

SEA FISH INDUSTRY AUTHORITY



Minutes of the

Seafish Food Legislation Expert Group Meeting

Held at the Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle upon Tyne on Tuesday 17 January 2012

Present:

| | |
|----------------------|---|
| Chris Pomfret | Seafish Board Member |
| Andrea O'Shaughnessy | Marine Management Organisation |
| Su Dakin | British Frozen Food Federation |
| Martyn Boyers | British Ports Association Fishing Ports Working Group |
| David Jarrad | Shellfish Association of Great Britain |
| Ivan Bartolo | Seafish |
| Peter Wilson | Seafish |
| Fiona Wright | Seafish |

Apologies:

| | |
|------------------|---|
| Ole Norgaard | Seafish Board Member and Chairman to the Group |
| Dr. Amanda Fox | Scottish Government – Food Drink Division |
| Sylvia Ankrah | FSA Hygiene and Microbiology |
| Steve Norton | Federation of British Port Wholesale Fish Merchants |
| Tim Silverthorne | National Federation of Fishmongers |
| Malcolm Morrison | Scottish Fishermen's Federation |
| Gary Hooper | National Federation of Fishmongers |
| Mike Short | Food and Drink Federation |
| Chris Leftwich | National Association of British Market Authorities |
| Dale Rodmell | National Federation of Fishermen's Organisation |
| Greg Howard | National Federation of Fish Friers |
| Karen Green | Seafish |

1. Welcome by the Chairman and apologies for absence

The Chair welcomed everyone to the meeting and thanked Andrea O'Shaughnessy for hosting the meeting on behalf of MMO.

He considered the low attendance on this occasion unfortunate as the meeting had been scheduled well in advance. It was decided to continue with the meeting as trying to reschedule at short notice would likely result in low attendance anyhow.

We still awaited the formal outcome from DEFRA and the devolved administrations on the 'conversation' held with industry to discuss Seafish going forward. However, the Chairman gave a personal view that meetings had been well attended with support given for Seafish and continued payment of the levy.

The formation of a newly appointed Seafish Board was now anticipated together with three industry focused sector panels centred on operational issues and industry advice. Defra was currently undertaking recruitment for new board members. Current Board members would all have their appointments terminated at the end of March so it may be that current Board members may not be around for the next meeting.

A detailed discussion took place about the role of the Food Legislation Group. It was unanimously agreed felt that the Group had provided a lot of real added value to Seafish and should be continued into the new future.

2. Minutes of last meeting held on 20 September 2011

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

3. Fisheries Control Regulation – traceability and consumer information draft guidance

The extension of existing seafood traceability information from point of landing up to retail applies to quota species from January 2013 and non quota January 2015. The requirement to provide consumers with the species names came into force on 1st January 2012.

Peter Wilson explained that Seafish had previously agreed to lead on producing industry guidance. This work was now in progress and a draft working document was tabled. This takes the form of a number of questions and answers in much the same way as the Seafish Buyers and Sellers guide. It provides a background to what this is all about, to whom it applies and detail of the information requirements themselves, which for the most part have already to be provided on sales notes. A number of questions are then put on the provision of and access to the data. Consumer information is also included although Seafish has endeavoured to inform the trade via its e-alerts and legislation newsletter.

At present Seafish are working with defra, FDF, BFFF and BRC to develop the guide structure and its interpretation. This will then be circulated to a wider audience of likely users to develop the more detailed questions that are likely to arise. Defra will involve the devolved administrations.

Martyn Boyers commented that this information is available at the Grimsby market and appears to be an extension of the buyers and sellers requirements

The Chairman asked who will check compliance as this information is only likely to be needed when an issue arises such as with a recent milk contamination. .

4. Common Marketing Order (CMO) Review

Seafish had responded to the Defra consultation on the Common Fisheries Policy Review. This was a series of questions which included the CMO review and the proposed additional consumer information raised at the last meeting.

In response to the question of consistency with current, wider consumer information and labelling requirements it was thought that this would add another layer of bureaucracy which seems to make the same requirements but as they stem from different legal regimes can be different in their scope. This will inevitably create additional burdens on industry without necessarily any benefits to the consumer who will not be given any more meaningful information and may in fact be confused by it. It was suggested that the consumer information requirements should be left to the existing and more relevant legal regimes and be removed from the CMO proposals altogether.

On the inclusion of voluntary information, this should not be necessary in a regulation. Should regulation of a particular 'claim' be needed, this is better achieved using guidance or codes of practice as these are easier to draft and amend.

Fiona Wright had attended a workshop in Brussels where Struan Stevenson, rapporteur for the CMO, had reported that the first draft had been withdrawn as there are questions within the EU Parliament on the legality of delegating so much power to Producer Organisations. He has to produce a report in July, based on the comments from MEPs which will give an indication of the direction of the proposals and the draft regulation needs to be complete by Autumn 2012. The whole process must be complete and new regulations adopted by end of 2013, or the existing CFP/CMO could stand for another 10 years.

