

Circulation: See Annex 1

1 December 2008

Reference: FSH 0146

URGENT

Consideration of further amendments to the EU Hygiene Regulations: Fishery products

Dear Stakeholder

You will be aware that (EC) Regulations 1019/2008, 1020/2008 and 1021/2008 amending certain provisions of (EC) Regulations 852/2004, 853/2004 and 854/2004 in so far as they relate to fishery products and live bivalve molluscs have been published and are now in force.

Further to this, the European Commission asked Member States at its working group meeting of 24th November to consider a further suite of proposed amendments to the current hygiene legislation in these areas and provide written comments by 19th December. Appendix 1 to this letter summarises the proposals relating to the provisions for fishery products in Annex III of Regulation 853/2004 and where appropriate, outlines the current FSA position.

Due to the short time available to respond to the Commission, we are carrying out a targeted consultation to seek the initial views of stakeholders to assist discussions at the next Commission Working Group meeting in January 2009. I should therefore be grateful for your comments on each of the proposals using the stakeholder response template in Appendix 2 no later than **10th December** to allow us time to prepare UK negotiating lines.

This consultation is being sent to stakeholders in England, Wales and Northern Ireland. A similar consultation is being carried out in Scotland. We anticipate that further stakeholder consultation opportunities will be available during the development of these European proposals.

All correspondence should be sent to Karin Lemler, preferably by email at Karin.Lemler@foodstandards.gsi.gov.uk or by telephone on 0207 276 8955.

I look forward to your replies.

Yours faithfully

Mariam Aleem
Fish and Shellfish Hygiene Branch
Primary Production Division

Stakeholder consultation list

Anglo North Irish Fish Producers
Aquaculture Initiative
British Trout Association
Centre for Environment, Fisheries and Aquaculture Science
CIEH Cymru Wales
Directors of Public Protection in Wales
Eastern Group Environmental Health Committee
Federation of Small Businesses
Fishmeal Information Network
General Consumer Council for NI
LACORS
Local Authorities in England, Wales and Northern Ireland
NI Fish Producers Association
NI Seafood Ltd
Northern Group Systems
Northern Section Welsh Fishermen's Association
Seafish Industry Authority
Southern Group Environmental Health Committee
Ulster Sea Fisherman's Association
United Fish Industries UK Ltd
Wales and West Coast Fish Producers Organisation Ltd
Welsh Consumer Council
Welsh Local Government Association
Western Group Environmental Health Committee

Appendix 1 - EU proposals on amendments to Regulation 853/2004, Annex III, Section VIII
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1. Application of certain provisions of this section to primary producers engaged in aquaculture only

Proposal: to consider the extension of the current provisions in Section VIII limited to associated operations carried out “on board vessels” to aquaculture farms. Member states have been asked to consider this proposal and provide information to support their view.

Proposed UK position: The FSA is of the current view that extending these provisions to aquaculture farms should not cause any difficulties for UK farms. However, if this is not the case, then to help formulate a suitable UK position, the Agency would welcome views from stakeholders on the Commission’s proposal and provision of information on the following points :

(i) a summary of the operations carried out between stages of catching and dispatch of fishery products from fish farms; and

(ii) details on the supply of fishery products from fish farms.. Is the fish undergoing such operations on farm only distributed in small quantities to the final consumer and retail or is it also sent to processing establishments and fish auctions?.

2. Additives in fishery products

Proposal: to clarify the position of fishery products containing additives.

Background: Directive 95/2/EC on food additives other than colours and sweeteners lists certain additives that can be used on fresh fishery products to ensure preservation. However, the definition of *fresh fishery products* in Regulation (EC) 853/2004, Annex I, point 3.5 excludes products that have “undergone any treatment to ensure preservation other than chilling”. Consequently fishery products on which such additives have been used as a preservative no longer fall within the definition.

Proposed UK position: As European legislation permits the use of certain additives in fishery products, we consider that such products should not fall outside the definition of “fresh fishery products”. We therefore support the proposal to clarify the wording in this regard and look forward to reviewing any suggested text.

3. Transport of fishery products in cooled water

Proposal: to clarify the rules on storage and transport of fishery products in cooled water.

The issues to be considered and the UK position are listed in points (i) – (ii) below on which we would be grateful for comments from stakeholders.

(i) Consideration of the suitability of the phrase “melt water should not remain in contact with the products” in various parts¹ of Section VIII.

UK position: We are not aware of any difficulties or confusion created by the above wording and thus do not consider any changes are necessary. Do you agree and, if not, what clarification is required?

(ii) Application of the provision in point A(5) of Chapter III to headed fishery products. This provision currently reads as follows:

“5. Whole and gutted fishery products may be transported and stored in cooled water on board vessels. They may also continue to be transported in cooled water after landing and be transported from aquaculture establishments until they arrive at the first establishment on land carrying out any activity other than transport or storage.”

UK position: Like whole and gutted fishery products, those that have been headed are also regarded as prepared fishery products, as defined in point 3.6 of Annex I in Regulation 853/2004. We are therefore of the view that the above provision should be amended to apply to the latter category.

¹ Point I(B)(2) of Chapter I, point A(4) of Chapter III, point 1 of Chapter VI and point 3 of Chapter VIII

4. Storage temperature for fishery products in brine

Proposal: possible amendment to the temperature limits specified for these fishery products in point 7 of Chapter II and point 2 of Chapter VII if these create any problems when such products are taken out of the brine. These sections currently read as follows:

Point 7 of Chapter II

“7. Where freezing in brine of whole fish intended for canning is practiced, a temperature of not more than -9°C must be achieved for the product. The brine must not be a source of contamination for the fish.”

Point 2 of Chapter VII

“2. Frozen fishery products must be kept at a temperature of not more than -18°C in all parts of the product; however, whole frozen fish in brine intended for the manufacture of canned food may be kept at a temperature of not more than -9°C .”

UK position: We are not aware of any difficulties the above temperature limits create once the fish are taken out of the brine. Do you agree and, if not, how should the limits be amended? Appropriate justification for any proposed change should be included.

Appendix 2 - Stakeholder Response Template

Name: _____

Organisation: _____

E-mail: _____

Please indicate if you agree or disagree with the UK position for each of the proposals. We would also welcome any additional comments you may have and the provision of information, where requested.

Proposal 1 - Application of certain provisions of this section to primary producers engaged in aquaculture only

Agree Disagree

Comment

(i) a summary of the operations carried out between stages of catching and dispatch of fishery products from fish farms

Comment

(ii) - details on the supply of fishery products from fish farms including data on the quantities distributed to retail establishments, processing establishments, fish auction and direct to the final consumer. All information will be treated as commercially confidential.

Agree

Disagree

Comment

Proposal 2 - Additives in fishery products

Agree

Disagree

Comment

Proposal 3 – Transport of fishery products in cooled water

(i) Consideration of the suitability of the phrase “melt water should not remain in contact with the products” in various parts² of Section VIII

Agree Disagree

Comment

(ii) Application of the provision in point A(5) of Chapter III to headed fishery products

Agree Disagree

Comment

² Point I(B)(2) of Chapter I, point A(4) of Chapter III, point 1 of Chapter VI and point 3 of Chapter VIII

Proposal 4 – Storage temperature for fishery products in brine

Agree

Disagree

Comment

Please return completed responses by e-mail to:

Karin Lemler - Karin.Lemler@foodstandards.gsi.gov.uk