

MINUTES

WORKING GROUP 3: EU CONTROL AND SANITARY ISSUES, CONSUMER RULES

Wednesday 18 October 2017
09:30h – 13:00h
Martin's Brussels EU
Boulevard Charlemagne 90, B-1000, Brussels

Welcome from the Chair

In the absence of Agnes Lisik, Chair of Working Group 3, Pierre Commere, Vice-Chair, chaired the meeting and welcomed those present.

Adoption of the agenda and minutes of the last meeting (17.05.17)

The minutes and agenda were adopted with no further comments.

9:40 Follow up on Tubs with water for the storage of fresh fish

- Presentation by FEDEPESCA

Find the presentation [here](#).

FEDEPESCA presented its position on the storage of fish in water in response to the letter from AIPCE to DG SANTE, shared by Visfederatie during the last meeting of Working Group 3 in May 2017. FEDEPESCA reported the practice of storing fish in water, prohibited by the Hygiene Regulation (EC) 853/2004. FEDEPESCA explained that, although the regulation clearly states that fish can only be stored in water until the first establishment on land, small blue fish were marketed in water to preserve their quality during transportation to the wholesale stage. Veterinary inspections have not perceived it as a problem for food safety. FEDEPESCA also informed that in recent years there has been an increase in commercialization along the chain to the wholesale sale of fishery products stored in water, including seafood and white fish. The retail marketer does not present these fishery products in water and they are concerned about several aspects when the fish travels in containers that do not drain the water there is no drainage system when the ice melts (as established by the Regulation); the water in which these products are marketed could contain additives and therefore they would no longer be considered fresh products, although the labelling does not always reflect it; the products can suffer an increase of weight when commercialized with water; Once at the counter, the fish loses water and, therefore, weight, and deteriorates rapidly. The retailer would be paying water at the price of fish and, above all, the possible loss of confidence in fresh products by the final consumer.

This position is supported by OPP Lugo, Puerto de Celeiro and OPPC-3.

Visfederatie stated that the presentation refers a situation down the supply chain, while AIPCE's position only refers to the storage of fish in the factory. The tubs are conceived as a transport mean until the fish is



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processed or sold fresh and they only contain water. If afterwards additives are added, the product would be considered processed.

OPPC-3 informed that together with ACOPEVI (Asociación de Comercializadores de pescado de Vigo) they have drafted a position paper on the matter which supports what was said before by FEDEPESCA. She stressed particularly the reduction of the organoleptic properties of fish, the short expiration life of fish kept in water, the problem of possible additives added to water for longer conservation and the risk of fraud due to lack of consumer information. She explained that operators of the port of Vigo have been historically using small tubes (between 5 and 7 Kg), coated with ice to retain fish properties and freshness. Their concern is that the practice of storing fish in water may affect the status of fish operators in Vigo, which comply with the regulations.

CEP stated that a possible way forward could be accommodating both concerns, stating that the practice would be allowed within a factory for the purposes of facilitating the flow of the product through the processing line. The EC could review a number of issues in connection to some producing processes such as this one or *superchilling*; In many occasions there is not a harmonised interpretation of the EU laws by MS. This may lead to different practices among operators.

VisNed stated that this is a relevant practice that takes place in the Netherlands and has improved the quality of fish.

FEAP agreed with FEDEPESCA regarding the importance of informing the consumer on the real weight of the product and the proper labelling.

SEAFISH asked WG3 members if they wanted to develop a position on this topic.

Spain stated that the legislation is clear regarding the conditions of the storage of fish in water. The practice may lead to fraud, health risk and misinformation of the consumer. The fact that the practice is extended does not make it legal.

PSPR informed that in Poland it is not allowed to enter fish in tubes with water to the plant.

VisNed encouraged the MAC to come up with a position and adapt the rules to the new situation and technologies bearing in mind the interest of the consumers.

Visfederatie stated that there is enough scientific background to prove that tubs are the best way to control the temperature and bacterial contamination. Additives could be used as well in any phase of the value chain, which is allowed as long as the factory declares it; the product would be treated as processed. AIPCE's position does not refer to selling fish in water to consumers, which is something that they would not support.

