

SUMMARY PAPER		
Seafood Regulation Expert Group (SREG) Abraham Darby Room, Friends House, 173 - 177 Euston Road, London, NW1 2BJ		
Date:	11.00 – 15.25 on Monday 5th March 2018	
Attendees:	<p>Fiona Wright Ivan Bartolo Hannah Thompson Cristina Fernández Jess Sparks Aoife Martin Dale Rodmell</p> <p>Hugh Mantle Jill Wilson Gary Gould</p> <p>Roger Mason Lesley Fairhurst Laky Zervudachi Joanna Messini Jonathan Sturdy James Brown Julia Churchill-Angus Matt Whittles</p> <p>Dial-In Chris Melville</p> <p>Billijo Jones Gordon Maddan Martin Flanigan Stephen Hendry Josep Campins Alan Dowding</p>	<p>Seafish (Chair) Seafish Seafish Seafish Seafish Seafish National Federation of Fishermen's Organisation (NFFO) National Federation of Fish Friers (NFFF) Food Standards Agency (FSA) Association of Port Health Authorities (APHA) Marine Management Organisation (MMO) Waitrose Direct Seafoods UK DEFRA DEFRA DEFRA DEFRA DEFRA</p> <p>Seafood Grimsby and Humber/ Grimsby Fish Merchants Association West Yorkshire Trading Standards Office for Product Safety and Standards Aquaculture Initiative (EEIG) Food Standards Scotland (FSS) Food Standards Scotland (FSS) Food Standards Agency (FSA)</p>
Apologies:	<p>Jimmy Buchan Doug McLeod Jennifer Howie Chris Leftwich</p> <p>Martin Forsyth Gordon Hart Tim Silverthorne David Jarrad Mike Short Malcolm Morrison Martyn Boyers Mark Simmonds Debbie Sharpe</p>	<p>Scottish Seafood Association British Trout Association (BTA) Food Standards Scotland Inland Wholesale Markets/Shellfish Association of Great Britain. British Frozen Food Federation (BFFF) Marine Scotland National Federation of Fishmongers Shellfish Association of Great Britain Seafood Industry Alliance Scottish Fishermen's Federation British Ports Association British Ports Association Food Standards Agency Northern Ireland</p>

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Key Action Points:

1. Seafish to circulate a link to the details of a project sponsored by the FSA on depuration, to the SREG.
2. FSS to distribute a copy of the updated depuration guide for local authorities, when available.
3. Seafish to add Martin Flanigan to the Brussels newsletter circulation list.
4. Seafish to send DEFRA information on ranching query.
5. Seafish to circulate WRAP's plastic waste and recycling strategy letter to the SREG.
6. Regulatory Delivery to circulate HMRC's presentation slides on the new Customs Declaration System (CDS), to the SREG.

Key discussion points

1. Welcome and Apologies

Fiona Wright welcomes all to the meeting and introduces Aoife Martin, Seafish's Operations Director to the group.

2. Housekeeping

- **Minutes from the last meeting**

One comment on December's minutes had been received from the Aquaculture Initiative. The comment sought to include further clarification of their statement regarding the issue of plastics being different for fisheries than for aquaculture.

The comment seeks to include that in all aspects, from Brexit to plastics, aquaculture's issues are largely similar to fisheries, yet different sets of issues do exist between the two. This is because the nature of the two sectors are considerably different, one is catching marketable fish, the other is feeding and growing small fish to a marketable size, and so aquaculture issues would need to be looked at / considered separately.

Members agree to include the changes proposed to December's minutes.

3. Updates from Industry Representatives

Direct Seafoods UK

Many in the food service sector are struggling. People are feeling the pinch and are nervous about Brexit, holding back their money and eating out less to the point that eating out has become a luxury. Big brands are sitting on their laurels, having undertaken too much expansion; they are pulling up the drawbridge.

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NPD Crest has done some work analysing these issues in the food service sector. Seafish comment that they have also picked up on these issues and those highlighted by NPD Crest, in a piece of work available on the Seafish website.

Association of Port Health Authorities (APHA)

APHA have had success in passing their handbook on to importers and have seen equivalent success in their ship inspection certification work, having held a series of Ship Inspection Workshops that reported extremely positive feedback.

APHA have been engaged with the Director General Cross Border Co-ordination, facilitating the coordination of a meeting with port health authorities most likely to be affected by Brexit, in terms of imports from the EU. The meeting was very good, with good attendance from port health authorities. Potential options and scenarios post-Brexit were explored, although detail can't be given, conversations sought to ensure the flow of trade irrespective of the deal negotiated.

National Federation of Fishermen's Organisation

The NFFO note their satisfaction with the Prime Minister's speech on the UK's future economic partnership with the EU. Fishing remains exempt from the transition period, which they believe is good but there are still big questions on TACs and quotas over the transition period.

Less positive however are trade issues. The NFFO are looking to better support their shellfish memberships as they stand to not benefit from quota changes with Brexit. The Organisation is thinking about commissioning a study to look at trade flows and tariff and non-tariff barriers to shellfish trade.

