

# SEA FISH INDUSTRY AUTHORITY



Minutes of the

## **Seafish Food Legislation Expert Group Meeting**

Held at the Food Standards Agency in London on 18 January 2011

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### **Present:**

Ole Norgaard	Seafish Board Member and Chairman to the Expert Group
Linda Cross	Seafish Board Member
Ian Farley	The British Frozen Food Federation (BFFF)
Claudia Martins	Food Standards Agency - Hygiene and Microbiology
Steve Norton	The Federation of British Port Wholesale Fish Merchants (FBPWFM)
David Jarrad	Shellfish Association of Great Britain
Tim Silverthorne	National Federation of Fishmongers
Chris Leftwich	National Association of British Market Authorities
Bill Crooks	The National Federation of Fish Friers (NFFF)
Richard Ballantyne	British Ports Association Fishing Ports Working Group (BPAFP)
Shaun Gleadle	Food Standards Agency – Operations Group
Martin Evans	Food Standards Agency – Operations Group
Peter Wilson	Seafish Legislation/Secretary to the Expert Group
Ivan Bartolo	Seafish Legislation
Fiona Wright	Seafish Legislation
Karen Green	Seafish Communications
Tricia Jordan	Seafish (minutes)

### **Apologies:**

Martyn Boyers	British Ports Association Fishing Ports Working Group (BPAFP)
Dale Rodmell	National Federation of Fishermen's Organisation (NFFO)
Malcolm Morrison	Scottish Fishermen's Federation
Gary Hooper	National Federation of Fishmongers
Andrea O'Shaughnessy	Marine Management Organisation
Mike Short	Food and Drink Federation

### **1. Welcome by the Chairman and apologies for absence**

The Chairman welcomed everyone to the meeting

### **2. Minutes of last meeting held on 14 October 2010**

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

### **3. Legislation newsletter and FLEG**

The legislation newsletter had been well received by the group and was welcomed as a very useful vehicle for summarising the latest news on key issues. The newsletter has also been flagged up in the Seafish industry e-alerts.

Peter Wilson had expressed concerns about attendance at the last meeting. He asked for the views of the group on reducing the number of formal meetings to three a year, but in addition to have working groups on specific issues as and when the need arose. It was agreed by the group that this approach would meet current industry needs. Peter suggested restructuring the meeting schedule after the April meeting.

*(Note: It was subsequently decided that the rescheduling should take place now with the next meeting moved to May)*

### **4. Fisheries Control Regulation**

Although the requirements for traceability information down the supply chain and provision of information for consumers applied from 1 January 2011, the Commission has still to agree the final text of its implementing measures.

A number of concerns have been dealt with as discussions have progressed. Most recently there has been agreement that date of catching can cover the period of time over which fish are caught and there is now more clarity on what is meant by catch area. There is also clarification on IUU fisheries and aquaculture products not subject to catch certificates. The requirement to provide the consumer with the scientific name remains although a wall poster will suffice and product that has been previously frozen must indicate 'defrosted product'.

This is an ongoing issue and Seafish are being kept informed on progress by Defra. Once the implementing measures are agreed there will be a need to discuss any implications and inform industry.

Concern was raised with current labelling regulation whereby a restaurant is not required to inform the consumer if fish is farmed or not. There is also no requirement to provide the commercial name and some establishments just state 'fish'.

### **5. Hygiene Regulations**

Claudia Martins reported that FSA Scotland were leading the UK on the Commission working group considering nematodes. The latest proposal is to exempt all farmed fish raised on a pelleted diet and kept in a condition where it would not come into contact with parasites. Monitoring would be required. The exemption of wild caught fish if they came from an area with no parasites was also being considered.

The Commission has now introduced a regulation amending the recognised testing methods for detecting marine biotoxins in live bivalve molluscs. The LC-MS method will be formally an approved method for the testing of lipophilic biotoxins from 1 July 2011.

Ivan Bartolo gave an update on the rejection of monkfish by the Italian authorities due to the presence of nematodes. FSA Scotland had raised concerns with the meaning of the term 'obviously contaminated' with the Commission and although there had been some discussion with the Italians one rejection had already taken place this year.

## **6. Revised traceability information proposals for frozen seafood**

This proposed amendment to the hygiene regulations for products of animal origin requiring date of production and if different date of freezing to be provided to processors within the food chain was originally raised in 2007. Date of production was thought to apply to meat and did not appear to create any issues for the seafood sector.

