

**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, 20TH OF SEPTEMBER 2023**

## Stiffening: quick reminder

### 1. Scientific definition

### 2. EU sector definition

1. The topic was presented at MAC on 08 of June 2023

#### OBJECTIVE SCIENTIFIC DEFINITION OF THE PROCESS:

✓ “*Stiffening: semi-freezing smoked fillets to the temperature range from  $-7^{\circ}\text{C}$  to  $-14^{\circ}\text{C}$  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.*



**Earlier proposal of  
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.*

## Current proposal of amendment of the Regulation 853/2004

In Section VIII, in Chapter VII, the following point is added:

**4. Where fresh fishery products, thawed unprocessed fishery products, or processed fishery products need to be at a temperature lower than that of melting ice to permit the use of machines that slice or cut fishery products, they may be maintained at such technologically required temperature for a period of time as short as possible and in any case not exceeding 96 hours. Storage and transport at that temperature shall not be allowed.**

**Where frozen fishery products need to be at a temperature higher than -18°C to permit the use of machines that slice or cut fishery products, they may be maintained at such technologically required temperature for a period of time as short as possible and in any case not exceeding 96 hours. Storage and transport at that temperature shall not be allowed.”**



## Context of the delegated act

While the other changes have strong background (EFSA opinion), this one has none.

**Based on experience** gained in the application of Regulation (EC) No 853/2004 **and new scientific advice published by the European Food Safety Authority**, it is proposed to amend Annexes II and III to that Regulation in order to:

(This part is for other amendments)(...)

**It is also appropriate to use this opportunity** to clarify certain requirements laid down in Annexes II and III to Regulation (EC) No 853/2004 in order to avoid any ambiguity, in particular as regards:

- (...)
- the operation to slightly decrease the temperature for slicing fresh or processed fishery products or to increase the temperature of frozen fishery products and the prohibition to store or transport fishery products at that temporarily technologically-required temperature.





## EC reply to AIPCE on the 8 questions

### Questions:

1. Has the Commission experienced or had any reports from MSs on any problem regarding products brought on the market in relation to microbiology (*Listeria monocytogenes* or other microbiological criteria) eventually leading to RASFFs and recalls of individual lots which can be related to the alleged malpractice (using stiffening for storage)?
2. Can the EC provide references and/or information of registered malpractices related to stiffening?
3. Should malpractice be tackled by efficient audit and control procedures (MS/EC officials) rather than by overregulating technological specifications in processing lines?
4. Would the Commission be open to considering other timespans providing for the same level of safety?
5. What happens to products that have been in the stiffening step of the processing line for more than 96 hours? What will be their category / destination?
6. Has the EC considered the delay overregulating will cause in future technological innovation in food production?
7. Which product categories are included in Section VIII of Regulation 853/2004?
8. Can EFSA be requested to provide an opinion on the food safety related to different timespans for stiffening?

### Update 22 June 2023 | RESPONSE FROM DG SANTE

(...)

*As you know the stiffening practice **is sometime abused for storing fishery products** for long time at a temperature not in conformity **with the current EU rules**. For that reason we were obliged to clarify that the stiffening cannot be the excuse for circumvent the EU rules **with a possible risk for public health**. We are not entering into the questions of risks etc, what cannot be accepted is that **the rules are not respected**. The proposed rules have been discussed several times with the industry and the MS in different experts groups having a general support (at least from the MS and a part of the industry). **At the same time we received the agreement from Commission Legal Service**.*

*The final discussion will be in an Expert group on 7 July where the final proposals (we have other modifications of 853) will be presented to the MS.*

*Paolo Caricato*

What has happen since the last presentation on MAC meeting

EC replied to AIPCE email but has not answered the questions.

## What has happen since the last presentation on MAC meeting

Online meeting- PSPR- EU Commision

### Arguments of Polish Sector were presented:

#### No food safety risk for the storage at the stiffening temperatures regardless of time

Based on the results obtained in the tests carried out within the scope presented in this report, it was shown that after 180 days of storage at  $-12\pm 2$  °C [ $-10$  °C to  $-14$  °C], there was no multiplication of *Listeria monocytogenes*, introduced in laboratory conditions to a semi-finished product, i.e. salmon fillets.

