

<b>SUMMARY PAPER</b>		
<b>Seafood Regulation Expert Group</b> <b>Wesley Hotel and Conferencing Centre, 81-103 Euston Street, London</b>		
<b>Date:</b>	<b>11.15 – 13.45 on Tuesday 18th October</b>	
<b>Attendees:</b>	Pete Wilson Mike Short Martyn Boyers Martyn Forsyth Ivan Bartolo Hannah Fawcett Cristina Fernandez Fiona Wright	Seafish (chair) Seafood Industry Alliance (SIA) British Ports Association (BPA) British Frozen Food Federation (BFFF) Seafish Seafish Seafish Seafish
<b>Apologies:</b>	Greg Howard Chris Leftwich Malcolm Morrison Peter Andrews Dale Rodmell Tim Silverthorne David Jarrad Steve Norton Seafox Management Consultants Geraldine Albon Michael Bates Jill Wilson Graham Lott Paul Little Stephen Parry Jennifer Howie Josep Campins	National Federation of Fish Friers National Association of British Market Authorities Scottish Fishermen’s Federation British Retail Consortium National Federation of Fishermen’s Organisation National Federation of Fishmongers Shellfish Association of Great Britain Retired Federation of British Port Wholesale Fish Merchants Food and Drink Federation (FDF) Scottish Seafood Association Food Standards Agency DEFRA DEFRA Seafish Board Food Standards Scotland – Senior Policy Advisor Food Standards Scotland - contaminants

**Key Action Points:**

1. BFFF (Joanna Hancock) to send Fiona Wright the questions BFFF raised to Regulatory Delivery regarding new Primary Authority scheme.
2. Fiona Wright to attach link to Brexit article on the monthly update.
3. Fiona Wright to look at the format of the SREG.

## **Key discussion points**

### **1. Welcome, Apologies and Opening Comments**

Peter Wilson (chair) welcomes all and opens his last meeting with the SREG before his retirement at Christmas.

Mike Short no longer works for the FDF and has taken up a role within the newly formed Seafood Industry Alliance. Geraldine Albon will take over his former role in FDF.

Since this group's last meeting; Seafox Management Consultants have taken over the management of Grimsby Fish Merchant Association upon Steve Norton's retirement.

Martyn Boyers praises the on-going work of the Seafish regulation team.

Changes to the Primary Authority scheme (known as PA3) are due to come into effect in October 2017. Seafish are looking to change its arrangements under the scheme which would see them move from a direct partnership to a co-ordinated partnership with West Yorkshire Trading Standards. This can be achieved through the SREG as a coordinated arrangement would require listed members and the committee would benefit from the assured advice of the primary authority.

Food Standards Scotland would like to attend the SREG meetings. Discussions surrounding the usefulness of the SREG's specific seafood focus. Discussions that if the SREG is UK wide it will receive representation whereas if its scope just covered England; the SREG potentially wouldn't get that representation.

Graham Lott of DEFRA has so far not responded to communication sought by PW and there were questions surrounding whether the MMO could attend on behalf of DEFRA.

### **2. Minutes of the meeting Held on 19<sup>th</sup> January 2016**

Approved.

### **3. Brexit- Fiona Wright**

Brexit has caused a lot of issues for Seafish and at the moment nobody knows anything. FW has written an article on the regulations and directives likely to be affected by Brexit, part 2 of the article looks at the Repeal Bill. The papers look at how we are now as some elements of Brexit cannot be asserted until the last minute. By the time Brexit happens Seafish will be into a new Corporate Plan.

*Brexit discussion:*

Seafish was asked if they are conducting any economic analysis in preparation for Brexit, particularly economic analysis on the supply chain. The only Seafish work MS has seen on Brexit is Angus Garret's.

Seafish respond that Hazel Curtis carries out the economics assessments, FW is writing analysis on the legal position (as above) and IB is working on tariffs. CF is looking at how third countries work in Brussels, for example talking with Norway and The Faroes. Seafish has already completed work on Brexit's impacts on marine legislation i.e. what we could lose.

The fisheries Minister has publically said he is not going back on any commitments he made during the referendum, so it can assumed that that much will be true. All the government is currently saying is that they are "in listening mode".

Discussions that the Repeal Bill will freeze regulations in the UK whilst everyone else progresses. MS comments that Brexit will boil down to politics such as the government's attitude to free movement of people, access to the single market etc.

MB comments that he works mostly with Iceland and Norway and the fact that they are not in the EU does not stop them trading.

MS believes an understanding of where the pinch points and dependencies are is missing. There needs to be some hard data, like an analysis of what is going on at the moment. Who does what now? How does the supply chain works? What may be the problems? Is this a good or bad thing?

