

SEA FISH INDUSTRY AUTHORITY



Minutes of the

Seafish Food Legislation Expert Group Meeting

Held at the Seafish Offices in Grimsby on 10 May 2011

Present:

Linda Cross	Seafish Board Member and Chair to the meeting
Chris Pomfret	Seafish Board Member
Su Dakin	The British Frozen Food Federation (BFFF)
Sylvia Ankrah	Food Standards Agency - Hygiene and Microbiology
Martyn Boyers	British Ports Association Fishing Ports Working Group (BPAFP)
Andrea O'Shaughnessy	Marine Management Organisation
Greg Howard	The National Federation of Fish Friers (NFFF)
Mark Longstaff	Marine Management Organisation
Peter Wilson	Seafish Legislation/Secretary to the Expert Group
Ivan Bartolo	Seafish Legislation
Jon Harman	Seafish <i>from item 5 and 6</i>
Fiona Wright	Seafish Legislation
Karen Green	Seafish Communications
Tricia Jordan	Seafish (minutes)

Apologies:

Tim Silverthorne	National Federation of Fishmongers
David Jarrod	Shellfish Association of Great Britain
Ole Norgaard	Seafish Board Member and Chairman to the Expert Group
Ian Farley	The British Frozen Food Federation (BFFF)
Steve Norton	The Federation of British Port Wholesale Fish Merchants (FBPWF)
Dale Rodmell	National Federation of Fishermen's Organisation (NFFO)
Malcolm Morrison	Scottish Fishermen's Federation
Gary Hooper	National Federation of Fishmongers
Chris Leftwich	National Association of British Market Authorities
Mike Short	Food and Drink Federation

1. Welcome by the Chairman and apologies for absence

The Chair welcomed everyone to the meeting and in particular Mr Chris Pomfret, Seafish Board Member and Mr Greg Howard, President of National Federation of Fish Friers. The Chairman expressed her sadness at the recent death of Bill Crooks. Bill had been a member of the committee for many years and had worked tirelessly

for the cause and would like to pass on the committee's condolences to his family and colleagues.

Linda Cross advised that this would be her last meeting as Deputy Chair. Her replacement will be Mr. Chris Pomfret who was today attending his first meeting .

2. Minutes of last meeting held on 18 January 2011

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

3. Fisheries Control Regulation Implementing Measures

The Commission Implementing Measures Regulation No 404/2011 has now been published and will apply from 1 July 2011.

3.1 Traceability

Although some of the traceability requirements prescribed under the Control Regulation have been addressed, concerns still remain with the practicality of what is required to be available throughout the supply chain up to retail. In addition to the current information under food hygiene and common marketing order, this requires 'lot' number, name and number of fishing vessel, FAO alpha codes and dates of capture which we have repeatedly questioned as not being practical. However, fish imported under IUU and processed products falling under the CN 16 customs codes are exempt. The requirements are also to be phased in and will apply to quota species from January 2013 and non quota from January 2015. This will give some time to develop practical guidance. Defra have already scheduled a meeting with FDF, BFFF, BRC and Seafish.

Although the new requirements do not apply to imports Martyn Boyers expressed his concern with delays that can occur at the Border Inspection Post, such as over a Bank Holiday. Wet fish is a perishable product and such delay has an impact on quality.

The Chairman pointed out that for smaller processors with multiple landings, an attempt to collate and provide the information to products leaving the factory would be almost impossible with all the paperwork involved.

It was agreed that Seafish should keep industry informed via the legislation newsletter and e.alerts. Peter Wilson should continue to liaise with Defra and industry on this with a view to developing guidance.

ACTION: Seafish to liaise with Defra and industry to develop guidance and keep industry informed.
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3.2 Consumer information

Under the Common Marketing Order, species names must be available throughout the supply chain for seafood other than CN16 products, with presentation at retail optional. The implementing requirements remove this option and require species names at retail although not necessarily with the product. This will apply from 1

January 2012 and there will be a need to inform the retail sector. Consumers will also have to be informed if these products have been defrosted other than if frozen under hygiene requirements to destroy nematodes or if defrosted prior to processes such as smoking. The defrosted requirement is effectively already a requirement in the UK anyhow.

It was pointed out that in England and Wales fish names were now within the remit of Defra and not the Food Standards Agency (FSA) whilst retained within FSA in Scotland and Northern Ireland.

