

SEA FISH INDUSTRY AUTHORITY



Minutes of the

Seafish Food Legislation Expert Group Meeting

Held Meeting at the MIC Hotel and Conferencing Centre, 81 – 103 Euston Street, London on Tuesday 14 May 2013

Present:

Mike Short	Food and Drink Federation
Sylvia Ankrah	FSA Hygiene and Microbiology
Richard Ballantyne	British Ports Association Fishing Ports Working Group
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
Greg Howard	National Federation of Fish Friers
Sarah Horsfall	Seafish and meeting Chair
Peter Wilson	Seafish
Fiona Wright	Seafish
Stephen Parry	Seafish Board

Apologies:

Su Dakin	British Frozen Food Federation
Malcolm Morrison	Scottish Fishermen's Federation
Andrea O'Shaughnessy	Marine Management Organisation
Gary Hooper	National Federation of Fishmongers
Martin Boyers	British Ports Association Fishing Ports Working Group
Dale Rodmell	National Federation of Fishermen's Organisation
Dr. Amanda Fox	Scottish Government – Food Drink Division
Ivan Bartolo	Seafish
John Cox	Scottish Seafood Association
Steve Norton	Federation of British Port Wholesale Fish Merchants
Karen Green	Seafish
David Terry	Marine Scotland
Martyn Youell	Marine Management Organisation

1. Welcome by the Chair and apologies for absence

Sarah Horsfall welcomed everyone to the meeting.

2. Minutes of last meeting held on 15 January 2013

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

3. Official Controls Review – hygiene charges

Peter Wilson gave a summary of the existing charging regime as currently in force for the seafood sector and the changes proposed in the Commission's preliminary proposal. This extended the scope to include animal health, plants and seeds, and to include all food businesses. It also requires full cost recovery based upon either a flat rate fee or actual cost. The UK favoured the actual cost option as there were concerns that a flat rate fee could result in cross subsidy between businesses. An exemption is included for businesses with less than 10 employees and a turnover of less than 2 million euros although this would not apply in the case of activity resulting from non-compliance. The FSA were trying to establish the impact that this 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.

At the last meeting it had been agreed that FSA would deal directly with FDF, BFFF and BRC as seafood was only a part of their respective membership and Seafish would help FSA liaise with the more seafood specific sectors.

FSA had subsequently met with SAGB and Seafish to discuss concerns with live bivalve molluscs. Although this sector is not included within the current charging regime it includes extensive controls. These cover the approval and monitoring of harvesting areas for microbiological contamination, monitoring for algal toxins, approval and inspection of depuration centres and shellfish health controls.

FSA had also visited Grimsby to see the Fishmarket in operation and meet with Martin Boyers, Steve Norton and the local Port Health Officer to consider markets, processors and enforcement. This had proven to be a useful meeting as a number of concerns had been raised that FSA would have to consider. These included the dock estate being under the control of Associated British Ports and not the local council, Icelandic ownership of fish on the market until sold, concerns over duplication of controls with the large number of van sales operators who then sell fish across many local authorities and the resource necessary to impose and collect charges.

With time and resource limitations discussion with other sectors including fishermen, inland markets, fishmongers and friers, where the proposed exemptions were likely to have bigger impact, had not so far been possible.

FSA Scotland was going to host a stakeholder meeting in the near future and would be an opportunity for both fishermen and processors to voice concerns.

The Commission had now circulated the proposed regulation. On the financing of official controls there appeared to be little change other than clarification that the cost of financing the exemptions is not to be covered by those businesses to which

charges applied. Negotiations were expected to last 2 years after which a 3 year implementation period would apply.

Catherine Pazderka and Mike Short had not been contacted by FSA but it was possible that contact had been made with others within their organisations.

Some concern was expressed as to how the charges would be established and the possibilities of uneven charging between local authorities.

ACTION: Peter Wilson to circulate the proposed regulation.

4. Food labelling – working groups and guidance

On Food Information to Consumers, Fiona Wright had circulated the latest versions of the fish specific guidance drafted by BFFF, FDF, BRC and Seafish. These had also been sent to the Business Expert and Enforcement Groups. Although not yet published and with some elements still being discussed within the Commission it has been agreed with defra. These cover date of freezing and first freezing of frozen unprocessed fishery products, fish sold defrosted and added water in the name of the food and ingredients list.

Fiona reported that there was currently an issue as to whether the legal name of the product should be placed on the front of the pack. The legal name is a product description and can be quite lengthy and so a marketing name is usually placed on front of pack with legal name on the back. An issue had arisen with use of the term 'formed' with some local authorities insisting on the legal name being on front of pack. Fiona had now raised this with the Better Regulation Delivery Office Business Expert (Food Standards and Labelling) Group.