The NFFO are still anticipating the White Paper due to precede the Fisheries Bill. The Organisation will be heavily engaged when the details of post-Brexit fisheries management are made available through the White Paper. Will primary legislation be required? There needs to be a flexible arrangement for making the frequent decisions required in fisheries management. It cannot take a long time for decision to pass through; a balance needs to be found. In the Organisation's view there are two main issues to fisheries management; devolution and avoidance of politicising the situation.

With regards to Marine Conservation Zones; although tranche three was originally scheduled for April it is now more likely to be summer. There seems to be some ambition beyond designation though, with a vision to move to a whole site approach. This approach was mentioned in DEFRA's 25 Year Environment Plan, but emphasises that socio-economics need to be taken into account.

On Marine Protected Area management; adaptive management is being looked at. Some very good text on this can be found in the draft Welsh Marine Plan.

Aquaculture Initiative

The Aquaculture Initiative has been holding meetings with fin-fish producers and workshops on trout farm design. The Initiative has been working proactively to encourage cooperation.

2. Housekeeping

- **Actions from the last meeting**

- Neither Doug McLeod or Gordon Maddan were available at the time the item was raised to confirm whether the Free Trade Agreements sub-group of the Trade Facilitation Expert Panel has been made aware of the countervailing measures issue on imports of Turkish trout¹.
- Ivan Bartolo sent Doug McLeod information on the Department of International Trade's efforts to connect with industry on trade remedies.
- Seafish had a catch up phone call with the FSA in January regarding the outcomes of December's official controls meeting. Jill Wilson will provide the SREG with an update on official controls and the Commission's Bivalve Mollusc Working Group during the meeting.
- Roger Mason consulted with MMO colleagues and advised the SREG member concerned that the only paper required is the application form as the wet signature is required by the EU. Other than that, all other documentation can be done online or uploaded onto the online system.
- The Commission conclusion on dual quality food was circulated on 1st March 2018.
- Slides presented by the Sea Fisheries Protection Authority, Seafish's update on their 'healthy fish and chips' project, and NOAA's guidance documents on import provisions and compliance with the US Marine Mammal Protection Act were all distributed to members on 22nd December 2017.

4. Updates from Government

- **Food Standards Agency (FSA)**

Official Controls

There have been a couple of meetings on official controls but most of the discussions have been on meat issues. In terms of fisheries, there were no real issues to report.

EU Working Group Updates (inc. French Scallop Proposal)

With regards to bivalves there has been a bit of to-ing and fro-ing on scallops. This is largely between the French and the Irish. The French don't like the Irish submission, and made an alternative proposal the night before the EU Bivalve Mollusc Working Group meeting, which the Chair refused to discuss.

As there was no agreement between Member States; the provisions for derogation decision 2002/226 have been provisionally removed from the draft legislation, so for now the regulations stay as they are. In reality, no change is likely to happen as the

¹ Post Meeting Note- Doug McLeod has been in contact with Gordon Maddan and plans to attend the next Trade Facilitation Expert Panel meeting.

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UK and Ireland are very opposed and the FSA note that it has taken this long to get this far.

The FSA discusses the tight deadlines surrounding the implementation of this regulation and explains that the deadlines are set by the 2017/625 regulations. New measures must be in place by 14th December 2019, agreed a year before, with three months for translation work but adds that an acceptable text is very close.

The Aquaculture Initiative asked whether there has been any change to E.coli regulations. The FSA advise that no substantive change has taken place; the changes to the regulations are more of a tidy up. Substantive changes are incredibly hard to agree so are unlikely.

Seafish enquire into the hygiene consultation distributed by the FSA at the end of the 2017, and asked if there has been any feedback from the Commission. The FSA advise that the Commission are only asking about official controls at the moment as this is the more urgent matter. Discussions will return to hygiene soon and adds that Seafish were the only respondents to the consultation.

Seafish draws reference to a recent meeting of the Standing Committee on Plants Animals, Food and Feed (SCoPAFF), specifically the matter of EU and US bivalve equivalence. Currently, Spain and the Netherlands are the only Member States able to trade bivalves with the US but there is hope that other countries will also be able to export to the US soon. Seafish ask when 'soon' may be. The FSA respond that a timescale has never been given, but it does seem to be held up at the US end. The process itself is set out in work by the European Union Reference Laboratory (EURL).

- **Food Standards Scotland (FSS)**

Josep Campins has been updating the depuration guide for local authorities. The guide went out for consultation just before Christmas (2017) and hopes to have it finalised soon. There are no significant changes; the intention is just to make sure the guidance is out there.

Aquaculture Initiative asked if there were any answers as to whether depuration reduced norovirus. The FSA advised that they sponsored a research project into this and it did not find a silver bullet.

- **Marine Management Organisation (MMO)**

Fisheries Control

The MMO have continued their work on catch certifications for exports, working with exporters who will be completing these catch certificates come EU-exit, although the position post-Brexit is still unknown. During the current phase of work they will be meeting with stakeholders who will be likely to have to apply for catch certificates after EU exit, and will also be trialling an online platform for electronic submission of applications.

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Food Traceability and Improvements to Data Collection

The MMO have been working with industry on <10m and 10-12m data collection reporting, including the provision of an electronic system. This system would be especially useful when it comes to getting information quickly. Similar work is also continuing with regard to transport documents. The next phase of work on these projects should commence later this month (March).