FEDEPESCA responded that its concern has to do with the whole value chain and insisted that the practice is prohibited; the final product is never sold in water. The labelling has to specify whether it is a processed product or a fresh one. They worry that allowing water to be used for certain practices will finally open the door to others that can lead to fraud.



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The Chair opined that what FEDEPESCA denounces is the use of additives without declaring them, which is fraud.

SEAFISH highlighted the increase of the weight of the product by adding water, which reflects in the price for the consumer.

FEAP opined that the security of consumer is of utmost importance; check-ups should be made throughout the whole value chain to ensure products respect EU standards and rules of the country of origin.

Visfederatie explained that there is no adding of water but storage of fish. Additives have to be declared. This is proven to be the best way to handle some species such as flatfish; it should not be forbidden just in case it is done under fraud by someone.

VisNed supported Visfederatie in their view.

It was decided that as AIPCE has started working on the issue already, their document could be again distributed and the MAC will start working on a draft advice trying to accommodate the different opinions on the use of water without additives.

Discussion and consideration of a possible MAC recommendation

- Contaminants (Methylmercury, histamine)

The COM (DG SANTE) gave an update regarding methylmercury. During the expert committee meeting of on industrial and environmental contaminants of the 5 October there was a discussion on setting MRLs for mercury in fish. Data have been evaluated by EFSA and it appears that 95th percentile dietary exposure for mercury is close to or above the TWI for all age groups. Furthermore high fish consumers can be exposed to up to 6 times the TWI, which might include pregnant women, making unborn children the most vulnerable group for health risks related to mercury.

The maximum levels for mercury in several fish species could be lowered. For some species it is appropriate to maintain the existing maximum levels. For sword fish and sharks there is a discrepancy in Member State's (MS) points of view on what would be the appropriate maximum levels to be set. Discussions are ongoing to find a proposal.

The proposal also includes general requirements on the provision of consumption advice to reduce risks for mercury exposure for different population groups.

The Chair stated that a position on MRLs for sharks and sword fish was agreed last year though the publication of the new Regulation was delayed. He requested a clarification on the reasons for its delay.

The COM explained that the MRLs for mercury for substances listed in annex I to Reg. (EC) No 396/2005 fall under the pesticides legislation. This proposal for MRLs for mercury under the pesticides legislation has been voted in the meanwhile. As for fish no MRLs are set under Reg. (EC) No 396/2005, MLs for fish fall under the scope of Reg. (EC) No 1831/2003 on MLs for contaminants in food. The proposal for MLs for mercury in fish has not been voted yet and is still under discussion.



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Spain expressed their concern on reopening a debate that was considered closed. The proposal should address species for which the limit has been lowered so other species could assume these high levels of mercury.

SEAFISH asked when the meeting with MS will take place.

ORPAGU opined that COM proposal does not reflect the real situation. The Spanish fleet carried out a study to obtain accurate data. Consumers do not eat large fish every day; on the contrary, they may eat small fish regularly and the amount of mercury in this type of fish would represent the same risks for consumers.

Bundesverband der deutschen Fischindustrie und des Fischgroßhandels e.V. stressed their contribution with data over the last two years and would like to request from the COM the use of professional terminology of species. During the last meeting with MS it was discussed the possibility of having local thresholds, which he considered not to be wise, as the thresholds should be the same for all EU.

The Chair confirmed that, indeed, the industry has already expressed its opinion on the subject before the creation of MAC. This opinion could be sent to the secretariat for the MAC to prepare its own opinion. The Chair also stressed the importance of consumer recommendations being made at Member State level: the subject is important given the different patterns of consumption across the EU.

The COM reiterated that there was no concrete proposal on a consumption recommendation at EU level, apart from some very general elements on the DG SANTE website. A discussion with the MS on this subject is not envisaged at the moment.

Puerto de Celeiro requested the socio economic aspects of this sort of decisions to be taken into account: neither people eat fish so often nor levels are so high.

Spain highlighted the environmental aspect of the matter: if these big species have a level of mercury that go beyond the maximum level permitted, the fishery would shift on smaller sizes.

