

seafish

Regulation



Welcome to our 'new look' Food Regulation newsletter!

News



Reducing Red Tape

### Seafood Regulation Expert Group

**18th July 2018**

The group welcomed new representation from the Scottish Salmon Producers Organisation and guest speakers from a variety of departments across DEFRA and the FSA.

The Food Standards Agency provided valuable advice on what EU exit may mean for EU certification marking of UK products and their work to fix the 'inoperables' of transitioning EU law to UK law. The agenda further facilitated rich discussions between government and the supply chain on wider developments in UK/EU seafood regulation.

Key points of discussion were:

- “Goods on the Market” in the Context of the Draft Withdrawal Agreement
- EU Exit
- US Marine Mammal Protection Act
- European Salmon Smoker’s Association: Guide to Good Practice for Smoked and/or Salted and/or Marinated Fishes
- Landings Obligation
- EU Working Group Updates
- Fisheries Control
- CMO Regulations and the Marketing Standards Framework

The draft minutes will be available shortly [here](#)

## **Business Expert Group (Food Labelling and Standards)**

### **19th July 2018**

The meeting provided updates from government and the food and drink industry:

#### White Paper Legislating for the UK-EU Withdrawal Agreement

On marketing and labelling the current rules will roll over but the UK reserves the right to set its own rules relating to labelling and marketing. This will follow consultation with parties including the EU. The immediate future remains aligned except for 'inoperables' such as 'product of EU' on UK products and 'address in the EU'. There are concerns over the costs of changing labels/more SKUs and the cost of having an address in the EU for SMEs. There are plans to track any changes to EU regulation and decide whether to adopt in the UK

#### CODEX

6 questionnaires have been circulated and the leads are now collating responses to form a paper for the next meeting. DEFRA is leading on internet sales including the level of mandatory information required online.

#### Childhood Obesity Strategy

Plans to consult on introducing consistent calorie labelling for out of home sales have been extended to include welfare and origin labelling, to create a gold standard for food and farming. This will be mandatory and applied to all out of home sales.

#### FSA Website/Guidance

Guidance from the old website is being reviewed and a decision made to keep, amend or remove, and where it is best placed on a new site. The FSA Northern Ireland website has not been altered so access to any missing documentation can be granted there.

## **Exports Working Group**

### **31st July 2018**

Seafish attended the fourth meeting of the Food Standards Agency's exports working group. Attendees from local authorities, chartered institutes and government departments/agencies discussed the impact of EU exit on the Export Health Certification process and the work being undertaken to prepare for 'day one'. Key areas of discussion focussed on the Animal and Plant Health Agency's Assured Certification of Exports (ACE) Project which seeks to develop a new qualification for non-veterinarians to support the veterinary certification process, as well as discussions on proposed changes to health/identification marking post-EU

exit.

## Rules of Origin (RoO)

FDF and The National Association of British & Irish Millers (NABIM) drafted [a report](#) on the effect on trade if a UK/EU free trade agreement (FTA) applied the same RoO as current FTAs with the EU. The report found that products currently using EU products as part of the process in the UK would not benefit from a FTA.

DEFRA asked FDF to draft a report of necessary flexibilities to prevent this situation and fish fingers constitute one of the case studies in the report. It discusses that although producing fish fingers constitutes a tariff heading change, product-specific RoO written into most EU trade agreements require that the fish be “wholly obtained” in the EU or in the party to the agreement, i.e. if you make a fish finger in the UK with Russian fish, the fish finger remains of Russian origin for tariff duty purposes.

Bilateral cumulation would allow fish sourced in the EU and used to make fish fingers in the UK to be originating in the UK. Diagonal cumulation would allow fish sourced from countries with which the EU has an FTA and used to make fish fingers in the UK to be originating in the UK. This would allow fish fingers made in the UK with fish from EEA countries or Vietnam to be originating in the UK.

This leaves raw material from China, Russia and the US. In order for fish fingers made in the UK from these raw materials to be considered as originating in the UK, there should be a product specific exemption.

The report also proposes Transitional Origin Relief Quotas (TORQs)- transitional arrangements which would, for a limited time, exempt all inputs originating in EU FTA partners from origin calculations for a pre-determined quantum of specific products traded between the EU and the UK.

## Microplastics Project

Seafish is to carry out a project to characterise the risk posed to seafood and to businesses by microplastics in seafood. Seafish put a project proposal out to tender at the end of July which asks for the study to cast light on the following questions:

- How do microplastics enter the seafood chain?
- What are the risks from micro and nano plastics?
- What are the food safety implications for consumers?

Many knowledge gaps exist, which means that the risk assessment has to cope with some unknowns. However, upon completion of the project it is expected that a model which can be updated as more information becomes available will be achieved and that there will be a much better understanding of the risk.

The project is anticipated to run from autumn 2018 and be completed in 9-12 months. A reference group made up of industry, Defra and FSA will oversee the project.

## New Seafish Tariff Guidance

Seafish has published new guidance on tariffs:

- An updated [tariff guidance document](#) explains what tariffs are and how they are affected by trade arrangements and quotas.
- A video webinar on [YouTube](#) which explains how to find the tariff that corresponds to your seafood product.



## Consultations

### EU Exit / Proposed Changes to Health and Identification Marks

As part of the UK's preparations for leaving the EU; the FSA are seeking comments on proposed changes to health and identification marks.