The NFFO ask about timescales for the electronic system and the MMO advise that they anticipate having something for industry to test before the end of the year, but there is no set introductory date.

IUU

The IUU team in the MMO has welcomed a new senior manager, working one to two days per week. The current work programme includes relationship building with port health authorities, and where required, will focus on the training of port health authority staff in import/export documentation and learning where to get information from for the verification of catch certificates.

The IUU team have also been engaging with the EU's IUU Working Group and have been contributing to work on TRACES.

Seafish enquired into Thailand's IUU card status. Having been issued with a yellow-card and following meetings between Thailand and the EU, is there any indication of a change in card status? The MMO advise that an EU meeting in December suggested that Thailand had been cooperating but there was no indication whether the yellow card would be removed.

- **Marine Scotland**

The following written update was read to the group:

Collaboration on the US Marine Mammal Protection Act

Background

- *The US Govt. through the implementation of their Marine Mammal Protection Act (MMPA), is seeking to reduce marine mammal bycatch associated with international commercial fishing operations, by requiring nations exporting fish and fish products to the United States to be held to the same standards as US commercial fishing operations. This US domestic legislation has potential to disrupt and restrict certain sea food exports from many exporting nations including the UK.*
- *The Regulation also establishes the criteria for evaluating a harvesting nation's regulatory program for reducing marine mammal bycatch and the procedures required to receive authorisation to import fish and fish products into the United States.*
- *To ensure effective implementation, the Regulation has a 5 year exemption period to allow foreign harvesting nations time to develop, as appropriate, regulatory programs comparable in effectiveness to US programs. This means that this does not come into force until 2022 although in reality*

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countries have to demonstrate compliance or working towards compliance by 2019.

- The US believe this marks a significant step forward in the global conservation of marine mammals and expanding international collaboration for best practice in sustainable harvesting and marine stewardship.*

Current position

- Officials within Marine Scotland, alongside colleagues in the Scottish Government Food and Drink Team, have been proactive in engaging with all the sectors potentially impacted by the Regulation.*
- In addition we have maintained regular dialogue with Defra as they have looked to collate the UK element of a wider EU response to the Regulation.*
- As currently envisaged the Regulation would potentially impact on processors and exporters of fish based food products.*
- The precise implications of the US regulations are less clear in a number of areas for many exporting countries.*
- We are engaged with Defra and the EU in seeking clarification on a number of key areas to our fisheries, and initiated a further series of questions for the US on Scottish specific areas where clarity is required.*
- Marine Scotland has also held informal discussions with counterparts in the Canadian Govt. and further dialogue is expected on common areas of concern.*
- February 2018 - Scottish Government and Defra working with UKREP to seek meeting, through the European Commission, with US Authorities.*
- February 2018 - Scottish Parliament: Parliamentary Question on the US MMPA about Scottish Government meetings with stakeholders, lodged by MSP Mark Ruskell*

Seafish draws reference to the five year exemption period and notes that by the time this exemption period comes to an end, the UK will not be part of the EU. The UK should be prepared to cooperate with the US without the EU.

IUU

Not much happening on IUU at the moment, UK Fisheries officials are considering options around future requirements for Catch and Export Certification post Brexit. I can't share anything on this at the moment as discussions are at a very early stage.

New EU Technical Conservation Regulation

- The European Parliament settled on a position in a plenary vote on the European Commission's proposal. A vote took place on 16 January, where the Parliament voted by 399 votes to 189 (with 86 abstentions) for a set of amendments to the Commission's March 2016 proposals.*
- There is therefore now both a Council position (agreed in April 2017) and a Parliament position on the Commission proposal. The way is open to inter-institutional negotiations and we are in discussions with other UK Administrations about the approach to the "trilogue."*

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- *Despite the very wide ranging nature of the Technical Conservation proposal, the focus of the Parliament on 16 January was very much on the issue of **electric pulse trawling**, which is of particular importance to Dutch beam trawlers fishing for flat fish in the southern North Sea. Environmental organisations, as well as French, English and other EU fishermen, have expressed concern about the scale of pulse trawling now under way and **the Parliament voted for a total ban on the use of electric pulse trawling**. The Parliament was also concerned to bring **recreational fisheries** within the scope of all of the regulation, which the Council in general opposed. Further, the Parliament sought to reintroduce and add to the **quantitative targets** for catches of juvenile fish that the Council had largely deleted from the Council proposal, considering them to be unnecessary in light of the landing obligation now included in the basic regulation. The Parliament also sought to water down significantly the flexibility in sea basins intended to be made possible through the **regionalisation provisions** of the Commission proposal, which the UK was a strong supporter of, with the Parliament characteristically backing a “Union approach”.*
- *The UK has maintained throughout the consideration of the proposal an approach agreed among the UK Administrations that favoured wide-ranging simplification and the establishment of minimum common standards but with scope for regional and technical innovation. We also favoured appropriate measures to minimise cetacean and sea-bird by-catch.*

The Council Working Group is now looking at the Parliament’s amendments, considering which might be acceptable, and we are working with other UK Administrations to pursue agreed UK positions.