Su Dakin was concerned that the consumer could ultimately be presented with a date of durability, first freezing and when caught on the product label. This would be a needless expense to businesses and a source of confusion to consumers. There is a need for a more joined up approach and BFFF and others have been looking into the implications.

5. Food Information Regulation (FIR) – Better Regulation

Fiona Wright reported that the FIR is now published and in force. The regulation is going to make some changes as discussed at the last meeting although we still have a three year transition phase to achieve compliance.

Defra will be producing guidance and there are talks in progress about the Better Regulation Delivery Office being involved. To facilitate this a topic group is being set up to discuss issues and interpretation which includes Seafish and BFFF.

Fiona thought that with the text of the FIR agreed we can now look again at updating the Code of Practice on Fish Content, probably by developing new labelling guidance. To take this forward Fiona is looking initially to set up a group with BFFF,

FDF and BRC to get a draft then include the Better Regulation Delivery Office (BRDO), Defra, and possibly a consumer organisation. Some Trading Standards Officers with responsibility for fish processors have also expressed an interest in being involved.

There has also been an increasing number of issues with different legal interpretation between local authorities which is causing competitive differences between producers. LACORS used to run a labelling focus group to resolve such issues but this was very consumer focused but is no longer in existence. The topic group within BRDO may possibly take on this role in the future.

Su Dakin added that Defra will be producing guidance for enforcers. There is however no appetite in the Commission to produce guidance. Food Drink Europe are keen to write guidance themselves and it is expected that the European Commission will then accept this as official industry guidance. It would be important to have some input to the development of this guidance.

6. Seafood Labelling – guidance

Fiona Wright informed that the Seafish guidance explaining the developing labelling changes to seafood had been posted on the Seafish website and a blog started to allow readers to comment. This approach has been considered as a way of getting more industry involvement on proposed legislation. Seafish will produce an explanation of the legislative proposals and as far as possible what it could mean, then allow comments and discussion on line or directly to the person leading on the specific proposal within Seafish. This has been done as a pilot so see how effective this approach could be.

The Chairman commented that the guidance and the blog, in their current format, are well-explained and understandable. However the fact that the legislation is complicated and difficult to comprehend is not highlighted and if the guidance and the blog are to provoke a response, the problems need to be highlighted more. He suggested that it might be helpful to break down the guidance to explain, separately, how it applies to different categories of fishery products such as frozen fish, fresh fish and processed fishery products. Fiona Wright agreed to have a look.

| |
|---|
| ACTION: Fiona Wright to consider labelling guidance based upon individual product type |
|---|

7. Imports/Exports update

Ivan Bartolo provided the following update:

Bangladesh

The requirement for 20% testing at Border Inspection Posts for antibiotics was removed in November. The pre-export test certificate is still required.

India

There was nothing further to report on any possible relaxation of the current restrictions, but we are trying to get in touch with Indian authorities to hear what activities are in progress.

Gabon

Restrictions have been removed so there is no need test for heavy metals and sulphites.

Japan

There are now slightly relaxed requirements with no need to test for Iodine 131. The Japanese authorities are to reduce their limit on permissible radioactive caesium from 500Bq/kg to 100Bq/kg and the EU is likely to follow suit. To date testing on fish from FAO Area 61 and the Pacific have so far been negative. Results are available on the EU DG Energy site.

Tariff Information Group (TIG)

Established by Seafish as a sub group of the Importers Forum this new discussion group met for the first time on 13 December. Its objective is to monitor and share information on tariff-related issues that affect the trade in seafood. In particular it will consider proposed changes to legislation and examine how they will affect trade and processing activities. The group discussed import and export tariffs, inward and outward processing relief, autonomous tariff quotas, the Generalised System of Preference (GSP) and other economic partnership agreements.

The overall view was that this is a useful group for Seafish to host and was important as a forum developing a UK position for discussions.

Andrea O'Shaughnessy asked if she could be invited to the next tariff group meeting. She also pointed out that the comment made at the last meeting, that pelagic processors were experiencing problems in obtaining Inward Processing Relief authorisations, was not entirely accurate. Problems arose only where the applicant did not supply the necessary documentary evidence required. The process, which involves the MMO and HMRC, tends to progress smoothly if the correct information is made available. She could understand that processors may be unhappy with the short 6 month period of authorisation that is granted to them and had attempted to organise a meeting with HMRC without success. Ivan Bartolo thought that the 6 month limit being imposed is due to a misreading of the legislation and suggested a need, perhaps with MMO, to meet with HMRC to clarify the situation and issue guidance.

| |
|---|
| ACTION: Ivan Bartolo to progress a meeting with HMRC |
|---|

Martyn Boyers added that imported fish has a penalty imposed in Grimsby market as a licence must be purchased from Iceland and suspected there must be more of these types of taxes being imposed on businesses.

