

# SEA FISH INDUSTRY AUTHORITY



Minutes of the

## Seafish Food Legislation Expert Group

Meeting at Fishmongers Hall, London Bridge, London on Tuesday 17<sup>th</sup>  
September 2013

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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
David Jarrad	Shellfish Association of Great Britain
Mike Weavers	Defra
Rebecca Okuda	MMO IUU Team
Martin Boyers	British Ports Association Fishing Ports Working Group
Peter Wilson	Seafish and meeting Chairman/Secretary
Fiona Wright	Seafish
Ivan Bartolo	Seafish

### Apologies:

Sarah Horsfall	Seafish and meeting Chairman
Malcolm Morrison	Scottish Fishermen's Federation
Martyn Youell	Marine Management Organisation
Dale Rodmell	National Federation of Fishermen's Organisation
Dr. Amanda Fox	Scottish Government – Food Drink Division
Stephen Parry	Seafish Board
John Cox	Scottish Seafood Association
Steve Norton	Federation of British Port Wholesale Fish Merchants
Bindiya Shah	FSA Hygiene and Microbiology
Greg Howard	National Federation of Fish Friers

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

Peter Wilson welcomed everyone to the meeting and explained that he had taken over the role of its Chairman as Sarah Horsfall was shortly to join SAGB. Seafish was also to appoint a new member to the regulation team based in Brussels.

### 2. Minutes of last meeting held on 14 May 2013

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

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

Peter Wilson reiterated the background to the Commission proposal to extend the scope of existing animal origin controls to include animal health, plants and seeds, and to include all food businesses. Businesses would be subject to full cost recovery for such controls. However, an exemption excluded businesses with less than 10 employees and a turnover of less than 2 million euros unless subject to action as a result of non-compliance. The FSA were trying to establish the impact that the proposal would have across all sectors by developing an understanding of the number of businesses that would be included, the extent of existing controls, the cost and likely extent of the exemptions.

Following the last meeting FSA Scotland had hosted a stakeholder meeting in Edinburgh to give food businesses in Scotland an opportunity to hear more about the proposals and voice concerns. Although John Cox representing the Scottish Seafood Association and Peter Wilson had attended there was little interest from other food sectors. From the seafood perspective concerns were raised at the prospect of double charging as a result of the existing business rate, the prospect of different charges based upon local authority area and transparency.

FSA were intending to consult on their impact assessment in October.

It was reported that concern had been expressed at the recent Association of Port Health Authorities that with the exemption for small businesses, larger ones may split into smaller sub businesses to avoid charging.

The point was also made that it is important that this is not seen as a barrier to growth. Although the FSA has not yet formed a UK position, businesses are charged enough in business rates already and the cost of collecting this extra charge could be more than the money collected.

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

Peter Wilson reiterated that under the Fisheries Control Regulations product information traceability requirements now applied to CN03 (fresh) products produced from seafood caught in EU waters. There was also a requirement for some catch information to be provided to consumers for all CN03 products. Over a two year period from January 2013 this information transfer has also to be made electronically. At the last meeting a number of concerns had been expressed regarding the practicality of enforcement.

Mike Weavers reported that Defra are working with industry sectors on implementation but the UK is behind the Commissions timetable for implementation. The MMO has enforcement responsibility and Defra is working with them. There is also general guidance available and more detailed guidance should be available soon.

Initially the MMO intend to focus on education and not enforcement and are planning a series of roadshows for enforcement staff and industry in separate sessions. The industry workshops will be open to all and not only fishermen.

Enforcement action is likely after the education phase. Local authority trading standards will have an enforcement role with this, but how proactive this will be is not yet clear.

There was a long discussion but the general comments of the group were:

*Enforcement:* Trading Standards Officers have a role here. The frequency of visits varies around the country and may well result in variable enforcement. With other more pressing issues to deal with this is also impact upon the level of enforcement. Enforcement would be better focussed at the start of the chain and larger ports.

*Electronic transfer of information:* there remain outstanding queries from the stakeholder meeting held in Newcastle, particularly with small businesses. It was also thought that the existing cattle system had been used as a model for electronic traceability and did not take into account the very different nature of the seafood supply chain. With the amount of mixing

*Supply chain complexity:* Defra and MMO need to understand the complexity of the industry and that this increases as fish moves down the supply chain.

*Integration with existing traceability systems:* Food regulation requires 'one up and one down' traceability up to retail allowing enforcement officers to access catch information if needed. The requirement for this information to be available at all stages is a significant departure from that considered suitable for food safety and likely to result in significant cost implications for seafood businesses. It would be more practical to tailor the control requirements to the existing food law system already in place.