The NFFO comment that collective management may be difficult.

- **Regulatory Delivery (information supplied by Seafish)**

In anticipation of a last minute apology from the Regulatory Delivery representative, Seafish provided an update on the following areas:

Changes to Regulatory Delivery

In January 2018, Regulatory Delivery became the Office for Product Safety and Standards (OPS&S). This is to reflect the Office’s additional responsibilities to product safety particularly related to white goods and in light of the Grenfell disaster. OPS&S’ scope already covered food so no change is expected there.

Primary Authority 3

The IT system for Primary Authority has been simplified and a series of roadshows have been taking place with local authorities.

Brexit

The European Commission has published its draft Withdrawal Agreement which contains provisions for the circulation of goods placed on the market. Previous questions had been raised regarding EU food law governing from farm to fork, so are

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live animals intended for food included as a 'good'? The draft Withdrawal Agreement sets out that a 'good' is only a 'good' once it has had a degree of processing, so is post-manufacture. This would mean that primary production products are excluded.

The FSA contribute that they have looked into this matter and it is particularly complicated for fish. Fish on the boats and on the quay are already treated as food as it is subject to food regulations such as the hygiene rules.

Seafish query the customs definition of a good, does that tally with the definition in the Withdrawal Agreement? Seafish also directs members to the European Commission's website for a guide on goods placed on the market, which also talks about a transition period.

Alongside live animals, other animal products including food and feed of animal origin and animal by products are also exempt from free movement.

The section of the Withdrawal Agreement on intellectual property seems to indicate that there will be UK laws on trademark registrations such as Protected Geographical Indicators, Protected Designations of Origin and that the EU will recognise these.

On consumer rights; anything sold in the EU will have full consumer rights, but an EU address would be required to benefit from this.

The movement of live animals to the EU will require third country paperwork.

The NFFO comment that these are weighty issues and suggests that the matter may be an ideal topic to explore in the next SREG meeting.

Seafish recommends their weekly Brexit newsletter for the latest Brexit news.

7. Updates from Seafish

- **Brussels Developments**

[DG SANTE publishes a market study on date marking and other information provided on food labels and food waste prevention](#)

This study has been carried out to help inform EU actions to prevent food waste. The study examined the practical application of EU date labelling legislation and its implication for food waste prevention. The main food categories contributing to food waste were fruit and vegetables, bakery products, meat including fish and poultry and dairy products. The study's recommendations call for the production of technical guidance for food businesses on: how to determine shelf life, the choice between use by and best before date marks, specific storage advice and open life instructions and examine opportunities for possible extension to product life. Further research is needed regarding consumers' use of date marks and storage advice in order to help to inform future policy making.

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NFFF questions whether this information is just for manufacturers. Seafish responds that the guidance is for everyone.

Public consultation on the transparency and sustainability of the EU risk assessment model in the food chain

EU citizens have put into question EFSA's risk assessment model based on studies provided by the industry and this particularly where the industry seeks an authorisation, e.g. for pesticides, GMOs etc. The Commission is seeking stakeholder views on:

- The transparency and independence of the EU risk assessment system with respect to the underlying industry studies and information on which EFSA's risk assessment/scientific advice is based
- Risk communication, and
- The governance of EFSA, in particular the involvement of the EU Member States in the EU risk assessment system.

ECJ concludes that the Fisheries Agreement between the EU and Morocco is valid in so far as it is not applicable to Western Sahara and to its adjacent waters. Source ECJ.

A recent Judgment of the European Court of Justice holds that international agreements concluded by the EU are compatible with the treaties and the rules of international law which bind the EU. The Court examines, in the second place, the validity of the Fisheries Agreement. The ECJ in the second place examines the validity of the Fisheries Agreement and it notes, first of all, that the Fisheries Agreement is applicable to the "territory of Morocco", an expression equivalent to the concept of "territory of the Kingdom of Morocco" in the Association Agreement. If the territory of Western Sahara were to be included within the scope of the Fisheries Agreement, that would be contrary to certain rules of general international law that are applicable in relations between the EU and Kingdom of Morocco, inter alia the principle of self-determination. Equally, the Court holds that, taking account of the fact that the territory of Western Sahara does not form part of the territory of the Kingdom of Morocco; the waters adjacent to the territory of Western Sahara are not part of the Moroccan fishing zone referred to in the Fisheries Agreement. Therefore the "Moroccan fishing zone" under the Protocol does not include the waters adjacent to the territory of Western Sahara.

4. Updates from Government

- **Department for Environment, Food and Rural Affairs (DEFRA)**

Fish Name Designations

Jonathan Sturdy has recently taken responsibility for this role within DEFRA. There are currently two species waiting to be added to the Official List: 'Greenland Cockle' and 'Red Argentinian Shrimp'. It is hoped they will be added in the next six weeks. Rather than adding one species at a time, DEFRA anticipate bunching species together for one submission onto the list in future.