The COM stated that the point of view of the fisheries sector is clear to them and therefore does not need a formal opinion from the MAC.

OPPC-3 asked whether it would possible to get from DG SANTE a reflection paper on the information they have, which could be the basis of a possible MAC advice.

The COM stated that there no reflection paper available on a state of play as we are still collecting positions from MS.

Histamine (update by Eric Marin – Anti-fraud unit DG SANTE)

The COM informed about 5 priorities for SANTE and alerted MAC members about fish fraud; as it is becoming an issue that need to be urgently tackle and this goes beyond tuna fraud.

1. The use of illegal additives
 2. The use of illegal substances in aquaculture farms, such as crystal violet (CV) or malachite green: all substances illegal for the EU must be banned and treated in the same way in the different MS - this subject is taken very seriously by the Commission following the FIPRONIL case
 3. The storage temperature of the fish on landing at -9 ° C to -18 ° C,
 4. Contaminated fish products due to the double use of tanks in boats
 5. Water added to fish, by injection, soaking, water retention substances, including some glazing practices
 6. Fishmeal for human consumption produced under conditions unsuitable for that purpose.
- SANTE stressed that these areas need to be addressed by the profession.

DG SANTE stresses that this list is only an overview of all the dossiers that have been coming back to it for a few months; she emphasized that these areas need to be addressed by the profession.

FEAP expressed his concern about what enters Europe, as no controls are made prior to the transformation of the products. The risk is to have a deteriorated image of farmed fish due to alerts susceptible to reach their products.

Bundesverband der deutschen Fischindustrie und des Fischgroßhandels e.V. regarding the addition of additives to products stated that it is legal as long as they are properly used and labelled. He would welcome an open discussion with the COM on the matter as he considers the interpretation of the regulation not clear and this leads to problems. He referred to a specific documentary in a German TV channel denouncing the misuse of additives.

AIPCE agreed with Bundesverband der deutschen Fischindustrie und des Fischgroßhandels e.V. on the lack of cohesion across MS in interpreting the regulation. Clarity of rules would avoid situations that could be identified as fraudulent. He also stressed the insufficiency of controls.

The COM replied that the documentary, mentioned above, was incomplete. She observed that it had been proven that fish frozen at the temperature waived for canning had been sold as fresh tuna or other names of "processed fish", which is strictly prohibited. There is legislation on the use of additives to which the sector can contribute.

FRUCOM added that it is not appropriate to give the impression that there is so much fraud in the sector, as this does not correspond to reality. Controls are being implemented and monitored.

FEAP asked for some precision from the DG SANTE regarding the malachite green (which is forbidden in aquaculture in EU). He would like to know whether it is forbidden for products that enter the EU to use malachite green or to have malachite green in filets.

FEDEPESCA stated that all these alarms related to fish products generate distrust in the consumer.

The COM clarified that it is not allowed to import in EU fish on which malachite green has been used.

Use of crystal Violet in Fish

Find the presentation [here](#).

SEAFISH presented a case study on crystal violet (CV), a prohibited treatment in aquaculture. In the case presented, an importer performed checks on a shipment of fish with crystal violet levels above the limit of detection. There are several routes by which this substance can contaminate the goods of the sample. It is unclear where a business stands in such situation. SEAFISH asked what would happen if the second test is negative; could the product be put in the market?

COM replied that the law is quite clear on the presence of CVs in fish: this is not allowed and fishery products containing CV cannot be marketed. Similarly, the COM has warned that the presence of malachite green can lead to a ban on importing these products into the EU. In this specific case, a second test would be necessary; the supervisory authority must decide on practical arrangements for illicit substances. COM also mentioned the example of the Fipronil scandal; it is important to investigate the origin of the incident (third country).

EMPA referred to the TXT (tetrodotoxin), as the Aquaculture Advisory Council is preparing a position paper on it, which will be sent to the Secretariat for a joint advice MAC/AAC.

Good fish foundation requested the possibility of sharing previous discussions which took place in other fora to be shared with all members.

