

**Amendment to EU
Regulation (EC) No.
853/2004, in Chapter VII,
Section VIII on stiffening of
smoked fillets**

Regulation (EC) No 853/2004
of The European Parliament
And Of The Council
of 29 April 2004

laying down specific hygiene
rules for food of animal origin

**MAC WG 3 MEETING
BRUSSELS, 08TH OF JUNE 2023**

STIFFENING: WHAT IS THIS ?

1. SCIENTIFIC DEFINITION

2. EU SECTOR DEFINITION

1. OBJECTIVE SCIENTIFIC DEFINITION OF THE PROCESS:

✓ “Stiffening: **semi-freezing smoked fillets** to the temperature range from $-7\text{ }^{\circ}\text{C}$ to $-14\text{ }^{\circ}\text{C}$ in order **to stiffen them prior to slicing**” (Pawlikowski, 2020).

National Marine Fisheries Research Institute (NMFRI), in Gdynia, Poland

2. DESCRIPTION OF THE PROCESS WORKED OUT BY THE EUROPEAN ASSOCIATION OF FISH PROCESSORS (AIPCE):

Description of the stiffening process:

Stiffening is a step in the process flow diagram controlled by the HACCP plan.

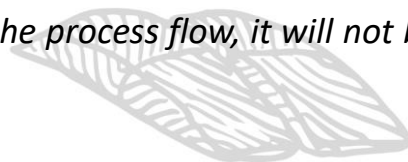
*It involves **the partial toughening** of a **processed fishery product** by lowering the temperature to facilitate the mechanical slicing of the product.*

The stiffening process is validated and verified by each FBO responsible to conduct this process according to their HACCP plan.

Note:

The practice shows that it is not possible to have a single exact set of conditions for a step in the process flow, these are set in accordance with an individual HACCP plan.

Because it is a step in the process flow, it will not be unlimited in time; the time of the step will depend on the individual HACCP plan.



IIT STARTED WITH
STIFFENING- WHILE
NOW -IN THE
PROPOSED
AMENDMENT OF THE
REGULATION
853/2004

(f) in Section VIII, in Chapter VII, the following point is added:

*'4. In the case that the temperature of **fresh or processed fishery products** needs to be temporarily decreased, or in the case that the temperature of frozen fishery products needs to be temporarily increased, to a temperature higher than -18°C to permit the use of machines that slice or cut fishery products, the change of temperature to reach that required for the cutting or slicing of fishery products, and the subsequent return to the storage temperature of the fishery products, shall be as short as possible.*

*The total time of the operation of cutting or slicing at the technologically-required temperature shall **not exceed 96 hours**.*

Storage or transportation of fishery products at that temperature shall not be allowed.';

STIFFENING IS SAFE!

No food safety risk

- **Food Safety is not compromised**

- THE RESULTS OF **SCIENTIFIC LABORATORY TESTS**, CONDUCTED BY INDEPENDENT FRENCH LABORATORIES, DELIVERED BY THE POLISH INDUSTRY, **SHOW THAT STORAGE AT STIFFENING TEMPERATURES IS COMPLETELY SAFE AND EVEN INCREASES FOOD SAFETY -IN THE CONTEXT OF REDUCING GROWTH OF THE LISTERIA MONOCYTOGENES.**

- **VALIDATION:**

- European Union Reference Laboratory for *Listeria monocytogenes* states that *Listeria* does not grow in the temperature below -2C

VERIFICATION:

- ✓ LABORATORY RESULTS CONDUCTED AT TWO, BIGGEST IN THE WORLD, SALMON PROCESSING PLANTS SHOW THAT:
- ✓ LISTERIA MONOCYTOGENES CANNOT GROW FOR 31/60/90 DAYS IN THE STORAGE TEMPERATURE - 12 ± 2 °C, **CONFIRMS THAT IT DOES NOT IMPOSE A RISK ON THE FINAL PRODUCT SAFETY.**
- ✓ **THERE ARE NO RASFF RESULTS ASSOCIATED WITH STORAGE AT STIFFENING TEMPERATURES.**



Reservations

Lack of scientific evidence



THE PROPOSED REGULATION IS NOT SUPPORTED NEITHER BY SCIENTIFIC EVIDENCE NOR BY EFSA' OPINION.