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Seafish ask whether businesses could find themselves waiting a while for their proposed fish name to be included on the list, if species are to be bunched together into one submission. DEFRA respond that they are looking to make inclusions to the list several times per year. As long as the fish experts provide their response in a timely fashion; businesses can get temporary approval to use a proposed commercial designation. DEFRA are very aware that they don't want to hinder business. Seafish contribute that they are working on a guide to the commercial designation of fish names and hopes to have it assured by Primary Authority.

Seafish enquire into the current membership of the Fish Names Expert Group, DEFRA advise that some members of the group have retired recently but replacements have been found. CEFAS and the Natural History Museum continue to be members.

Seafish enquire into the status of ranched fish, should they be designated as caught or farmed? Ranching involves wild caught fish being held in pens for a few days or are captured small and grown on in pens. At what point is the fish classed as farmed? In terms of origin, fish/shellfish are classed as 'originating' from an area when they have been there six months. Waitrose also expressed interest in hearing a response from DEFRA on this matter as they are currently looking at the sustainability of ranching. There were discussions surrounding whether keeping wild caught fish alive in pens could be classed as aquaculture, members recommend that if a fish is being fed then it is aquaculture. Others argue that an aquaculture licence is not required for holding lobsters unless they are being fed. The SREG requests clarity on ranching and on the holding of wild caught fish. DEFRA is to take the query away to find an appropriate position.

Common Organisation of the Markets Regulation (CMO) (1379/2013) and its Statutory Instrument

Joanna Messini is the policy lead on the CMO in DEFRA. The new Statutory Instrument (SI) for the CMO regulations seeks to move away from the current criminal prosecution approach to enforcement. The current enforcement provisions are set out in the Sea Fish (Marketing Standards) Regulations 1986 and as such are outdated. The new SI provides for a more flexible approach to enforcement, where a favoured use of compliance notices and civil sanctions will see enforcers working with industry.

The SI is being implemented for two reasons. Firstly, to aid consistency with other improvement notice enforcement mechanisms, and secondly because it simply has to be done. DEFRA believe that compliance should work better under the new SI and have been working with the MMO to ensure industry are aware of the changes.

The SI will only apply to England, Wales and Northern Ireland. Scotland has already applied this legislation and has instead adopted a criminal prosecution approach to enforcement. DEFRA suggests that if the Scottish policy leads on CMO, are thinking about going down a light hearted approach to prosecution, now is the time to do it. DEFRA are coordinating the SI in 5.5 months with the urgency of Brexit and if the Scottish policy leads have gaps in the legislation, they should consider filling them now. Joanna offers her contact details to Scottish policy leads.

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The CMO SI is due for signature on 12th March, with the order scheduled to be laid on 28th March and implemented on 30th April.

In the second quarter of 2018; the Commission plans to launch a 12 week consultation on the 1379/2013 regulations. The consultation is in response to industry concern surrounding the mandatory requirements for fishing gear. Some feel this requirement victimises sectors such as bottom trawlers as consumers are influenced by the gears perceived negative impact. Concern has been raised in particular by the Northern Irish and Spanish bottom trawl sectors with France also noting some concern. The consultation is also in response to confusion surrounding the date of frozen fish and comments that consumers find 'date of catch' particularly useful.

The Commission have listened to these concerns/comments so will be asking industry for their views in the consultation, DEFRA will not be involved at this stage. The Commission has ruled out a full scale review of the 1379/2013 regulations but suggests that if big issues are revealed, they will listen and may propose to make fishing gear requirements voluntary (instead of mandatory) and 'date of catch' mandatory (instead of voluntary).

By June/July 2018 the Commission anticipates having a document for a way forward. It will be at this point that DEFRA will get involved. The consultation may be sent directly to industry but will also be available on the Commission website.

Seafish comment that when the CMO regulations were first introduced, industry were concerned that there was not enough space on the label to detail all the required information especially as the Commission had said no to QR codes. The supplement industry is producing guidance on peelable labels. This could be extended to fish labels if a need can be proven.

Mandatory requirements for 'date of catch' labelling were also proposed in the initial 1379/2013 regulations, which was not well received by industry at the time and was subsequently removed. Seafish still have the supporting information on this and DEFRA recommends that industry makes points such as these very clear in their responses to the consultation.

Seafish participate in the Commission's Markets Advisory Council (MAC) and expect the MAC will be consulted on the CMO.

7. Updates from Seafish

- **European Commission's Consultation on Country of Origin Labelling**

The proposed implementing regulation is required by the FIC regulation and therefore only applies to products pre-packed for the consumer. It requires that where an indication of origin or provenance is given that differs from that of the primary ingredients used, this must be stated. There have been consultations and amended drafts previously but this latest draft appears to be going back to the original text.

So the potential issues are:

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A lack of clarity around protected geographical origins with the potential to cause barriers to trade.

The regulation shall not apply to protected geographical indications, nor to trademarks, pending the adoption of specific rules. With no indication of when this certainty might be given. Without clarity member states are free to set their own interpretations and when this differs between Member States, trade between the countries can be affected. This is outside of the rules of mutual recognition as it is not the regulation differing but the interpretation.

Protected Geographic Origins (PGO) often relate to characteristics derived from traditional processing in a specific place and not necessarily that the raw materials come from the same place. This is what the consumer is purchasing. Very detailed specifications are required to obtain a PGO and this protects the consumer and declaring the origin of the ingredients is unnecessary.