Discussion on *European guide to good practice for smoked fishes and/ or salted and or/ marinated*

José Ignacio de la Fuente gave a presentation on behalf of ESSA (European Salmon Smokers Association),, association created to protect the safety, quality and the protection of fish customers in all Europe.

Find the presentation [here](#).

The *European Guide to Good Practice for Smoked Fishes and/ or Salted and or/ Marinated* has been elaborated during three years with the opened participation of all associated members. A final version of the guide has been edited with the collaboration of various official bodies from different MS. Almost all the comments have been included except those contrary to the current legislation and/or the previous decisions taken by the COM (allegations regarding the Time/Temperatures of the “Stiffening” technological process during slicing).

PSPR took the floor to express their opinion on the matter. He asked ESSA about the current status of this document. He clarified that certain companies from Germany and Poland decided to leave ESSA due to disagreements on the content of these guidelines, which were fundamental for the industry and related to business competition rather than food safety. During the consultation process polish administration provided remarks on time/temperatures of the “Stiffening” technological process during slicing. The comment was ignored and never included in the draft. PSPR asked to postpone the adoption of this guide and would like to meet in November with ESSA to discuss the matter with AIPCE as a moderator.

The main remarks PSPR has regarding the guidelines are the following:

- The guide is outdated technologically
- Out of date for food security
- Not clear in editorial terms, its legal status it is not clear

- Undefined in terms of actual legal status

ESSA replied that the guide has been reviewed by different MS. This discussion took place over three years and all companies were invited to contribute. ESSA said that the guide is based on Codex and EU official decisions rather than discussions in EU Experts groups. Some comments were not included because they are not permitted/recognised under current regulations. He stated ESSA is completely open to improve the guide. The guide is a living document that can be revised and improved in the future. ESSA is open to this improvement but it is not open to issues such as the indefinite Stifening at average freezing temperatures because they are not recognized:

a) nor by the Codex alimentarius.

b) nor by current legislation.

c) In addition, the indefinite Stifening proposal was already denied by the European Commission that officially declared against this activity in 2012.

AIPCE stated that it will facilitate the dialogue in order to come up with a satisfactory solution. Afterwards this item could be brought back at the MAC.

Discussion and consideration of a possible MAC recommendation

- Dual quality of fish fingers in relation with [Commission Notice](#) published on 29/9/2017

Find the presentation [here](#).

SEAFISH informed that a number of EU countries have complained that the quality of some products, among them fish fingers, is different from country to country, while being produced by the same brand. She asked MAC members if they wanted to develop a position on this issue.

The Chair stated that same products are analysed on different ways, therefore the results are different.

Bundesverband der deutschen Fischindustrie und des Fischgroßhandels e.V. stated that the difference in the content of the product, which has been described as an East-West problem, is not a problem. Germany and Austria have specific guidelines that require processors to guarantee a certain amount of fish in the product. Not all fish sticks contain the same species, the same breadcrumbs and packages do not all contain the same number of units. Bundesverband der deutschen Fischindustrie und Fischgroßhandels e.V. has sent a letter to the COM asking for concrete information on the differences found. They have not received an answer yet.

He also pointed out the different methods to analyse how much fish is in a fish finger. As the authorities do not accept other methods but theirs, this has led to unfair fines. He welcomed the 1 million EUR made available by the COM to find a common methodology to improve food product comparative tests although this is not needed since the differences are already laid out on the labels.

The COM stated that the political priority is to address legitimate concerns from consumers in MS. The COM wants to make sure there is no doubt among EU consumers that they are all treated equally. To address the issue the COM needs sampling from all MS. The results of this sampling will be available at the end 2018 the soonest. The COM carried out a survey regarding whether MS feel dual quality is an issue:



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out of 23 MS replying to the survey, 4 said yes, 19 said no. The COM is already working on this from a precautionary perspective in order to protect both industry and consumers.

CEP stated that provided that it is accurately labelled, the product can vary to adapt to different recipes, different segments of consumers... There is no unfairness provided the label complies with the rules.

AIPPA supported CEP and Bundesverband der deutschen Fischindustrie und des Fischgroßhandels e.V.: in their view it is a problem of clarity and fairness of labelling; consumers are free to buy products according to their preferences and needs.

