the cost.

It was suggested that FDF and BFFF could provide some help with this for the bigger businesses. Importers would also need to consider the application of actual cost and not the current flat fee system.

It would also be important to consider how many businesses could be excluded, particularly fishing vessels. The Seafish processor survey could also be of use as it was thought this included business turn over and number of employees. Primary Authorities should also have information on food businesses.

Some concern was expressed that charging could be applied without services being provided. Concern was also raised with the molluscan shellfish sector where official controls included the costly classification and monitoring of shellfish harvesting areas and shellfish biotoxins.

<p>Action: Peter Wilson to contact the Seafish Economics Team regarding any existing fish processor employee numbers and turnover data that may be available.</p>
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4. Balance of competencies review between the EU and the UK

Alison Spalding explained that the government is carrying out a review of the EU's competences. This is an audit of what the EU does and how it affects the UK. To

establish a clear sense of how our national interests interact with the EU's roles, Government departments will consult Parliament and its committees, business, the devolved administrations, and civil society to look in depth at how the EU's competences (the power to act in particular areas conferred on it by the EU Treaties) work in practice. European partners and the EU institutions will also contribute evidence to the review, and it will examine issues that are of interest across the EU, seeking to improve understanding and engagement.

In this 6 month period the FSA and Defra are currently leading on animal health, welfare and food safety with fisheries to be considered later this year. DoH is leading on nutrition. The call for evidence poses a number of questions asking for evidence such as what EU action has been advantageous or disadvantageous to the UK and ways that the UK could benefit in taking more or less action. EU Food Law has a very wide coverage but emerging issues include the internal market and trade with third countries, consumer protection, economics, risk, devolution, and the legislative process.

Alison added that a stakeholder meeting should take place in on 7 February with the closing date for responses on 28 February

Action: FSA presentation to be forwarded to members via Peter Wilson

5. Hygiene Regulations – date of freezing

Regulation 16/2012 is now in force and requires business-to-business information to be available on the date of production, which for fishery products is date of catching or harvesting, and if different the date of freezing. On the date of freezing there was confusion as to which dates apply in the case of refreezing. The Commission drafted guidance on interpretation which required that the date of catch and freezing if different would be needed on products, but this date should be the first date of freezing until the product has been processed. Processing was interpreted to be a change of state and as any filleting or portioning was not considered to be processing, products that are frozen more than once would have initial date of freezing.

Member States proposed the word 'whole' was inserted into the definition of harvesting so once fish were filleted this section would not apply and the date of freezing after filleting would be used. The subsequent Commission proposal did have the word 'whole' inserted, but also extra wording particularly in the recitals that required the first date of freezing. It also linked this to the Food Information to Consumers Regulation (FIC) inferring that first date of freezing would now be required on consumer labelling which is not currently the case.

Su Dakin added that the Defra view was that date of freezing under the FIC applied to the finished product and not raw material. The issue remains unresolved

6. Food labelling – working groups and guidance

6.1 Business Expert Group

This is now operational and the membership has been increased to cover more sectors. It has had its first food labelling success with an agreement to allow the continued sale of products which no longer complied with the nutrition and health claims regulation. These products would have had to be withdrawn from sale after the transition phase ended in mid December.

The group is also being used for consultation by Defra, DoH and FSA. Issues with enforcement of regulation can now be referred to this group for resolution which is then applicable to all local authorities.

6.2 Food Information to Consumers guidance

The interpretation of the seafood specific issues has been agreed with Defra but still needs agreement by the Commission before it can be published as it may be subject to change until this point.

Interpretation agreed includes

- Date of freezing - what is an unprocessed product and what is the date that should be used. The date would be the day it was frozen in consumer packaging.
- Defrosted - this should only apply if the consumer is being misled by its omission.
- Formed - when can a product be said to have an appearance of a whole piece of fish and have to declare 'formed' if it is not. It must have the shape of a fillet and not be geometric
- Added water - applicable to products that are made of a whole fillet or have the appearance of a whole fillet. Only water added intentionally not water pick up.

When this interpretation is finalised it will be included in the Food Information Regulation guidance.

7. Imports and exports - updates

7.1 Certification

New model health certificate

The European Commission has issued a new model health certificate for imports into the EU of fishery products intended for human consumption. Consignments reaching the EU from 1 March 2013 onwards must be accompanied by the new certificate. For a transitional period until 1 March 2013, consignments of fishery products accompanied by the current health certificate may be introduced into the EU provided that they reach their place of final destination before that date.

Health certificates for composite products: update

Composite products containing 50% or more of processed fishery products should now be accompanied by a composite product health certificate. Importers need to take special care when importing composite products, or products that are part fish

and part Products of Animal Origin (POAO), to ensure that the exporting country is in fact permitted to export that particular POAO.