There is a similar lack of clarity on trademarks, what is considered a trademark has a wide interpretation. If the interpretation extends beyond registered trademarks to established trademarks then most brand images and names will be included. This has the potential to affect businesses using place names or images as a brand. Particularly if the place does not exist but is used to create an image, such as Loch X

We support the inclusion of FAO fishing areas as an origin.

Label space of general disclaimer for variable supply.

Article 2 (b) permits a general statement to allow for situations where the origin can vary "(name of the primary ingredient) do/does not originate from (the country of origin or the place of provenance of the food)" or any similar wording likely to have the same meaning for the consumer. This could take up valuable label space and there could potentially be more than one ingredient requiring this disclaimer. Seafish comment that it is difficult to see how any words meaning the same thing could be provide for a shorter statement. The issue of labelling space is made worse by Article 3 which requires the indication of differing origin to be at 75% font size and in the same field of vision.

The need for a transition phase.

The regulation will apply from 1st April 2019, which is an unreasonably short timescale, given that this could require significant labelling changes. Industry should be given a reasonable transition period to use up existing packaging stocks and redesign packaging.

The definition of primary ingredient is not fit for purpose.

The definition of a primary ingredient in the FIC regulations is; 'an ingredient or ingredients of a food that represent more than 50 % of that food or which are usually associated with the name of the food by the consumer and for which in most cases a quantitative indication is required'. Without further exemptions to this, there will be a need to declare origins of ingredients over 50% that will not affect consumer purchasing decisions or having to declare the origin of minor ingredients. For example a prawn cracker showing Chinese symbols could need to indicate the origin of the tapioca starch of over 50% and/or the catch area for the prawn puree

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component. Both are likely to be subject to variable supply and unlikely to affect any purchasing decisions.

The Commission received 143 responses to the consultation with Dairy UK being the largest UK trade association to respond.

FSS comment that most processed goods do not require origin labelling so questions whether this regulation would actually make it mandatory.

5. US Marine Mammal Protection Act (MMPA)

In summer 2017, the EU asked Member States for comments on the draft List of Foreign Fisheries (LoFF) published by the United States' under amended provisions of the MMPA, as well as for general comments on the proposals. DEFRA found that the information in the LoFF was almost correct; there were some species not exported from the UK to the US which should be excluded from the list and some species that are exported from the UK to the US that had not been included. Marine Scotland has been working with the salmon industry on the matter and DEFRA understood the main issues with the proposed amendments to the MMPA relate to salmon farming. These points were formalised into a UK response to the EU but specific issues for intermediary nations were not flagged. The EU incorporated some of the questions from the UK's response into an official letter to the US at the end of 2017, and a reply from the US is still anticipated.

Seafish asked whether the changes to the MMPA will impose limits on by-catch or require methods comparable to the US to reduce by-catch. DEFRA advise that whilst the US has not yet provided enough clarification on this, they seem to be looking for zero or 'insignificant' levels of by catch with measures in place that are comparable to the US.

DEFRA addressed the four questions they received from Seafish in advance of the meeting:

1. With Brexit looming, should we be starting to prepare to co-operate with US directly or to align ourselves better with other countries?

DEFRA recommend that, right now, the UK must go through the EU with regards to the MMPA. There are still 4 years left of the 5 year exemption period so DEFRA believe there is still time to flag issues to the US. The EU has been speaking to Canada on the issue but did not uncover much more information from them.

2. What impact is DEFRA expecting?

The impact on salmon farming is better known but due to the lack of clarification from the US, the impact elsewhere is unclear.

3. What evidence is needed in support of a comparability finding?

DEFRA are awaiting further information on the evidence the US requires in support of a comparability finding application.

4. Is there potential for a complaint to be lodged with the dispute settlement body of the WTO on the grounds of these new rules imposing barriers to trade?

It is too early to submit a complaint; DEFRA advise that any complaint would have to go through the EU.

Seafish asked whether the UK has a national plan in relation to the MMPA, as the five year exemption period will finish when the UK has left the EU. DEFRA advise that the UK cannot be seen to be going its own way on the matter. The UK can have informal discussions, and when free trade agreements come to be discussed, barriers to trade are a part of that. Seafish mentions the Seafood Expo North America in Boston and highlights that the MMPA will affect the building of new trade links.

DEFRA understand that a fishery can re-apply for a comparability finding every four years. Questions surrounding whether pre-emptive applications can be submitted and whether comparability findings will go direct to the US or to the EU, will be taken away by DEFRA for an answer.

Seafish highlight a lack of fish trade information for assessing the impact of the intermediary nation requirements. DEFRA clarify that should an individual fishery fail a comparability finding, that fishery, not the whole of the UK would face an import prohibition. Data in the LoFF should be based on the information DEFRA submitted to NOAA however Seafish draws attention to a version of the LoFF available on the NOAA website that includes references to the data sources used. This version makes reference to data sources such as US trade data. The burden of no information was discussed and DEFRA advised that a new LoFF was due to be published in January 2018.

The Commission are speaking to NOAA in the near future and UKREP are placed to highlight UK issues.