MB comments that there is a lot of information out there but people do not want to share it. The supply chain has an incredible amount of information; it is a fact that we import most of the fish we consume. How and where it arrives, how it is packaged, labelled etc is missing. There must be procedures in place for bringing the commodities in already. Surely it is the tariffs that will change the most as fish is the most traded commodity.

Seafish's role is to get the information for businesses. MF asks if the above is a Seafish role. Further comments made regarding the "difficult" role of Seafish; the BPA would struggle to get noticed whereas Seafish will get noticed but the question is with what message and who from. The group wait for a steer from government.

#### **4. The Seafood Industry Alliance (SIA)**

The SIA had its inaugural meeting yesterday (17<sup>th</sup> October).

The general view seemed to be that with the issues surrounding Brexit, supply chains and third countries, now was a good time for seafood businesses to come together as the SIA.

An agreement was reached that the FDF and Provision Trade Federation (PTF) will work together on issues of mutual interest on seafood. The work of SIA is lead out of the PTF by Andrew Kuyk and MS carries out the day to day duties on behalf of SIA.

Members of the SIA in the FDF include Birdseye, Icelandic, Sco-Fro and New England. Youngs have joined the SIA through PTF. SIA is now looking to grow membership to other processors. Discounted rates are offered for members wanting to join PTF or FDF purely for membership of the SIA. Companies like Birdseye don't just have an interest in seafood so have full membership of the FDF (including SIA).

Andrew Kuyk and MS are working out a financial system so SIA members can benefit from membership of the FDF or PTF.

One thing Seafish cannot do is lobby whereas SIA can, so SIA want to find new ways of working with Seafish to take advantage of their huge back office of information. IB and FW were noted as having helped MS with information in the past.

Fish processors are the main stakeholders in the seafood sector. The seafood sector needs an efficient catch sector and processing industry otherwise seafood will only be a nicety consumed in restaurants and faces competition from other protein sources e.g. chicken.

MB comments on the issue of Brexit negotiations. He says DEFRA are going to be overwhelmed and the Fishermen's Organisations will be the ones at the negotiating table, not SIA.

MS comments that people who make the money are the fish processors, not the catching sector. DEFRA was in attendance at SIA's inaugural meeting and that message has landed with them, the main thing is that SIA keeps the pressure on.

The SIA is not representing the catching sector, only the fish processing sector (including those importing), it is hoped that SIA will help develop and grow its membership in future. The SIA will retain the AIPCE and MAC link (Andrew Kuyk is the vice president of the MAC working group). AIPCE had their AGM two weeks ago and confirmed they will continue as is for at least the next year.

MS comments in reference to the work of Seafish that nobody wants to duplicate work. FDF had a formal memorandum drawn up with Seafish to avoid such duplications. It is pointless as a trade association to recruit someone when members of Seafish know all about a subject matter.

FW states that although the Seafish regulation team do sometimes work with the Fishermen's Organisations they have never covered quotas. FW asks MB; do you want Seafish to be involved in that in future? Historically it has never been wanted. Should Seafish communicate with industry to see what they want us to focus on? MS comments that SIA just wants info etc. from Seafish.

## **5. Official Controls Review- Update**

Hefin Davies of the Food Standards Agency has kept PW informed on progress with official controls although has not had a response from him lately. PW found out through a colleague of Hefin's that he is now in Brussels on a Brexit team.

In April the FSA confirmed that the negotiation of the official controls was in trilogues between the Council, European Commission and European Parliament. A provisional political agreement on the entire text was reached during the final trilogue on 15th June 2016. The text will be presented in the coming months to the Council and then the European Parliament for formal agreement.

The proposed text on charging largely maintains the current rules, with no changes from the current regulation in relation to mandatory minimum charges at ports and fish processing plants. The FSA have also maintained the UK's key interest on vets so the use of the existing port health system will remain.

#### Next Steps:

Following confirmation of the provisional political agreement at Council the jurist linguist process will begin (this is the process that ensures legal consistency during translation).

Following this process, there will be a formal vote by the Council and the European Parliament to agree the final regulation and it will be published in the official journal towards the end of 2016 or early 2017.

It is planned that regulation Animal By-product Controls Regulation 854/2004 is to have a review of its own. The molluscan shellfish side need to be aware of this.

## **6. Traceability and Consumer Information- Guidance and Implementation**

PW reports good progress on the availability of catch information in Scotland. A Food and Veterinary Office (FVO) inspection in 2015 found issues in Peterhead in that there was no catch information available on the market to audit.

Food Standards Scotland and Marine Scotland were tasked with sorting this out. Together with Seafish they produced a two-sided information sheet for fish markets in Scotland and it seems people are starting to listen. In July PW and HF visited Peterhead and progress looked to be being made. Fishermen are calling in with catch information prior to landing and agents are putting the information on a spreadsheet, sending it to registered buyers prior to sale and putting printed copies on some of the boxes on the market. PW sees little point in detailing all the information, notably the species name and lot numbers; buyers are getting the key information they want so at least now the Commission have something to audit.