It was not taken into consideration that *Listeria monocytogenes*, which is a safety criterion of ready-to-eat food does not develop at temperatures below -2C nor results of analysis conducted by Polish processing industry in a recognized French /EU laboratory.

Based on the recommendation of the MAC, for superchilling, the EC requested EFSA to provide its scientific opinion. This opinion was used in the regulatory process.

In the case of regulation of stiffening –EFSA is not involved.

This process misses the scientific opinion of the EFSA regarding the food safety of the stiffening

Laboratory test results, provided by the Polish salmon processing industry, were not taken into account, at all.

Political responsibility for changes of regulations



Proposed solutions have no impact on product safety but will have a huge impact on the profitability of production in Polish factories and competitiveness in relation to other salmon processors- competitors in the EU.

Obvious conclusion: Poland, as Europe's salmon processing leader is being subjected to actions aimed at unfairly combating competition.

Is this the way to harmonize the EU legislation as recommended by the MAC?



European Salmon Smokers Association (ESSA) role



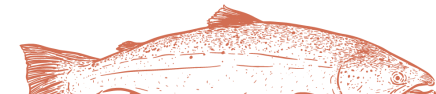
The new regulations is based on the recommendations of the ESSA' so-called "Good Practice Guide", based on the national French guide.

ESSA is an organization that, according to the EC, represents the "EU industry".

Meanwhile, ESSA only associates and represents commercial companies and **corporations from outside EU countries as well - one from Egypt (!), one from the UK (!)** and Finland, four from France, with one owned by a conglomerate from Thailand, two from Portugal and Italy, and three from Spain.

while

the list of questions related to the ongoing legislative procedure submitted, to the EC, by AIPCE - associating the EU Member States recognized processors associations remains unanswered



**ESSA-
EUROPEAN GUIDE TO
GOOD PRACTICE FOR
SMOKED FISHES
AND/OR SALTED
AND/OR MARINATED**

**ESSA GUIDE: APPENDIX III - DIFFERENT PROCEDURES FOR
STIFFENING:**

...the product is partially toughened or covered with a crust (**this is not freezing**, because the temperature varies from -7 °C to -14 °C from case to case).

Products stiffened as defined here are classified as Never Frozen products.

Fillet stiffened in continuous way (tunnel) or static, with a maximum delay of 96h (exceptionally)	The product does not need to be labelled defrosted
Fillet stiffened in static chamber longer than 96h	The product must be labelled: defrosted product

Threats posed by changes

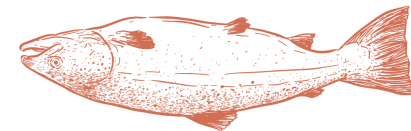


Wasted tons of food

In the light of the proposed regulation the consequence of extension of the storage time, in stiffening conditions, for longer than 96 hours will be the classification of healthy semiproduct as illegal- not for human consumption-leading to **huge food waste**.

Avoiding food waste is a key objective of the existing EU “From Farm to Fork Strategy”. This amendment to the Regulation does not respect avoiding food waste.