With regards to the export of shellfish to the US, one member draws reference to the proposed Transatlantic Trade and Investment Partnership (TTIP). As part of this trade agreement; the US wanted to make sure that shellfish harvesting areas are not near wastewater discharges. The minimum distance required from a waste source was believed to be much greater in the US than the UK and potential differences in test methods may also exist. The FSA comment that the UK tests the water for algae and the flesh of the mollusc for microbes and toxins, which does differ to the US. There has been an equivalence agreement between the US and EU on the matter for quite a while and draws reference to the EURL work mentioned previously, which offers guidance for complying with the US. DEFRA comment that non-tariff barriers to trade such as these are great to know particularly as the US has been identified as a key free trade agreement for the UK.

6. Insights into DEFRA's Work to Tackle Plastic Pollution in our Oceans

DEFRA's marine pollution branch gave a presentation titled 'Problem with Plastics: bad news, good news, and what is the risk?' to the SREG. James Brown is the policy lead on the non-contaminant side of plastic pollution in DEFRA, and deals with plastics in the marine litter sense.

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In terms of 'bad news' he discussed that patents for plastics began in the 1950s, and since then global plastic production increased to around 300 million tonnes per year in 2013 with production expected to reach 1,800 million tonnes by 2050. DEFRA advise that a total of 12.2 million tonnes of plastic per year is entering the marine environment with an estimated 150 million tonnes of plastic currently in the seas.

On 22nd February; new research by Plymouth Marine Laboratory, University of Exeter and the Cornish Seal Sanctuary was published in the Environmental Pollution journal. The research looked at the transfer of microplastics up the food chain by analysing the plastic content of excrement samples from captive seals and the digestive tracts from the wild caught Mackerel they were fed. Approximately half of the seal samples and a third of fish samples contained microplastics.

DEFRA discussed the adverse effects microplastics can have in fish; blockage of the gut, chemical toxicity and damage to the fish's lungs. It is unknown if there is a meaningful exposure to microplastics for humans but there are few health concerns for people consuming fish, although this is not to say that health concerns do not exist.

Seafish asked if any testing has been done at retail. Waitrose discussed a recent Daily Mail report which tested fish at retail level. They did find a small amount of blue plastic, which was more likely to have come from the factory. It is very early days but Waitrose are working with suppliers and universities on the matter but highlight that even with all the information, working out how to prevent it is another issue. Waitrose recommend establishing a program between retailers, the FSA and DEFRA and adds that many don't realise farmed fish are fed with fish. Seafish recommend that although a risk is not identifiable, there is still public concern.

The chemical contaminants representative from the FSA advised that they are not routinely testing for plastic at retail level. There is a potential for plastic artefacts to be found in fish but unreliable information exacerbates the situation. In reality greater risk is posed by plastics acting as a vector for Polychlorinated biphenyls (PCBs) and other organic chemicals, high levels of which are evidenced in shellfish. Some good laboratory experiments have been conducted in this field; facial scrub particles in particular can get contaminants to shellfish and fish. There is more of a focus on monitoring the chemicals themselves. Microplastics do not constitute a toxicological concern; they do not accumulate indefinitely and can be excreted. The FSA suggest that although microplastics in shellfish are not desirable, given the numbers they should not be of the highest concern.

Nanoplastics in shellfish are the greater concern. Plymouth Marine Laboratory is researching nanoplastics in shellfish. DEFRA acknowledged that nanoplastics in shellfish may present a larger issue, but the problem is only just being understood.

Seafish have produced an information sheet on microplastics which echoes these sentiments. When looking at contamination levels in seafood, levels of organic contaminants ingested through microplastics make a negligible contribution. Contamination levels continue to be tested as part of official controls procedures and consumption of fish guts will elevate any contamination risks.

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The FSA acknowledges a heavy focus on the effect of plastics on the marine environment, but there are other associated issues. The use of fish meal as feed for land animals, microplastics in the soil for cattle grazing, compostable materials, dust and air, all constitute other exposure routes.

In terms of future regulation; it has been determined that there are sufficient regulations in place to cover the issue. DEFRA conveys difficulties in negotiations with other countries that are not willing to act and difficulties in taking countries through the Courts of Justice for non-compliance.

DEFRA also mentions the proposal for a new resource and waste strategy as set out in their 25 Year Environment Plan and notes that this strategy is separate to the Treasury review. There is no fast solution to this issue, plastics are already in the system and the vast majority cannot be removed. Mass clean ups are inefficient if the problem is not being stopped at the source. The UK is hosting a meeting for the heads of the Commonwealth in April and plastics will be one of the main topics of conversation.

Some plastic contaminants are so small; there is a struggle to find evidence of them in the sea, for example rubber particles released during wear and tear of a tyre. The likelihood is the particles are trapped in the drainage system and subsequently re-applied to the land.

Plastic has a life span of 700 years. However DEFRA identify that the environmental footprint of alternatives to single-use plastic e.g. aluminium, may not be far off that of plastic.

Despite 80% of marine litter coming from land based activities; around 20% does come from the coast (although some argue more of a 50/50 split). Many countries have no waste management in place and deposit their waste by rivers, so by comparison the UK is doing well. The SREG discussed the capabilities of the UK's recycling and incineration infrastructure.