PW and HF have also recently visited Grimsby fish market. Most of the fish on the market are Icelandic or Norwegian. Grimsby market requires IUU catch certificates in place of catch information as the fish tends to come from non EU waters; it was promising to see that that information was there. Went to Albert Darnell fish processors an hour later and the information label was there on boxes of fish fillets so the system is clearly working. MB comments that they do make a point of getting the catch certificate, all the information doesn't necessarily go on the boxes but it is available. MB was concerned with the cost in labelling every box. PW comments that Don Fishing (agent in Peterhead) said they would have to employ another person just to print labels to put on every box.

Brixham fish market is apparently making a move to electronic traceability, so PW is curious to see what they are doing. The EHO at Brixham has taken note of the work in Scotland and is welcoming Seafish's input.

MB is trying to convince his merchants to go electronic e.g. iPads. MB also comments on the issues he is currently facing with the exchange rate; it could lead to Iceland choosing to sell to places and countries other than Grimsby. The auction prices are currently the highest they have ever been.

FVO fact finding visit to the north of England in December 2015 looked into traceability and guidance and they seemed happy with the information supplied.

The Seafish traceability and consumer guide was updated earlier in the year after West Yorkshire Trading Standards (Seafish's Primary Authority partner) looked at it. Changes were made to make it easier for Environmental Services as they do not necessarily fully understand the fishing industry.

Seafish is developing a Responsible Fishing Ports Scheme to promote and encourage responsible operating practices within UK fishing ports and harbours. It is anticipated that the scheme will provide greater assurance and transparency to buyers and users of seafood landed in the UK. The scheme will complement Seafish's existing Responsible Fishing Scheme and formation of the underpinning Code of Practice is making good progress. PW has been writing the traceability and care of the catch modules, MB also sits on the technical committee.

## **7. Labelling- Nutrition and Origin of Primary Ingredients**

The majority of the requirements of the Food Information to Consumers regulation 1169/2011 applied to pre-packed foods from 13 December 2014 with mandatory nutrition declarations for most pre-packed foods coming into force on 13 December 2016.

Reports that consultants are visiting restaurants to tell them they need to provide nutrition labelling to customers and selling themselves as the company who can conduct their nutrition testing. Concerns that a lot of companies are charging a lot of money for this when restaurants do not have to legally have to comply with the new nutrition rules.

Manufacturers must declare if the country of origin or place or provenance for their food differs to that of its primary ingredient. A primary ingredient is defined as a constitution of over 50% of the food. FW struggling to get a response from DEFRA colleagues for more information on this matter.

## 8. Tuna Treatment with Nitrite

Seafish received an enquiry which initially indicated a mis-labelling issue in some tuna products. It became apparent that mis-labelling wasn't the case and that it was an issue of food safety, tax and fraud that has required action by Seafish, the National Food Crime Unit and the FSA.

A practice has emerged that involves fermented vegetable extract being injected into low grade tuna (intended for canning) in order to restore its red colour. It is then being mis-sold as high-grade tuna at premium prices. The UK has always held that the use of Nitrates/vegetable extract are not permitted in tuna and as a result we believe is not actively being produced in the UK.

Some EU member states interpreted the regulation differently and have been permitting the use of vegetable extract as a flavouring, as a result we had to take the matter to the Commission with all the evidence to ask them to clarify that the practice is not permitted. We have had black and white clarification from the Commission that the practice is not allowed, so information has been circulated to the industry. Tuna for canning is duty free so the EU is missing out on a lot of tax, the Commission were aware of the practice but not of the scale and were happy that industry got together and went straight to them. The Commission is looking at it from a European level and will get other Member States to clamp down and remove the practice from the EU market. .

Tuna intended for canning should be frozen at -9°C and for more direct consumption should be frozen at -20°C. This further proves the matter to be a food safety issue. When the unauthorised tuna is opened it turns black (when exposed to oxygen), and details on the label may say antioxidants added. The tuna is always vac-packed and defrosted and looks overly red. This tuna is being openly traded; FW visited Billingsgate market and was surprised that such a high percentage of imported tuna on the market looked to have been subject to this treatment.

Letters have been sent to caterers and to Billingsgate stall holders making them aware that this tuna is illegal to sell, so shouldn't be on market. Selling the tuna is an offence under law but enforcement measures have so far been prevented as sellers didn't know they were committing an offence. Now they know, the law can be enforced by EHO and Trading Standards.

If anyone wants a copy of the letter which was sent to the caterers/ Billingsgate or any of the photos, please contact FW.

## 9. Regulatory Delivery Food Standards and Labelling and Food Hygiene Expert Panel Reports

### Acrylamide

Setting maximum limits was dropped from the proposal.