7.2 IUU

8 flag states warned

The Commission has issued a warning to eight countries that it feels are being non-cooperative in the fight to eradicate illegal, unreported and unregulated (IUU) fishing. The flag states are Belize, Cambodia, Fiji, Guinea, Panama, Sri Lanka, Togo and Vanuatu. The Commission decision will not, at this moment, affect trade. However the Commission expects to see progress and will reassess the situation in 6 months time.

Some concern was expressed as to what the issues are with these countries.

New vessel blacklist

The European Commission has published an updated list of vessels engaged in illegal, unreported or unregulated (IUU) fishing.

Review of the regulation

The Regulation is here to stay and it is under review. Member States have submitted their biennial reports and these are being examined by a consultant. A report is expected by the end of 2013. Regulation reform is likely to focus on simplified, more secure, methods of submitting documents. It appears that responsible sourcing and due diligence procedures are gaining recognition as useful anti-IUU tools.

7.3 Tariffs

The Regulation setting the autonomous tariff quotas (ATQs) has now been published and tariff suspensions have been stopped. However, the new Regulation includes a mechanism whereby member states will be able to apply for an increase in the import quota.

It was pointed out that the ATQ's only applied to processing. The quotas were now all time limited but with the provision that Member States can ask for an uplift which the Commission is obliged to accept.

7.4 GSP reform

The General System of Preferences (GSP) reform Regulation has now been published. Certain countries are likely to lose their GSP status and be charged full tariffs from 1/1/2015. Several of these have initiated separate trade agreements with the EU to mitigate losing this benefit, but notably Ecuador and Thailand are late in initiating discussions.

8. Hygiene regulations – parasites

Sylvia Ankrah explained that the Commission had considered it necessary to develop guidance on the term “obviously contaminated” in order address issues of rejection between member States. The Commission had again updated its draft guidance and discussed this at Working Group meetings. Although the reference to actual parasite levels was toned down concerns remained as to whether checking

ungutted fish for parasites, as laid out in hygiene legislation, is necessary at all. A further draft is expected for the February meeting.

9. Traceability guidance

9.1 Fisheries Control Regulation

The draft guidance has been formatted and is now available on the Seafish website with a link to the guide made available in the November Seafish legislation newsletter. The guide will remain a draft whilst final outcome of the EU fish marketing review and information requirements to consumers is finalised.

http://www.seafish.org/media/publications/Traceability_web_guide_v2.pdf

9.2 Traceability overview

Following a request from Seafood Scotland to provide an update on traceability Peter Wilson had subsequently given a talk on this to both the NE Scotland White Fish Processors Group and the BFFF/Seafish Importers Forum. The update together with the presentation had now been combined into a 'Traceability Overview' document. This will be circulated for comment prior to being placed on the Seafish web site.

Action: Traceability overview document to be circulated for comment
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10. Any Other Business

Mercury safety reviewed

The European Food Safety Authority (EFSA) has reviewed the safety of inorganic mercury and methylmercury in the light of new data. EFSA established a tolerable weekly intake (TWI) for inorganic mercury which was the same as the current limit but proposed this should be reduced for organic methylmercury. This is toxic to the developing nervous system, although average exposure through food is unlikely to exceed the TWI. The panel found that fish, in particular tuna, swordfish, cod, whiting and pike, were major contributors of methylmercury in adults, with the addition of hake for children. There is evidence that omega-3 fatty acids in fish may have masked previous adverse outcomes in child cohort studies. EFSA advises that if measures to reduce methylmercury exposure are to be considered the potential beneficial effects of fish consumption should also be taken into account.

Cadmium in crabmeat

The FSA survey of brown crab meat had now been completed with over 300 samples taken. FSA were now undertaking their risk assessment although they may need more samples. Industry would be given the opportunity to comment on the draft report before its publication.

Icelandic fish supply

A question was raised over the current situation with Icelandic white fish supplies as a result of its disagreement with the EU over mackerel fishing. It was thought that such sanctions would not take place.

Organic fish approval

It was reported that a supplier on Billingsgate Fish Market who supplied organic farmed fish had been informed that he required certification in order to offer such product for sale. It was thought that this was likely to be the case as the chain of custody from producer through to retail required audit.

Clean Air Act

A London fishmonger who operated a traditional smokehouse at one of his premises had recently been contacted by his local authority. He was informed that following a complaint from a nearby block of flats, his smokehouse had been monitored and found to be in breach of the Clean Air Act and was asked to resolve it. His concern was that he was effectively being told to shut down a smokehouse that had been in operation for many years without any enforcement issue. The complaint had come from a block of flats that had recently been built.

It was agreed that there could be no dispute with the breach of the Act itself. However, it was thought that this should perhaps have been considered during the planning stages for the flats and that an approach be made to the local planning authority.

11. Date of Next Meeting

The next meeting will take place on Tuesday 14th May 2013 at the MIC Hotel and Conferencing Centre, London,

Peter Wilson
Secretary to the Seafish Food Legislation Expert Group
February 2013