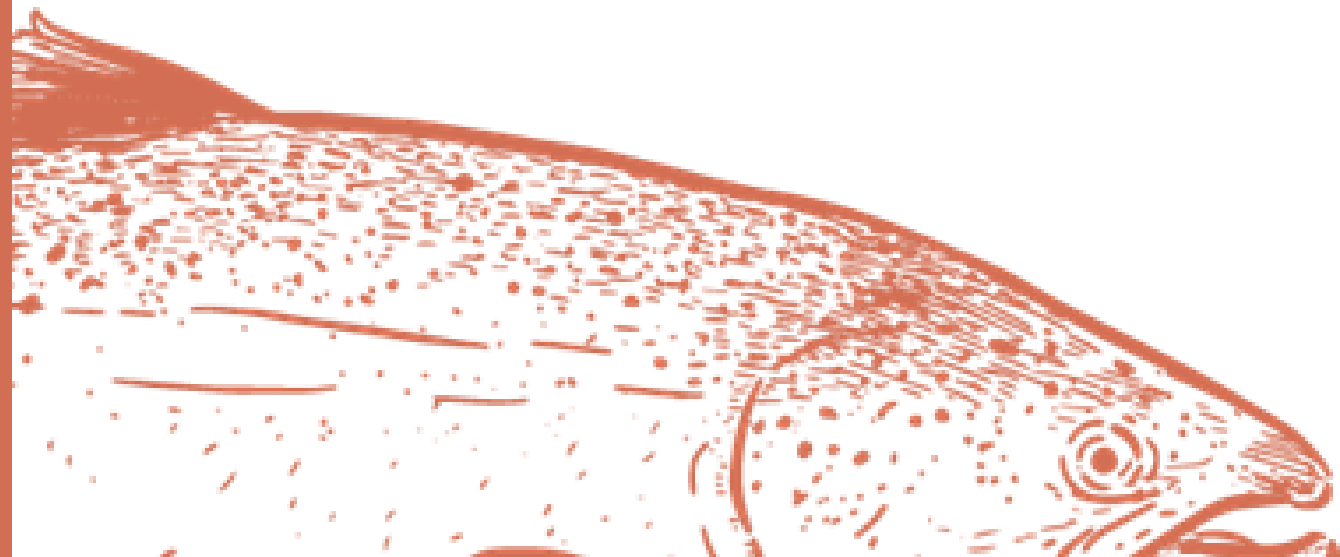
Taking into account that within massive quantities of salmon, processed in the EU, 60 % of the final product is the cold smoked, sliced product, in subject, the possible level of food waste will be also massive



Wrong regulation: Consumer information not the hygiene rules



If stiffening is to be regulated, with regards to the requirements of the information to the consumer:
then as the food safe and food healthy process, it should be possibly included to the EU Regulation 1169/2011 on the provision **of food information to consumers**,
instead of the 853/2004 EU regulation laying down specific hygiene rules for food of animal origin



EU public consultations result- what now?

The EC delagated act is supposed to be implemented in the Q4 '2023.

Result of the public consultations, concluded on May 25th.:

SUPPORT
Labeyrie Fine Foods (France) (company/business)
Vensy España S.A. (Spain)
UBAGO GROUP MARE SL (company/business) (Spain)
European Salmon Smokers Association (ESSA) (Belgium)
ANAPA (Spanish Smoked Fish Association) (trade union)
ADEPALE (business association) (France)

AGAINST
Mowi Poland
Mowi Germany
Mowi France
Mowi ASA (Norway)
Mowi LĖBORK Sp. z o.o.
Mowi Poland Sales S.A.
Milarex Sp. z o.o.
Paula Fish
Polish Fish Processors Association
Norwegian Seafood Federation
Scandinavian Polish chamber of Commerce
City of Ustka (public authority)
AIPCE CEP (business association) (Belgium)
Association of Polish Fish Producers
Mowi Germany GmbH & Co. KG (Germany)
Mowi Sweden
Maritime Institute of Fisheries - National Research Institute

SUPPORTING:

6 entities

EU citizens - 2.

AGAINST:

19 entities

EU citizens - 83





Thank You

WE BRING TO THE ATTENTION OF THE MAC THAT THE ONGOING LEGISLATORY PROCESS MISSES ABOVE MENTIONED CIRCUMSTANCES AND FACTS

WE LOOK FORWARD TO HEAR OPINION OF THE MEMBERS OF THE MAC