A revised version now redefines date of production and includes fishery products by referring to date of production as being the date of capture. For wet fish landed and subsequently frozen ashore this would generally not be achievable and it also appears to take no account of fish being defrosted and refrozen. FSA had agreed to raise concerns with the Commission who have apparently now put this on hold until the text of the Food Information Regulation has been agreed.

## **7. FSA Operations Group – enforcement review**

Sean Gleadle explained that following the merging of the FSA with the Meat Hygiene Service, this new group is responsible for the delivery of official controls. He was undertaking a review of enforcement in the seafood sector and was talking to local authorities, industry and industry bodies such as Seafish before producing a report on his findings.

***ACTION: Steven Norton asked if the draft of the FSA report could be circulated to committee members.***

Martin Evans added that they were also looking at how the FSA works with other bodies with respect to what FSA do, why they are doing it and what to do in the future. He has spent a lot of time at meetings learning a great deal on industry thoughts and concerns and would be happy to have further discussions with expert group members if they wished.

## **8. Food Information Regulation**

The Council of Ministers have agreed the text and this has now gone to Parliament for a second reading. Details of the significant changes from the current requirements have been circulated although this is unlikely to be the final version and there are also lots of details to be worked through in implementing measures.

Responsibility for content of labelling will now only apply where the food business operator has control, a minimum font size is proposed and the name of the food must now indicate if it has been frozen. Origin labelling remains voluntary but where the country of production (provenance) differs from the origin (country of true origin) of the primary ingredients then, the country of origin shall be indicated as being different. Implementing rules must be adopted within 2 years of Regulation coming into force.

## **9. Spanish proposal for product labelling to include fishing vessel nationality**

This proposal requires the consumer to be informed of the national flag of the fishing vessel along with the other information required on origin by the Fish Labelling Regulations. The Spanish justification for this is that EU registered vessels have higher standards of handling and processing on board and this information will allow the consumer to be better informed. However all vessels supplying fish to the EU must show they meet the requirements of EU hygiene legislation. Seafish have submitted a 'detailed opinion' which states that we believe this measure will not achieve its stated aims but will distort the market, increase burdens on business and create barriers to trade. Other Member States had raised similar objections in that this did not offer any guarantees of quality to the consumer, could be confusing with different origins declared on a product and poor timing with other proposals ongoing in this area.

## **10. Imports**

*Report from the Commission on the effectiveness and consistency of import controls:* The bulk of the report is on what the Commission does and why. However the Recent and Emerging Issues section maps out their intention to make some changes. These include using new technology such as electronic certification, a more risk-based approach and working towards a more harmonised approach between member states. There are also to be reviews of the Official Food and Feed Controls Regulation and the Veterinary Residues and the Veterinary Checks Directives. There is also to be further Animal Health legislation dealing with animal disease. The EU TRACES veterinary tracking system is also to be expanded to include third countries and operators.

*Rapid alert system for food and feed:* Regulation 16/2011 puts RASFF procedures into legislation, clarifying the responsibilities of Member States.

*IUU Conference, Chatham House:* The Commissioner, Maria Damanaki, confirmed that the IUU Regulation is to stay and that we will have a certification system for the foreseeable future.

Speakers explained the legal and judiciary tools they were using to prosecute fishing vessels, often because judges are reluctant to take overfishing/environmental damage seriously, and the profits from IUU fishing usually dwarf any fines. This included consideration of international crime, vessel seaworthiness, labour conditions aboard and possible links with human trafficking. The Commission had started to identify non-compliant countries. Panama, Belize and Sri Lanka have been audited. Countries “of concern” due for checks have not been made public. Defra, considered that the current system of checking 100% of catch certificates will change and a risk-based approach introduced. Risk factors are expected to include the originating country or flag state, the operator, species, volume and value.

Chris Leftwich added that the Commissioner had also made the point that the U K was the foremost country in progressing amendment to the Common Fisheries Policy as well as leading the way on discards. On IUU he was concerned that once a country had been removed or “D listed” there was no apparent mechanism in place for getting back onto the list. He had also noted that countries which had been prosecuted under IUU still received EU subsidies with no mechanism again for stopping them.