#### Food processors: scale of self control

Huge numer of FBOs analysis demonstrating food safety responsibility and ownership

2022	semi and ready product at the start	Ready product at the end of „use by”
Factory 1+2	150 k	36 k

**RASFF reports clearly show that Polish factories using stiffening, as part of the proces, present much lower risk.**

**No RASFF results associated with storage at stiffening temperatures.**

In 2018-05.2023 there were 116 RASFF notifications for smoked fish for *Listeria monocytogenes*. Only 2 of them were from Polish factories using stiffening while they produce 33% of all smoked fish products in Europe. Thus these factories have been 30x better then the rest of industry.

**Food waste as consequence of 96h time limit**

**What has happen since the last presentation on MAC meeting**

**Online meeting- PSPR- EU Commision**

## **Our propositions and postulates:**



- ✓ **Discussion on the results of the delivered lab test;**
- ✓ **EFSA scientific opinion;**
- ✓ **Discussion on the results of the public consultations;**
- ✓ **Including sector in the dialogue;**
- ✓ **Fact -finding mission to two biggest, in the EU and in the world, salmon processing factories located in Poland.**

**Objective of this Fact -finding mission: to gather information and gain a broad overview of the process.**







## What has happen since the last presentation on MAC meeting

### Expert group on food hygiene and control of food of animal origin meeting 07 July 2023

#### **PRELIMINARY AGENDA**

**Expert Group on Food Hygiene and Control of Food of Animal Origin**

**7 July 2023, 10h00 –17h30**

1. Approval of the minutes of the expert group meeting held on 27 March 2023
2. Presentation and possible endorsement a revision of the Commission staff working document: Guidance on the implementation of certain provisions of Regulation (EC) No 853/2004 on the hygiene of food of animal origin
3. Discussion on a revision of the Commission Staff working document: guidance on general requirements on composite products and products which could erroneously be considered as composite products, including import conditions and controls.
4. Discussion on a Commission Delegated Regulation amending Regulation (EU) 2022/2292 as regards import conditions
5. Discussion on a Commission Delegated Regulation amending Annexes II and III Regulation (EC) No 853/2004 as regards products of animal origin
6. Follow-up to AGRIFISH Council of 29 May discussion on freezing of meat
7. Presentation of EuroCigua project for detection of Ciguatoxins in fishery products (Ana Canals, Ministry of Health Spain)
8. AOB



Warsaw, January 26 2022

#### LEGAL OPINION

for MOWI Poland S.A.

on compliance of the stiffening process with the requirements of point 2 of Chapter VII of Section VIII of Annex III to Regulation (EC) No 853/2004 as regards the storage temperature for frozen fishery products and the matter of labelling a foodstuff as 'defrosted'.

#### 1. SUMMARY

- The provisions of Regulation 853/2004 concerning the temperature conditions for the storage of frozen fishery products (Annex III, Section VIII, Chapter VII, point 2) do not apply to the process of *stiffening*, which is a technological step in the production process of a particular foodstuff.
- Moreover, the nature of the Product concerned ('processed fishery product') precludes the Authority from enforcing the requirements of Section VIII, Annex III of Regulation 853/2004 also on the basis that those requirements relate only to 'unprocessed fishery products' and 'fresh fishery products' to which food additives have been added in accordance with the relevant provisions of EU legislation.
- Current and binding national or European Union regulations do not specify a time at which the *stiffening* process should end.
- The product meets the requirements of EU and national food law and is therefore safe for the life and health of consumers.
- The information on the production technology of the Product, the provisions of EU food law on the provision of food information to consumers and the fact that the Product undergoes a process of strong chilling (*stiffening*) during its production, which is a necessary and integral technological step in the production process, lead to the conclusion that there is no requirement for the name of the Product to be accompanied by the term 'defrosted'.



