To: Feed and food law enforcement authorities in England.
    Port Health Authorities in England.

<table>
<thead>
<tr>
<th>Title: Requirement to register and inspect fishing vessels</th>
<th>Date: 21 October 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary: The Food Standards Agency (FSA) is reminding local authorities of the requirement placed on them that needs to be addressed to facilitate UK trade post EU exit.</td>
<td>Notification: Exports, Hygiene, Shellfish</td>
</tr>
<tr>
<td>Key words: fishing vessel, inspection, EU Exit</td>
<td>URN: EXPEN19025</td>
</tr>
<tr>
<td>Classification: Official</td>
<td>Notification type: Priority</td>
</tr>
<tr>
<td>Letter Category: Exported Food</td>
<td></td>
</tr>
</tbody>
</table>

Dear Colleague,

For the attention of Lead Food Officers – in particular those where fishing vessels have a home port.

If the UK leaves the EU without a deal, and at some point in the future if there is a deal, all fishery products being exported into the EU will require an Export Health Certificate (EHC), mirroring the existing arrangements in place for other 3rd countries. The Animal and Plant Health Agency (APHA) is responsible for fishery products export controls and has been working with local authorities (LAs) to develop a scheme for risk-based fish export certification, whereby LA officers will be appointed Certifying Officers (COs) for exports of fishery products. To enable EU trade in fishery products to continue, the CO signing the EHC will need to attest that the fishing vessel that caught and handled the fishery products was compliant with the relevant hygiene regulations.


Section 3.2 of the Food Law Code of Practice provides guidance on the registration of ships and vessels that would meet the definition of a food business, this includes fishing vessels. A fishing vessels checklist is set out in section 8.2.7.1 of the Food Law Code of Practice Guidance.

While the requirement for LAs to register and inspect fishing vessels is not new, it is recognised that this has historically been a low risk-based priority for LAs.
However, the direct linkage of fishing vessels inspection to export certification following EU exit raises the importance and urgency of the issue. The FSA would like to bring this matter to the attention of all coastal LAs and remind them of their obligation to register and inspect these vessels.

This matter was raised in the final report of the findings of the EC Directorate F Audit of Fishery Products (2016).

To ensure that UK trade is supported after the UK leaves the EU, this matter needs urgent attention. All relevant coastal LAs are therefore asked gain assurance that fishing vessels based in their ports are compliant with hygiene requirements and for some vessels this will require a simple and limited hygiene inspection.

To enable identification and registration of these vessels, the Marine Management Organisation (MMO) provides an online list of all registered fishing vessels which is updated on a monthly basis. Article 31, 1(b) of Regulation (EC) No 882/2004 permits a list that has already been created for another purpose to be used for the purposes of food business registration, and vessels on the MMO list may be deemed registered by LAs accordingly. Alternatively, LAs may wish to register vessels for food hygiene purposes in the normal way.

It is accepted that in many instances fishing vessels may be within a low risk category and therefore an intelligence driven approach to inspection priority is appropriate in most cases, and particularly with smaller vessels. It is recommended that LAs take the following approach when prioritising fishing vessel inspections:

- Larger vessels - The MMO listing usefully segments vessels over 10 metres (approx. 470 vessels across all relevant English coastal LAs) and these are likely to present greater risk due to their higher level of productivity. They can also be targeted more easily for inspection than the many smaller vessels and we suggest vessels over 10m are inspected as a priority
- Smaller vessels – an intelligence led approach. To inform this the FSA is seeking to implement an agreement between the FSA and MMO. The aim of this agreement is to enable the sharing of information between the organisations and that any significant hygiene issues observed by MMO inspectors on board fishing vessels will be reported by way of an exception report to the FSA who will then notify the relevant LA for follow up.

The number of potential vessels inspections per authority will not be excessive, and the content of the inspection will be limited, but we anticipate that there may be some LAs that need to obtain additional resource to carry out the inspections in a timely manner.

In these cases, and on the basis of reasonable justification being supplied to the FSA, access may be given to funding from the FSA’s EU Exit LA support fund. This relates to the need for LAs to inspect vessels as described above, the funding is not available to support EHC activities in general. Further information on how to bid for funding can be found here.
The FSA will update the next issue of the Food Law Code of Practice to include more detailed guidance on the risk-based inspection of fishing vessels.

If you have any questions, please contact: PPfoodhygiene@food.gov.uk

Yours sincerely,

Christine Kelleher

Regulatory Compliance Division