Martyn Boyers also raised the issue of the pelagic dispute between the EU and Iceland and proposal to ban imports which would put Grimsby market out of business. Peter Wilson commented that defra had reported on this at a previous meeting and had made it clear that the UK had no intention of applying such a ban.

8. Hygiene Regulations – control of parasites

A new Regulation had come into force on 8 December 2011 amending the requirements given under the hygiene regulations and Seafish had prepared a guidance note. The option of freezing to -20°C for 24h now includes freezing to -35°C for 15 hours as well. In addition, “frozen fishery products” that have been held “for a sufficiently long period of time to kill the viable parasite” are exempt. There are also exemptions for wild caught fish from parasite-free areas, for fish farmed in parasite-free environments and for fish farmed under control procedures that minimise the parasite hazard.

As part of regulatory procedures FSA are planning to conduct a consultation to assess the cost and impact of the amendment.

9. Any Other Business

9.1 King Scallop biotoxin testing

David Jarrad reported that as previously discussed FSA had circulated a further letter providing guidance on the shucking of scallops and requirements for biotoxin testing. However, EHO's are still unclear who is supposed to be doing the testing. He suspected that with diver-caught scallops, it was the divers themselves who had to organise the testing, which is not economically feasible for them. This will be raised with FSA at the next SAGB Mollusc Committee meeting. Fiona Wright added that Seafish had also been looking into this.

9.2 Cadmium in brown crab meat

David Jarrad asked if there had been any further progress with the FSA advice on the consumption of brown crab meat. Fiona Wright reported that the FSA had received insufficient data to allow them to issue advice that would not be over prescriptive, so will do some product testing before issuing advice. Peter Wilson confirmed that as some of the data was quite dated FSA were to conduct a 'snapshot' survey of cadmium in brown crabmeat and planned to consult with industry on this in early February. This would delay their production of consumer advice.

9.3 Recent developments with contaminants

Ivan Bartolo reported on a number of issues:

The Marine Strategy Framework Directive (MSFD)

This is a European initiative intended to facilitate cooperation between Member States to improve the quality of the marine environment around Europe by 2020. To achieve 'Good Environmental Status' (GES) there are eleven descriptors which

cover a broad range of parameters. Two are associated with chemical contamination one of which relates to pollution in general and the other directly to fish and other seafood. A consequence of the latter is that there is likely to be a greater emphasis on linking chemical contaminant levels in fisheries products to specific marine sub-regions. Defra intends to put the proposed UK approach out to formal consultation in February/March 2012 which will be particularly relevant to those with an interest in seafood.

Commission proposed revisions to cadmium limits

The EU proposals on cadmium limits across a range of food commodities was discussed at the Commission Expert Committee on 10 October 2011 and will continue at the next meeting in 2012. The UK is keen that any changes to the current limits should be proportionate, achievable and justifiable and expects the Commission to propose suitable transitional periods for any new limits.

Mercury

EFSA have been requested by the Commission for an updated opinion on inorganic mercury / methyl mercury in all food commodities.

Dioxins

New levels now set in new legislation and include non-dioxin-like PCBs.

Brominated flame retardants (BFRs)

EFSA published several opinions on BFRs during the summer. No action was recommended other than a continuing need for data collection.

9.4 Review of charging for official controls

Peter Wilson had received an update from Sylvia Ankrah. FSA was working with the Commission to obtain further information on what the revised proposal is going to cover and will come and talk to the group at the next meeting to gather their views on potential changes. It is likely that the main changes will relate to an extension in scope of the regulation to other areas such as like plant health , alignment of certain definitions and possible changes to how the controls are financed. She asked the group to also use their EU trade associations to help shape the Commission's proposal.

9.5 Seafish Newsletter

Fiona Wright commented that she had now added a section of updates on ongoing work, to allow anyone who wishes to comment or be involved to contact Seafish.

9.6 Defra red tape challenge

A marine legislation review under a 'Water, Marine Conservation and Inland Waterways' theme is to go onto the defra red tape challenge web site on 16 February. Comments on what is still considered effective and what is not is being sought.

9.7 Date of freezing

Su Dakin indicated that Regulation 16/2012, which requires the date production and if different date of freezing to be held as available information, needs some clarification. Where the fish is thawed and refrozen the later date of freezing might

be more suitable to retain than the original date. There are also products that may contain different ingredients with different freezing dates.

10. Date of Next Meeting

The next meeting will take place on Tuesday 15th May 2012 at the British Ports Association Offices in London

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