**Section VIII of Regulation 853/2004 applies to defrosted (thawed) unprocessed fishery products and fresh fishery products to which food additives have been added** in accordance with the relevant provisions of Union legislation. (...)  
**"Fresh fishery products" means unprocessed fishery products**, whether whole or semi-processed, including products packaged under vacuum or in a modified atmosphere, that have not undergone any preserving treatment other than chilling (Annex I, point 3.5, Regulation 853/2004)

Polish Industry statements  
 Contrary of what EC says

Regulation 853/2004 does not regulate processed fishery products storing temperatures



<p>Direction générale de l'alimentation Sous-direction de la sécurité sanitaire des aliments Bureau des produits de la mer et d'eau douce 251 rue de Vaugirard 75 732 PARIS CEDEX 15 0149554955</p>	<p>Instruction technique DGAL/SDSSA/2014-281 09/04/2014</p>
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La présente instruction a pour objet de présenter les exigences réglementaires relatives aux températures de conservation des produits de la pêche en fonction de leur état au long de la filière.

The purpose of this instruction is to present the regulatory requirements relating to the storage temperatures of fishery products depending on their condition throughout the supply chain.

## 2 - Températures réglementaires pour certains produits transformés

**Le règlement (CE) n°853/2004 ne fixant pas de température de conservation pour les produits de la pêche transformés** (à l'exception des produits de crustacés et mollusques cuits), les prescriptions réglementaires en terme de conservation sont fixées uniquement par l'arrêté du 21 décembre 2009 dans le tableau de son annexe I : Les produits de la pêche transformés, réfrigérés ou décongelés, (et à l'exception des produits de crustacés et mollusques cuits) sont considérées comme des denrées alimentaires très périssables et doivent être maintenus entre 0°C (ou température de congélation débutante dûment validée) et +4°C maximum.”

2 - Regulatory temperatures for certain processed products **Since Regulation (EC) No 853/2004 does not set a storage temperature for processed fishery products** (with the exception of cooked crustacean and mollusc products), the regulatory requirements in terms of storage are set solely by the of December 21, 2009 in the table of its appendix I: Processed, chilled or thawed fishery products (and with the exception of cooked crustacean and mollusc products) are considered highly perishable foodstuffs and must be maintained between 0°C (or duly validated starting freezing temperature) and +4°C maximum.”

Polish Industry statements  
Contrary of what EC says

Regulation 853/2004 does not  
regulate processed fishery  
products storing temperatures



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Crisis Preparedness in Food, Animals and Plants  
The Director

Brussels  
SANTE.G.5/PC/ng (2023)8528116

**Subject: Request for additional consultation on Regulation (EC) 853/2004**

*„Regarding the fact that Regulation 853/2004, in particular Annex III, Section VIII, Chapter VII (storage of fishery products) does not apply to processed fishery products, **I would like to underline that the draft proposal includes, for stiffening and tempering, the obligation to apply it to processed and unprocessed fishery products.***

***Saying that processed fishery products have no temperature requirements is not correct. In fact, the Regulation 853/2004 in its Chapter VII of Section VIII of Annex III establishes that fresh fishery products are maintained at the temperature of melting ice and frozen fishery products must be kept at a temperature of not more than – 18 °C in all parts of the product establishing that once frozen a fishery product must be kept at the prescribed temperature of -18°C.”***

Polish Industry statements  
Contrary of what EC says

Regulation 853/2004 does not  
regulate processed fishery  
products storing temperatures