It was suggested that a simple way for retailers to meet this criteria might be to attach a copy of the Fish Labelling Regulations to the wall as this contains the full list of names for the UK.

4. Food Information Regulation – progress

This European regulation will replace the current Food Labelling Regulations and has been submitted to first the European Council and then Parliament for discussion. The Commission has since amended the original draft regulation and there will now be discussions between the Commission, Council and Parliament on the amended text.

The main changes from the original draft include a compromise amendment on legibility setting a minimum print height, reduced where the smallest printable surface is less than 80cm². A compromise agreement on origin labelling which makes country of origin labelling mandatory on single ingredient products and fish when used as an ingredient in processed foods, for which no minimum amount is given. An amendment on defrosted for informing the consumer that a food has been previously frozen, and only requires an indication of this specific treatment where it would mislead the consumer not to do so. This is the current requirement in the UK. There was also an agreed amendment on date of freezing but this was not added into the Commission text although the council may wish to see this put back into the proposal.

Su Dakin agreed that the Commission and Council had different positions and confirmed that the meetings were starting today. Chris Pomfret expressed caution as decisions taken around meat could result in fish being included. Fiona Wright added that Defra were supportive of industry concerns, but it was now up to Ministers to argue the case.

5. Imports

5.1 Japan: Increased testing of seafood in Japan and in the EU with 50% of consignments from Japan tested for radionuclides and attestations from Japan have to accompany consignments. There is random testing of all seafood containing fish caught in FAO Fishing Area 61.

Peter Wilson had noted that the Commission was considering a review of radionuclide limits within the EU. A previous review had considered the setting of numeric limits unlike the risk based dosage approach currently used in the UK.

5.2 Indonesia: Although no positive results since Decision 2010/220, testing for antibiotic residues continues. Despite discussions apparently ongoing, there is no FVO mission planned in 2011 to Indonesia.

5.3 Listeria: SCOFCAH had noted that Member States should not reject consignments of fresh or frozen fish on the basis of the presence of Listeria.

5.4 IUU charges: The Association of Port Health Authorities has recommended a new charging scheme for IUU catch certificate checks, applicable from 1 May 2011. There are lower charges for low risk consignments (from EFTA countries) and discounted charges for multiple certificates accompanying single consignments. However, Border Inspection Posts are not bound to adhere to these charges. FDF is working with Defra, APHA and Seafish to examine whether a further set of parameters can be set up to identify low risk imports.

6. Review of Charging for Official Controls

The European Official Controls Regulation requires Member States to collect fees on a number of official controls within the food chain. An evaluation study concluded that the fees do not necessarily cover the inspection costs, identified inconsistencies with interpretation and a lack of flexibility when putting charging systems in place. As a result the Commission are now reviewing their approach and are considering options of harmonisation of fees throughout the EU, deregulation leaving member States to determine their own approach to charging or improvement to the current system. The Commission has not indicated any preference and is canvassing businesses in Member States to get a view on what they would prefer.

The FSA is also considering its responsibilities as the UK competent authority with a review of the current delivery of official controls. This includes consideration of a simpler fee system based on actual cost with full cost recovery, a strengthening of the link between fees and compliance and clarity on what is included within the calculation of the fee.

From a seafood perspective there is a need to reduce the administrative burden and deregulation might be the best option in achieving this. There is also a need to have better clarity and fairness as current charges do not apply to all sectors of the industry that require inspection and not all Local Authorities apply the charges.

Chris Pomfret agreed that the inspection and charging structure should be much simpler and risk dependant so that responsible business owners with good internal systems incurred lower costs. Hygiene checks should also tie in with third party accreditation. He was concerned that the discussion was focussing on meat and there was a need to have fish covered separately.

Sylvia Ankrah thought that any legislation proposals would not be made until Spring next year although there would be stakeholder meetings prior to this.

Jon Harmon suggested that the Seafish responsible fishing scheme should be taken into consideration.

It was agreed that there was a need to ensure that fish did not become associated with a meat charging system and that contact be maintained with FSA on the development of their own and Commission proposals.

ACTION: Seafish to maintain contact with FSA on the reviews of charging regimes.

7. Hygiene Regulations Review – date of freezing

The latest draft proposal to amend the hygiene regulations still requires the date of freezing and if different date of capture to be provided within the trade. The draft does now allow the recipient of fish caught at different times to class all product as being the oldest caught but it is still not clear what this is trying to achieve. Neither is it clear how this would be applied to fish that is defrosted and subsequently refrozen.