The COM informed that there has been no mislabelling. Regarding the diversification of the products and market, brought up by Bundesverband der deutschen Fischindustrie und des Fischgroßhandels e.V. and CEP, these will be taken into account. The COM was surprised to see tuna cans involved in the study when the percentage of tuna is a regulatory standard at EU level: the COM would appreciate member's help on this issue. DG MARE will also verify whether DG JUST has received the letter from Bundesverband der deutschen Fischindustrie und des Fischgroßhandels e.V.

Presentation on the project E-FishNet

Maria Luisa Alvarez, FEDEPESCA

Find the presentation [here](#).

FEDEPESCA presented the E-FishNet project, grateful that they have been given the opportunity to do so, a project aimed at European fish retail, aiming at:

- Establishing a transnational collaboration network according to the formation of the group
- Analysing the real situation of training programs in the sector over the 6 countries involved in the consortium, detecting gaps and suggesting training solutions.
- Creating a training strategy to tackle improvements in customer services to manage new techniques throughout marketing, digital tools, new selling methods, etc.
- Implementing ICTs to approach the knowledge through available digital tools (media, podcast, Moocs, etc.) in e-learning platform.

EMPA asked FEDEPESCA whether they have contacted any French federation as this is something of their interest.

SEAFISH suggested exploring other experiences and countries. With the objective of increasing the consumption of fish, this could be part of guidelines of good practices.

FEDEPESCA reported that they tried to contact the French retail organization but they have not received a response, so they would appreciate any help in sharing this. He explains that they also contacted an Italian association but did not arrive on time in their response to participate in the consortium. They appreciate any help in expanding the network.

AOB

Bundesverband der deutschen Fischindustrie und des Fischgroßhandels e.V. suggested having an exchange of views with the COM on the dual weight labelling of glazed products. In 9 February 2015 the EC issued an opinion prohibiting the double indication of weight on food packaging. Bundesverband der deutschen Fischindustrie und des Fischgroßhandels e.V. would like to have a discussion in this opinion especially given that in 2016 a law case determined that this EC opinion is not applicable in Germany. He will prepare a paper on this for the endorsement of MAC.

SEAFISH requested information on the questionnaire the COM sent to some stakeholders on voluntary labelling.

The COM stated that this was a study requested by the European Parliament, and the contractor was requested to contact a sample of stakeholders across a few MS therefore only some parts of the industry were contacted. The COM will be happy to present the result of the study to WG3. There is still time to reply for those who have been invited to do so.

End of meeting

Attendees:

MAC	Sandra Sanmartin
MAC	Jessica Demblon
AIPCE	Guus Pastoor
Danish Seafood Association	Poul Melgaard Jensen
BVFI	Matthias Keller
OPP-07-Lugo	Jose M. F. Beltran
FEDEPESCA	Maria Luisa Alvarez Blanco
OPPC-3	Puri Fernandez
OPP-77 Puerto de Celeiro	Eduardo Miguez Lopez
MAPAMA SGP	Carmen Rodriguez
MAPAMA (Spain)	Aurora de Blas
SEAFISH	Cristina Fernandez
ANFACO-CECOPESCA	Marta Aymerich
EMPA	Bruno Guillaumie
ORPAGU	Juana Parada
EUROCOMMERCE	Adela Torres
Conxemar	Marta Llopis
AIIPA	Franca Peron
MSC	Vittorio Simoncelli
PSPR	Jarek Zielinski
FRUCOM	Anna Boulova
FEAP	Arnault Chaperon
EUFISHMEAL	Jonas Sorensen
CEP	Andrew Kuyk
LDAC	Alexandre Rodriguez
VisNed	Pim Visser
Europeche	Rosalie Tukker
ESSA	Jose Ignacio de le Fuente
Danish Society for a Living Sea	Erik Bjørn Olsen
Good fish foundation	Christine Absil
AIPCE	Pierre Commere
Visfederatie	Paulien Prent
European Commission	Isabel Sanz
European Commission	Chiara Bacci
European Commission	Carola Gonzalez Kessler
European Commission	Veerle Vanheusden
European Commission	Eric Marin