The representative from the FSA's chemical contaminants team discussed another study on the transfer of plastic particles to Fulmar birds in the North Sea. Fulmars are studied because they cannot regurgitate, so accumulate the plastic they ingest. The research reported only very small levels plastic ingestion in the birds. However there are wider implications for toxicity in other animals. Once plastic is in the ecosystem, it's in.

The Office for Products Safety and Standards comments that this highlights the need for robust processes to ensure evidence is taken into account in decision making and are not just knee-jerk reactions.

The NFFO recognises the efforts of their members in helping to reduce fishing litter.

The UK government has pledged their support for the Global Ghost Gear Initiative. The initiative provides guidance to decrease the abundance and effects of ghost gear. The DEFRA minister wants to see worldwide action on ghost fishing gear. Charity bags are also available for fishermen to store and dispose of waste. Although

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there is a cost associated to disposal at the landing port; DEFRA are trying to improve accessibility.

Farmed salmon are using less fish meal, opting instead of vegetable based feed. One member surmised that in time, farmed fish could be more plastic free than wild caught.

4. Updates from Government

- **Regulatory Delivery**

Changes to Regulatory Delivery

Gordon Maddan confirmed that Regulatory Delivery has become the Office for Product Safety and Standards (OPS&S). The Office has received an extra £12 million in government funding to cover the additional responsibilities of product safety but remains very interested in their expert panels and in Primary Authority.

OPS&S has policy development responsibilities for product safety, metrology and regulatory delivery and are making efforts to get closer to stakeholders. They have been looking at the recall process with the FSA.

Brexit

The Trade Facilitation Expert Panel meeting scheduled to take place on 28th February was cancelled due to the snow. HMRC were scheduled to present on the new Customs Declaration System (CDS) intended to replace CHIEF. Representatives from all government departments were due to attend the panel meeting to try to tease out the adequacy of business engagement.

The Business Reference Panel is also due to meet on 7th March and hopes to be attended by the Small Business Commissioner. HSE will talk about blue tape and PAS technical specifications will also be discussed. There is a lack of keenness from government to continue with earlier work on supply chains, given the Brexit workload.

Primary Authority 3

The new IT system appears to be running well and has settled in. Primary Authority is operating business-as-usual, working to sign up 250,000 businesses by 2020.

5. Updates from Seafish

- **Imports**

Re-enforced checks

The FSA have now introduced a Re-enforced Checks Information Service. Every week they send out an email with a list of businesses on the "Article 24" re-enforced check list i.e. those businesses that have had a consignment of food rejected and now are undergoing 100% testing (for the following 10 consignments). The plan is to move from an email circulation list to a link on the FSA website. You can ask to join the circulation list by emailing imported.food@food.gov.uk.

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India

Directorate F (formerly the FVO) conducted an audit of Indian fishery product safety systems in late November. The results have not been published yet and are expected in a few weeks. From the small amount of feedback we have received so far, we do not believe that the European Commission is going to impose any new restrictive measures on aquaculture product India. The November audit was essentially a food safety audit. Another audit is planned for April 2018, and this will be focusing on India's controls on antibiotics and other veterinary medicines.

A Dutch initiative resulted in various meetings between government, NGOs and businesses, which took place in Goa, India in association with the India Seafood Show, 27-29 January. UK importers were represented (e.g. Allen Townsend, Iceland Seafood; Tracey Hart, Dockside). SIPA was also represented. Participants included Mr Elias Sait (SEAI), Dr A. Jayathilak (MPEDA), Dr Saxena (EIC) and Wojciech Dziworski (DG SANTE). Press reports said the dialogues were confrontational but the SIPA and Iceland Seafood members reported this was not the case, and that the talks increased understanding between all participants. Some light was shed on India's "one strike and you're out" policy with exporters with rejected consignments at the EU border. It appears the Commission was instrumental in introducing this rule.

Vietnam

Vietnam was subjected to an audit by the FVO in June 2017, focusing on systems covering hygiene and safe handling of fishery products, with an emphasis on pangasius and tuna. The inspectors returned in November for a follow-up visit and the audit report has just been published. Non-compliances were found and are being addressed. One of the findings was that brine-frozen tuna intended for canning is being diverted to the fresh and frozen trade. There were some concerns over the hygienic storage of fishery products, in particular at processing establishments, and some shortcomings with vessel inspections.

A second audit report has just been published. This pertains to a visit in November 2017 to check the competent authority's residue controls. While there is a framework of controls, there are a number of significant weaknesses:

- Not enough official samples are taken
- Not all substances are tested for
- Follow-up measures following a find are left to the operator
- Where prohibited substances are detected the animals are not excluded from the food chain
- Laboratory quality control is weak.

EU-US Trade in Live Bivalve Molluscs

Points raised in the SCoPAFF Committee meeting on 1/2/18 regarding Member States, other than the Netherlands and Spain, being allowed to export bivalve molluscs to the US, were addressed as part of the FSA update.

6. Any Other Business

NFFF request 'point of sale' data in relation to Seafish's healthy eating project.

7. Close