No advice has been issued besides the Code of Practice (CoP) which also includes indicative acrylamide limits. Control in HACCP and proportional testing have also been largely been accepted.

The proposal for risk managing acrylamide involves testing for it at FBO level, with an exemption for micro-businesses. The Commission is looking for final discussions to take place in October and hope for an agreement in November.

### Biocides

Biocides are the active ingredients in disinfectants, there have been questions recently surrounding whether this can be in food. Biocides are part of pesticide legislation and fish is out of the scope of this at the moment although it is thought that at some point the Commission will catch on and add it in.

Kaarin Goodburn Chilled Food Association, BFFF, PTF and others are involved in the work. Seafish is not that involved at the moment.

The EC default MRL of 0.01ppm for chlorate was agreed by EU Member States to be impracticable. More than 50% of foods contain chlorates above currently suggested MRL 0.01ppm. The group is discussing a paper on how to set a suitable MRL, admits yes biocides are used a disinfectants and yes it is important they continue.

For further information please contact FW.

## **10. Imports- Update**

### Live American Lobsters

Proposal for them to be listed on the Union List: a list of Invasive Alien Species (IAS) on the IAS Regulation. All trade in these species is severely restricted. The Scientific Forum in DG ENVI considered the American Lobster Risk Assessment to be scientifically robust. However at an IAS Committee meeting on 5 October the proposal to list was rejected on economic grounds.

### Crabs to China

Exports to China continue however when the cadmium levels are measured in the whole crab meat (white and brown) the levels can exceed 0.5mg/kg. Defra in collaboration with the SAGB send monthly reports on cadmium levels. This is a situation that needs to be resolved for trade to continue into the future.

### Certificates of Origin (COO)

About 230 COO certificates issued by the Bangladesh Export Promotion Bureau over 4 years have recently been found to be counterfeit. Importers are being charged the tariff difference retrospectively. AIPCE is trying to counter this but individual importers may have to challenge the demand in the courts in their own countries.



### Re-Enforced Checks Guidance

BFFF and Seafish are working with the FSA to produce guidance on re-enforced checks - to explain the specific procedures applied to re-enforced checks under Article 24 of Directive 97/78/EC. The purpose of the guidance is to help the importer by answering questions such as: what triggers Article 24? What tests will be carried out? Who pays? What TRACES information and instructions do Port Health receive?

### Union Customs Code

There appears to be problems with the implementation of certain aspects of the new Union Customs Code, which came in effect in May 2016. In particular the administration of the “end use” procedure is proving difficult in most Member States. Importers who import end-use goods would normally sell them on to processors who would then be responsible for ensuring that the processing is carried out according to the terms of the prescribed end use. Current procedures mean that the importer cannot transfer the responsibility for handling according to the terms of the end use to the buyer. This is disrupting business.

## **11. AOB**

### Glaze Guide

Seafish has published a glaze guide which contains technical information, “Issues with Overglazing”, labelling requirements and how to check glaze levels.

### Hydrogen Peroxide

Hydrogen Peroxide had been officially authorised by the Italian authorities to bleach squid and other molluscs. Following questions in the European Parliament made by Italian MEPs, the Commission indicated that bleaching was not permitted because Hydrogen Peroxide is not a permitted additive. However, the removal of skin is permitted if the Peroxide and skin are then discarded, as the Hydrogen Peroxide would therefore be a processing aid. Italy was quick to confirm that the Hydrogen Peroxide was being used as a processing aid, Spain now using it as that. The use of Hydrogen Peroxide as a “de-sliming agent” would appear to be sanctioned as long as it is described as a processing aid. Italian MEPs are not satisfied with this position because there is no mechanism by which consumers can find out if seafood has been bleached or de-slimed.

### Botulism

The FSA issued draft “guidance on the safety and shelf-life of vacuum and modified atmosphere packed chilled foods with respect to non-proteolytic *Clostridium botulinum*”. Seafish teamed up with the PTF, Chilled Food Association (CFA), Institute of Food Research (IFR) and others to produce a common response. The response criticised the FSA’s reliance on “time to growth” instead of “time to toxin production”, and the apparent insistence of “wrapping under aseptic conditions” where the use of a high risk area is industry practice and there is no evidence that this practice has ever caused a botulism problem.

Markets Advisory Council

No developments. DG MARE is blocking bid funding and general rules. No meetings due until December.

FVO visit South West

This was a follow up to the audit carried out in 2004 where the FVO noted that the UK was not inspecting its fishing vessels. The new report is still concerned that the UK is still not inspecting its wet fish vessels sufficiently.

The group recorded its thanks to Pete. Pete has been a great supporter of the industry and has done great work. The group wishes Pete all the best for the future.

**12. Date and Venue of next meeting**

Tuesday 14th February 2017. Venue TBD.