Products of animal origin cannot be placed on the market unless they are produced at an approved establishment and provided with an approved health or identification mark. When the UK leaves the EU, it will no longer be entitled to display the 'EU' or 'EC' abbreviation on the health or identification marks. The FSA propose to remove the 'EU' or 'EC' pre- fix but to retain the dimensions and form of the current health and identification marks.

More information and specific consultation questions can be found [here](#) and the closing date for this consultation is *Monday 27th August*.

### Evaluation of the Marketing Standards Framework

In November 2017 the European Commission announced they were evaluating the labelling requirements specified in Council Regulation 1379/2013 on the common

organisation of the markets in fishery and aquaculture products. However, in June 2018 the Commission announced that the scope of the work had been extended to include all marketing standard provisions in fisheries legislation.

[This questionnaire](#) primarily examines the relevance, effectiveness, efficiency, coherence and EU added value of the current marketing standards for fishery products and provides the opportunity for supply chains with specific issues to share their experiences.

Seafish can communicate any completed responses to DEFRA and can assist any representatives who wish to respond anonymously.

The closing date for this consultation is *Friday 31st August*.

### **Regulating Our Future - Amendments to the Food Law Code of Practice (England)**

The Food Standards Agency is planning to review the Food Law Code of Practice for England to:

- Change the process of food business registration.
- Make changes to the application of the Food Establishment Intervention Rating Scheme.
- Recognise national inspection strategies.
- Obtain early views from stakeholders on other co-dependent aspects still in development.

More information and specific consultation questions can be found [here](#) and the closing date for this consultation is *Thursday 27th September*.

### **Update- European Salmon Smoker's Association: Guide to Good Practice for Smoked and/or Salted and/or Marinated Fishes**

Following consultation with the Seafood Regulation Expert Group; a joint response was submitted to the Food Standards Agency on the initial version of the guide in May 2018 and a second response was submitted to its subsequent revision in June. In total, 85 comments were submitted, a large proportion of which were adopted by ESSA, however industry's key concern surrounding the guides recommendation to avoid using coniferous materials in the smoking process had not been fully addressed.

The Standing Committee on Plants, Animals, Food and Feed endorsed the amended guide when they met on 3rd July. Given the outstanding concerns of

several Member States; the Commission have agreed to accept further comments prior to its publication.

Seafish anticipate organising further engagement activities with the UK fish smoking industry to address concerns raised by this guide.



**Brussels**

### **Evaluation of Marketing Standards- MAC Focus Group**

The European Commission has asked a private consultant to evaluate the EU's marketing standards. In particular, the Commission wants to know, from the industry, the following elements:

- Possible inadequacy of existing marketing standards;
- Issues with current criteria (specific species, origin, etc.);
- Potential issues with the implementation of marketing standards (e.g. differences in implementation in different locations, difficulties related to new technologies, etc.);
- Usefulness of marketing standards in practice;
- Products not covered by marketing standards;
- Examples of products covered by other types of standards (e.g. Codex, AFNOR, national standards);
- Examples of products not covered by any standards: how is the quality assessed and how are prices set?

A focus group has been created in the Market Advisory Council (MAC) to draft a position on marketing standards. A first meeting was held on 25th July in Brussels. The Focus Group agreed to invite members of the MAC to reply to a questionnaire addressing several issues regarding marketing standards. The responses will feed the report that this FG will present during the next Working Group 1 meeting in October 2018.

### **Alaska Pollock- Name Change Proposed by US in World Customs Organisation**

The European Commission clarified its position on this issue in June: cataloguing Alaska Pollock as part of the family of the Cod gives way to misleading the consumer. Beside this discussion the Commission is now considering the following

actions:

- Simple mistakes in the national lists will be notified individually;
- Cases of conflicts between national lists should be solved with a unique EU approach;
- Sticking to ASFIS whenever possible;
- The possibility to create a fast-track procedure for prior information on new scientific names (change or addition).

### Ecolabels - Commission's request for advice

The European Commission has recently informed EU stakeholders that both in literature and from meetings with Member States; concerns about ecolabels are increasing. The concerns relate to ecolabels no longer being price premiums but are instead a condition for entering market. DG MARE would like the MAC to assess the situation so as to understand whether there is a need for the Commission to react.



### Marine Environment

#### DEFRA Workshop on the Environmental Principles and Governance Bill

Discussions surrounding the new independent body to replace the role of the EU in environmental governance and to ensure no loss of environmental protection. A [consultation](#) was also launched.

Alongside the bill will be an environmental principles policy statement. This will be produced by Government and subject to parliamentary scrutiny. This will include the environmental principles published in the consultation documents plus some amendments from the Withdrawal Bill. The extra principles are:

- Public access to environmental information
- Public participation in environmental decisions
- Access to justice in environmental matters.

## Meetings & Events



- 5-6 September 2018: **Markets Advisory Council meetings**. Brussels.
- 12 September 2018: **Regulatory Delivery's Trade Facilitation Expert Panel**. London.
- 25-27 September 2018: **The Global Aquaculture Alliance's Annual GOAL Conference**. Ecuador.
- 26 September 2018: **FDF Brexit Roundtable**. London

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## Further information



Please contact [regulation@seafish.co.uk](mailto:regulation@seafish.co.uk) for more information on any of the items above.

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