The Chairman enquired whether any progress had been made on the emergency measures on farmed prawns from Indonesia. This was costly to the UK prawn industry and despite test results being clear the Commission did not appear to be inclined to remove the measures as no veterinary inspections were scheduled. . Ivan Bartolo was not aware of any further developments and agreed to look at this again and report back.

***ACTION: Ivan Bartolo to look into the situation with farmed prawns from Indonesia and report back.***

## **11. Common Market Order review - update**

The Common Marketing Order (CMO) deals with seafood marketing supply and standards and includes the role of producer organisations, grading and quality requirements, price intervention and tariffs. Peter Wilson explained that It also includes the requirement to provide consumers with specific information on production method and origin which forms the basis of the UK’s Fish Labelling Regulations. The CMO is under review by the Commission and includes consideration of the provision of further and more detailed catch information to the consumer. Peter is liaising with Defra on developments. Currently Defra are to hold two stakeholder workshops during the early part of this year to obtain views form industry.

## 12. Any Other Business

### 12.1 Client Earth

Is an activist organisation committed to what they consider environmentally sound laws that are then enforced. Fiona Wright had come across their report on sustainability claims made in supermarkets and brand claims on seafood products. The report was based around their interpretation of an average consumer and what the average consumer would understand by the claims. Fiona considered this interpretation to be very subjective and disagrees with their view of average consumer whilst agreeing that there should be some guidance as to the use of claims and level of evidence required.

***ACTION: Fiona to circulate link for Client Earth paper to committee members***

### 12.2 Summary of Channel 4 Fish Week

Karen Green tabled a paper summarising the Channel 4 Fish Week programmes during 11 – 16 January and Seafish activities around this.

A number of points were made in the subsequent discussion:

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Discards: It was felt that the programmes made no attempt to demonise fishermen and that they had achieved widespread recognition of the issue. However the spotlight on discards did show many people for the first time the size of the problem.

Fresh v frozen: Highlighted how little the public actually know about fish processing – the view primarily being that fresh should be fresh and not previously frozen.

Alternative species: Some of those highlighted are not readily available and to make them available there would need to be a change in the way we handle fish. In addition in the main these stocks have not been assessed. Continuity of supply would also be an issue.

Farmed salmon: Marine Harvest did not appear to be very well informed and the company should have refuted the 3:1 ratio that was repeated again and again. Maybe a comparison with the food conversion rate for chicken and beef should be used. The programme also appeared to state that the salmon are being fed all the time which is not the case. Underwater cameras constantly monitor this and feeding is stopped as appropriate. The section on additives was also not well explained. On a positive note the programme did highlight good husbandry. Questioned whether Scottish Salmon Producers Organisation had issued any statement.

Seafish approach: The Chairman commented on the positive Seafish approach on this issue. This was a big step forward from ten years ago when the industry faced serious issues.

Sales impact: Supermarkets have reported increased sales of species such as mackerel, dab and coley. It was questioned whether this would last and could be a short term reaction.

Overall: All in all there were no major concerns about the long-term impact the week would have on seafood consumption and that Seafish had done a good job.

#### Actions or future approach for Seafish

- Make more of IFFO Fish In : Fish Out calculations.
- Could Seafish have a role in communicating down the supply chain to develop markets for fish that would be otherwise be discarded.
- Seafish to look at cod sales for w/c 11 January.
- Seafish could have a role in developing markets for smaller fish. Linda Cross expressed caution that the ability of processors to process them could be limiting.
- Tim Silverthorne asked if he could take part in the teleconference on 31 January and was interested in coming to the next DAG meeting.

#### *12.3 Richard Bacon, MP*

Fiona Wright explained that Richard Bacon had introduced a Bill on 11 January on Country of Origin Labelling. Fish is not mentioned, but agreement on drafting the Bill with the 2<sup>nd</sup> reading on Friday 1 April. Details of his campaign and text of the Bill on his website.

#### *12.4 FSA Assurance Schemes Review*

Peter Wilson reported that FSA were currently conducting a review of food assurance schemes. He wanted to make sure that there was awareness of the Seafish Responsible Fishing but did not know who to contact. Claudia Martins advised that the person dealing with this was Sharon Egan.

#### *12.5 Border controls*

Richard Ballantyne asked if there was any further progress on border controls. Ivan Bartolo had not heard of anything since the last meeting.

### **13. Date and venue of next meeting**

The next meeting has now been set for Tuesday 10 May 2011. Venue the Seafish Grimsby offices.