*Retail:* Concern over the amount of information that will be needed at point of sale given the variability of supply. Costs incurred in providing this information will be passed on to the consumer.

*Working Group:* Defra need to find a solution that meets the Commission requirements and needs of industry. A working group should consider what information and systems are already available and ways of making this fit with the requirements.

Mike Weavers pointed out that defra are aware of the complexity of the seafood supply chain in comparison with others. He agreed that a working group would be a useful forum in taking this forward, particularly with interpretation and also asked that any specific questions be directed to him.

Rebecca Okuda commented that she had produced a report on chain traceability within the IUU requirements that might prove useful and would see if it were possible to circulate this.

It was also suggested that Seafish consider inviting Trading Standards to participate in the Seafish food legislation group.

**ACTION: Peter Wilson to write to Defra supporting the establishment of a Working Group**

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

Peter Wilson commented that it had been a year since this topic had been on the agenda. Under the existing regulations the consumer must be provided with the catch area, production method and agreed commercial name when purchasing fresh product. These requirements had subsequently been included in the fisheries control regulations. The Commission proposals for the new CMO regulation had required additional catch information and extended the scope to include processed product. However, this has subsequently been changed as agreement is reached with both the EU Parliament and Council of Ministers.

The final compromise text had been published in June. This retains the current scope of fresh product only but extends the consumer information requirements to include the scientific name, the type of fishing gear used, whether defrosted and date of minimum durability. Whilst for non EU waters the catch area remains one of the listed FAO fishing areas, for EU waters this now extends to FAO sub areas which must also be expressed in terms understandable to the consumer. There is also additional voluntary information such as date of catch, date of landing and a more detailed description of the fishing gear used.

The consumer information requirements not only go beyond those under the current CMO but also fisheries control. When finally published there will be a need to integrate this with current guidance and make industry aware.

During the discussion it was pointed out that subsequent action would depend somewhat on what transition periods were applied. The date of minimum durability was causing concern as this was supposed to be 'without prejudice' to the Food Information to Consumers Regulation. There was also concern that the current requirement for live bivalve molluscs to state product must be alive when sold could be lost.

## 6. Imports and exports – updates

### *Faroese herring and mackerel*

A European Union ban on imports of Faroese-caught Atlanto-Scandian herring and mackerel, and products containing them, is now in force. The import restrictions are part of a package of measures adopted in response to the Faroe Islands' unsustainable fishing. The measures also include restrictions on the use of EU ports by vessels fishing for the herring and mackerel stocks under the control of the Faroe Islands. Sanctions will be enforced in member states on the basis of the catch certificates accompanying the consignments (required as part of the scheme to deter illegal fishing). The European Commission has stated that it is considering similar steps to address unsustainable fishing by Iceland.

Norway's fisheries ministry has also imposed a ban on Faroese landings of Norwegian spring spawning herring. Norway has already banned landings of Faroese and Icelandic mackerel.

### *IUU*

In a speech delivered to the European Parliament in June 2013, Maria Damanaki announced the Commission's follow-up action against the 8 "yellow-carded" non-cooperating flag states. Productive negotiations had taken place with Fiji, Togo, Sri Lanka and Panama, and a mission was in progress in Vanuatu. However, trade sanctions against the remaining states [Belize, Cambodia, Guinea] might be the next step.

### *New trade agreements with Central American countries*

This will mean zero tariffs on seafood from Honduras, Nicaragua, Panama, Guatemala and El Salvador. Costa Rica should follow shortly. The Commission is also proposing to accept the applications of Armenia, Bolivia, Cape Verde, Costa Rica, Ecuador, Georgia, Mongolia, Pakistan, Paraguay and Peru who have requested to be granted GSP+ status. If approved, all 10 countries will enjoy zero tariffs on their seafood exports to the EU.

It was reported that there were still problems with export to China. The required information has been sent to China for processing but certification is not being returned and the approval list is only updated every 6 months. There is a demand for product in China but industry cannot get certificates signed. Ivan Bartolo agreed to raise this with defra.

<b>ACTION:</b> Ivan Bartolo to approach defra regarding the ongoing problems with export to China.
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## 7. 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 draft

guidance on interpretation required that the date of catch and freezing if different would be needed, but this date should be the first date of freezing until the product has been processed. This took no account of the preparation stage applied to fishery products. Filleting or portioning was not considered to be processing but preparation and so products frozen more than once would have the initial date of freezing.