5. Fisheries control regulation – traceability enforcement

Peter Wilson explained that product information traceability requirements under the 2009 and 2011 Fisheries Control and Implementing Measures Regulations came into force in January 2012 and over a two year period from January 2013 this information transfer is to be made electronically. The requirements apply to EU caught and not imported seafood and to CN03 (fresh) and not CN16 (processed) products. Seafish guidance on this is available on the Seafish website.

The approach to enforcement had appeared so far to focus on the existing food law traceability requirements which require a food business to be able to provide product information on the basis of a one up and one down approach. However, defra were now reviewing their approach and implementing the requirement to have the information available throughout the seafood chain.

A stakeholder workshop had been held at the MMO offices in Newcastle in March to discuss implementation of the post landing activities which included traceability and in particular the electronic transfer of information. A number of concerns had been raised including the impracticality of this for street traders and van sellers, the mixing

of fish from different boxes at inland markets, the mixing of fish from third countries and EU and concerns that existing bar codes may concern commercially sensitive information.

Mike Weavers from defra had subsequently met with Peter Wilson and Fiona Wright to discuss the Seafish guidance, the issues and ways of taking the introduction of the measures forward with the industry. Peter Wilson had explained that although the Commissions approach of simply adding additional catch information to the existing traceability measures appeared reasonable, this assumed that this was being uniformly applied. For the larger businesses, who already have electronic systems in place, this should not pose too great a problem. However, his concern was with the smaller businesses where the application was less likely to be fully applied anyhow and where the introduction of electronic systems would prove costly and difficult. There is also the anomaly whereby this only applies to EU and not 3rd country seafood. As most of the information is already being reported electronically to fisheries departments under buyers and sellers requirements, Peter thought it might be worth considering making use of this as means of achieving compliance. He had also advised working with food legislation group.

A number of concerns were raised including the mixing of fish from different vessels and catch areas. There was also concern that defra appeared to have altered their approach to enforcement and would be raised with them.

6. Imports and exports – IUU updates

Defra has issued a note to stakeholders informing them that they intend to pay "particularly close attention" to consignments of tuna originating in fisheries off the coast of West Africa. Defra has serious concerns that relate to several issues, including the reliance on forged or fraudulent documents purportedly issued on behalf of national authorities.

According to a recent interview with a DG Mare adviser, DG Mare still has an ongoing "dialogue" with 24 countries worldwide, including China and South Korea, providing advice and offering assistance where necessary to help them deal with IUU fishing. The 24 countries are not listed and DG Mare continues to be secretive about which countries are being inspected.

Stephen Parry reported on an interesting initiative by the Environmental Justice Foundation that was seeking support for a global record of fishing vessels, providing each with a unique identification number. Catherine Pazderka added that she was meeting with them next week to discuss transshipment issues and would report back.

7. Hygiene regulations – updates

Parasites guidance

A final draft of the Commission guidance on the term "obviously contaminated" and associated detection methods is on the SCoFCAH agenda for next week. The

guidance advises that candling is an appropriate detection method. It also covers the action that a business is expected to take regarding the edible and non-edible parts.

Amendments under discussion

The Commission are proposing amendments related to the visible examination for parasites and structural requirements for fishing vessels. These will allow visual inspection of ungutted fish to be deferred to the food business carrying out gutting ashore. For factory vessels it also provides derogation from some of the structural requirements for those that only cook, chill and wrap crustaceans and molluscs on board.

Peter Wilson commented that the proposed amending text for the inspection for parasites applied when fish are landed 'with no delay'. This would exclude pelagic RSW vessels where the catch can be kept on board for several days.

CODEX E.coli criteria

The Commission was considering adopting the CODEX microbiological criterion for molluscan shellfish which is based upon five samples and not one as is the case in the EU. In principle the UK supported this but have concerns with the impact of increased analysis cost.

Chris Leftwich agrees with the need for uniformity. When there is a problem with a harvesting area the French and Dutch downgrade it for a period but then try to bring it back to its original classification. This is not the case in the UK. Sylvia pointed out that the UK was looking to a more reactive approach.

Norovirus standard for molluscan shellfish

A letter had been circulated to interested parties asking for views in establishing a norovirus standard for oysters.

David Jarrad considered this to be a serious issue for the sector and expressed his concerns with the approach being taken by CEFAS and FSA.

Histamine sampling

To maintain consistency with CODEX the Commission is considering adopting a single sample for testing and not a pool from nine as at present.