Sylvia Ankrah advised that the UK had not been well supported in its attempts to change this. The final vote is now expected to take place in July and she was of the opinion that the Commission would not now allow anymore discussion. This is due to become into force in July 2012.

It was agreed that Seafish should work with FSA on the practicality of applying the requirements once the final text was agreed.

ACTION: Seafish to work with FSA on the practical application of the requirements

8. Hygiene Regulations – updates

A draft Commission working paper proposes a number of amendments to the section on parasites in fishery products. This now includes cephalopods and extends the defined species under cold smoked products to all fish. Current exclusions now also include farmed fish subject to certain growing conditions and fish held in cold storage at -18C for more than 4 days and there is an additional treatment to kill parasites. A response was made to FSA with the only major concern being that the required documentation for product that has been treated is extended to exempted product. FSA Scotland has also undertaken an impact assessment on businesses that may be affected.

9. Contaminants – FSA advice on brown crab meat

The brown meat of crab has always been excluded from the contaminants regulation and this has created problems with trade between some Member States due to a difference of interpretation of what is brown meat.

The European Commission has now published an amendment under Regulation 420/2011 that removes all reference to the 'brown meat of crab' which comes into force on 20 May 2011. Instead new wording describes the meat to which maximum levels apply as 'muscle meat from appendages and abdomen'. This also applies to the limits placed on other contaminants. The reference to 'head and thorax meat of lobster and similar large crustaceans' is also amended for better clarity.

The Commission has also issued an advice note on cadmium in crab to Member States and gives some information on consumption levels to allow individual Member States to issue advice relevant to their population. The FSA is drafting guidance to advise sensitive groups, such as young children and the elderly, to restrict consumption of brown meat. Seafish are providing industry input to this.

Sylvia Ankrah confirmed that the FSA will consult on this soon and are currently collecting data on brown meat levels in crab products and levels of consumption.

An FSA study on mixed halogenated dioxins, furans and biphenyls has been published. These potent toxins are also formed inadvertently via combustion processes. This report finds that the highest concentrations are found in shellfish, fish and liver.

10. Any Other Business

10.1 Brussels Exhibition

Ivan Bartolo reported that he had attended the Seafood Importers and Processors Association (SIPA) General Assembly last week in Brussels. This included presentations of SIPA financed research into antibiotic residue testing and the development of toxicology testing in human tissue rather than mice. They are also gathering more evidence of background levels of medical residues.

10.2 Fish Labelling of Products

Fiona Wright explained that Bangor University has conducted a survey on mislabeling of fish species on behalf of the Sunday Times and Greenpeace. The focus of this survey was to highlight where there was switching of species such as Atlantic and pacific cod. Overall there was a low level of mislabeling.

Karen Green added that she had been approached by a number of processors to look into DNA testing in more depth and Seafish are preparing a factsheet for the processor sector on DNA testing which should be available in June. This would include information on cost.

10.3 Seafish Communications

Karen Green tabled and gave an overview of a Seafish communications update. Channel 4 are to present another programme on week commencing 6 June 2011 to coincide with World Oceans Week with the main focus around discards.

It was noted that a debate on discards is taking place on Thursday 12 May 2011 in the House of Commons.

10.4 Hygiene Regulations

Sylvia Ankrah reported that the FSA had been asked to comment on possible amendment to some of the provisions for fishery products. This included the exclusions for small factory vessels, listing of third country freezer vessels, delegation of approvals for third country freezer and factory vessels and documentation. The discussion document would be forwarded for circulation.

ACTION:

Sylvia Ankrah to forward the proposal for circulation for comment
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10.5 Memorandum of Understanding – Food and Drink Federation

Peter Wilson reported that Seafish were providing technical input to FDF to assist with their membership of the European Fish Processors Association (AIPCE).

10.6 Toxic Sardines, Madagascar

It was recently reported that 14 people had died from eating toxic sardines in Madagascar. Seafish's Communications team had prepared a statement as a precaution in case the consumption of sardines in the UK had been questioned.

11. Date of Next Meeting

The next meeting will take place on Tuesday 20 September 2011 in London at the MIC Hotel and Conferencing Centre, 81 – 103 Euston Street.

Peter Wilson
Secretary to the Seafish Food Legislation Expert Group
3rd June 2011