The Commission has submitted several proposals for discussion and vote, but all have been rejected. Each proposal seems to strengthen the position that the 'first date of freezing' is that first date the product was frozen even if later incorporated into another product. A link between this regulation and that for food information to consumers is causing concern.

The last proposal in June was rejected by Member States and the Commission is now considering if another proposal should be made or stay with the current draft. At the moment the current regulation is the better option.

Sue Dakin suggested that the date of freezing should be for the purposes of labelling for the consumer and be the date that the food product was frozen for the purpose of the long term preservation of quality.

## **8. Hygiene regulations – FSA updates**

Bindiya Shah had been unable to attend and had sent an update on issues raised at the last meeting.

### *Parasite guidance*

The draft guidance on the term 'obviously contaminated' was discussed at the Standing Committee meeting in June and is now considered endorsed.

### *Adoption of Codex E.coli criteria:*

Following a long discussion at the Commission Microbiology and Hygiene Working Group of all Member States the Commission stressed that the purpose of this amendment is to harmonise approaches across the EU. With regard to the hygiene and microbiological criteria regulations the Commission is currently considering revisions to the draft that had been presented with further Working Group with further discussion anticipated.

### *Norovirus standard*

Concerns expressed at the last meeting with regard to the setting of a norovirus standard for oysters appeared to have gone away. Following a Commission Working Group meeting in June, it was agreed that no limits should be set at this stage due to the limitations of the current methodology and the gaps in current knowledge about norovirus. However, it was agreed that there is a need to address food safety risks associated with norovirus in raw shellfish and the Commission, together with Member States, will continue to explore risk management options, identifying areas where harmonised practices could be introduced.

The FSA is continuing to explore the feasibility and effectiveness of alternative approaches which could be applied, such as buffer zones and alert systems to facilitate active management of harvesting.

Ivan Bartolo added that at the recent Association of Port Health Authorities (APHA) conference the FSA had made a presentation on their review of classification systems with emphasis on borderline B classified areas. They were also to implement a chemical contaminant monitoring plan of live bivalve molluscs as this had been raised in a recent FVO inspection.

#### *Brown meat in crab*

Embargoed copies of the Food Surveillance Information Sheet and web story for the survey of cadmium in the brown meat from crabs had been shared by email with key stakeholders. Publication is expected to on the FSA's website on Wednesday 18 September.

David Jarrad added that a working group had been set up to look at reducing cadmium levels during processing by removing the hepatopacreatic gland before processing. He also understood that the FSA advice on crab consumption has not been changed.

#### *Permitted limits of yessotoxins in live bivalve molluscs*

This has now been published in the Official Journal and came into force on 5<sup>th</sup> September 2013. The effect of this amendment is to increase in the current limit.

#### *French request regarding preservation of fisheries products and temperature of melting ice*

The French Authorities has asked the Commission for legal interpretation regarding the requirement to keep fresh product at the 'temperature of melting ice'. In France this is set at between the products freezing point and +2C and is causing problems as product from other Member States arrive labelled as '0 to +4C'. The Commission has responded stating that the use of melting ice was a method that seemed to be a good and effective approach and did not consider that this required changes.

## **9. The Food Safety and Hygiene (England) Regulations 2013**

The FSA has issued a consultation on a Regulation to consolidate the current food safety laws and food hygiene laws and amendments into one regulation to make it easier for business to locate provisions relevant to their business. It does not introduce new requirements for business. This applies to national rules for England only.

## **10. Any other business**

#### *Asthma risk of workers in fish processing*

A recent Swedish study had been reported by the BBC highlighting an asthma risk to workers in fish processing plants. This was especially in salmon and pelagic cutting plants where fish protein aerosols were found in the air close to filleting machinery.

Seafish had been asked to comment on this and had advised on a number of safeguards that could be taken.

*Registration documents*

Also at APHA conference it was reported that there could be a problem with the traceability chain with molluscan shellfish. Gatherers are required to complete a shellfish registration document for each batch. The hygiene regulations require the gatherer to have a registration document and for the buyer to be given a copy. The CA is not required to retain a copy!

*Food fraud*

Sue Dakin had attended an FSA workshop on food fraud. It is intended that an intelligence hub should be set up including industry, enforcement and regulators to submit and capture intelligence. A proposal will go to FSA board in April 2014.

*Labelfishnet Workshop*

Chris Leftwich reported that a joint UK and Ireland workshop on fish genetics, labelling and traceability was to take place in Salford on 12<sup>th</sup> November 2013. He would send details to Peter Wilson.

**11. Date of Next Meeting**

The next meeting will take place on Tuesday 21<sup>st</sup> January 2014 in London, venue to be confirmed.

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