Brown meat in crab

Fiona Wright explained that brown meat in crab is not subject to the specified cadmium limit for fishery products and the Commission had left it to Member States to provide consumption advice to their consumers. FSA had commissioned some product testing and recently presented the findings at a stakeholder meeting. All samples had been taken from retail with half the products containing brown meat only and the other half containing some and not all the products were of UK origin. The results demonstrated a wide range of cadmium levels with the highest present in processed products. The current level of cadmium intake by consumers is pretty well near the limit due to its presence in cereals and the FSA had no intention of issuing consumer advice as the results were so varied. The report is due to be published in 6 to 8 weeks with blog providing a general overview.

It was thought that removal of the hepatopancreas during processing was worth further investigation as this is where most of the cadmium is thought to be concentrated. Further samples had now been taken and may result in a code of practice for processors.

Ivan Bartolo had also noted an FSA report that amendments can be expected shortly to the current maximum permitted levels of cadmium in seafood. The maximum level for sardine is expected to be raised whilst the levels of a number of fish species will be reduced. It was also reported that the Commission expects to re-assess the cadmium levels in 5 years time.

David Jarrad added that most of the crab processors in Scotland already remove the hepatopancreas. He also wondered why, if the consumption of cereal crops was resulting in intake levels being high, FSA were not issuing advice on their consumption.

Chris Leftwich reported that at Billingsgate they had been asked provide both male and female crab from different areas which had required a lot of effort. He was concerned therefore to find that the samples had apparently been aggregated. It was suggested that FSA be asked if they had taken regions into account.

There was some concern that the blog could generate adverse publicity.

8. New Food Body for Scotland

The Scottish Government wants to make health and nutrition a priority and considers this is better where one body has responsibility for food safety and health. The intention is to create a stand-alone body in Scotland to replace the current FSA Scotland. A recent consultation sought views on whether the new food body could usefully expand its role and also asks how the body's independence from government and food industry can be assured. Seafish considers this will benefit Scottish business to have rules drafted with Scottish issues in mind although these will still be subject to EU laws. However, for businesses operating throughout the UK, measures should be in place for close working between the Devolved Administrations.

Legislation will be required to transfer powers from the current FSA and associated food bodies to the new Scottish Food Body. The details of its role, remit and powers are also subject to a further consultation which proposes new powers for the Scottish Government. Proposals are to require food business to display the results any official food inspection and provide new enforcement sanctions such as administrative penalties or restorative justice in food/feed law. It also includes powers to enable the detention of food, where there are reasonable grounds to suspect it does not meet the requirements of food law in relation to standards or labelling, similar to those for food safety.

9. Any other business

BSI Standard

Catherine Pazderka was concerned that a BSI standard being created in Scotland for food marketing may become a requirement and will forward it.

FSA representation

Sylvia Ankrah reported that she is moving to a new position within FSA and this would be her last meeting. Bindiya Shah would be taking on her role within the Food Legislation Expert Group. The Chair expressed her appreciation with her input to the group and wished her well in her new role.

EU monitoring service

Fiona Wright explained that Seafish had recently signed up to an EU monitoring service that provides up to date information on what is going on within the Commission. This was so far proving to be very useful and she was considering what would be the best approach to make members aware.

Best fish and chip shops web site

Greg Howard reported that the NFFF had developed a smartphone guide for locating the UK's fish and chip shops and restaurants. This was available at <http://ifish4chips.co.uk>

Health certificates for export to China

David Jarrad had become aware of differences in cost when obtaining export health certificates. These have to be signed off by the local authority. In England a local authority was charging £100 for a health certificate and a further £40 for a certificate of origin for live crab export to China. They were also asking for details of the crab five days in advance of export which was not possible as the crab had not even been caught. In Scotland the total charge is £60 and is issued on the day. Chris Leftwich added that as there is no legal requirement for local authorities to do this they are able to charge what they consider appropriate.

Common Marketing Order

The European Parliament and Council had reached a common understanding on outstanding issues at a trilogue meeting held on 8 May. On product labelling it had been agreed subject to confirmation within the Council that this include information on the gear type in wild capture fisheries and that the information on catch area needed to be more detailed. Parliament was no longer insisting on the date of landing.

Hygiene regulations – date of freezing

We still await developments on this

Proposed Animal Health Regulation

One of 5 documents called “Smarter Rules for Safer Food” and including the hygiene charging proposal, the animal health proposal is mainly about animal disease control. It includes rules on registrations and approvals of aquaculture establishments, movements of animals and animal health certification of animals and their products.

Ivan Bartolo had an initial look at the proposal and it would seem that animal health certification is required to accompany all POAO entering the EU from third countries. While this is feasible for most POAO, it should not be necessary for wild caught fish. There is another article which seems to require all POAO to come from zones listed as disease free which again this would not make sense with wild caught fish. He will try to identify who is responsible for the proposal in Defra and seek clarification.

10. Date of Next Meeting

The next meeting will take place on Tuesday 17th September 2013 at Fishmongers Hall, London Bridge, London.

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

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