EC letter to Polish industry

**Polish Industry statements  
Contrary of what EC says**

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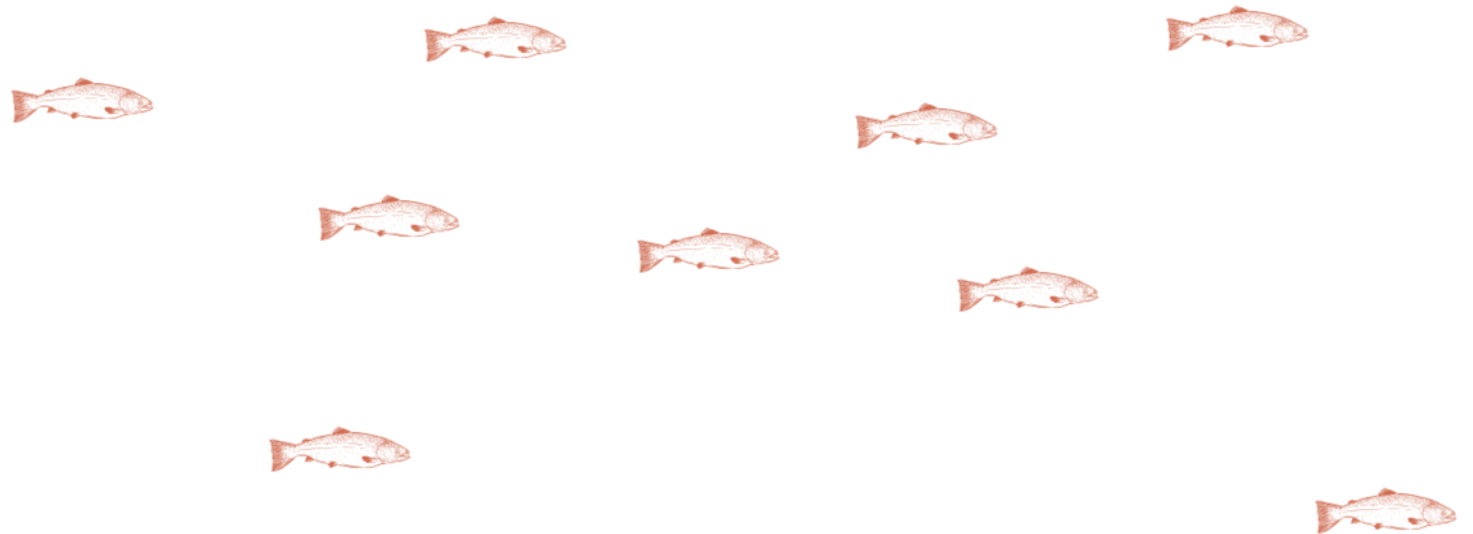
**EC letter to Polish industry**

## ANNEX I DEFINITIONS

For the purpose of this Regulation:

**3.5. ‘Fresh fishery products’ means unprocessed fishery products, whether whole or prepared, including products packaged under vacuum or in a modified atmosphere, that have not undergone any treatment to ensure preservation other than chilling.”**

**This probably means that EC knew that storage at the stiffening temperatures were not breaking EU law. Yet it was presented like this many times.**



EC wants to regulate the time of keeping at the stiffening temperatures (96h). Poland expressed it that it should be to FBO to determined it. It is not unique approach- also French instruction says:

“A l'article 3 de l'arrêté sus mentionné, il est indiqué :

Les températures des produits d'origine animale et denrées alimentaires en contenant, réfrigérées ou congelées, sont conformes aux dispositions définies à l'annexe I sans préjudice, le cas échéant, des températures définies par le règlement (CE) n° 853/2004 du 29 avril 2004 susvisé.

Toutefois, les produits d'origine animale et denrées alimentaires en contenant peuvent être conservées à une température différente de celles mentionnées à l'annexe I dans des conditions satisfaisant aux modalités prévues :

- soit dans des guides de bonnes pratiques d'hygiène et d'application des principes d'analyse des dangers et des points critiques pour les maîtriser (HACCP) validés propres au secteur concerné ;
- soit dans des conditions résultant d'une analyse des dangers validée, argumentée à la lumière des éléments de connaissance, d'expérience et d'historique retenus.”

*In article 3 of the aforementioned decree, it is stated: The temperatures of products of animal origin and foodstuffs containing them, chilled or frozen, comply with the provisions defined in Annex I without prejudice, where applicable, to the temperatures defined by Regulation (EC) No 853/2004 of April 29, 2004 referred to above. **However, products of animal origin and foodstuffs containing them may be stored at a temperature different from those mentioned in Annex I under conditions satisfying the conditions laid down:** - either in guides to good hygiene practices and the application of the principles of hazard analysis and critical control points (HACCP) validated specific to the sector concerned; - **or under conditions resulting from a validated hazard analysis, argued in the light of the elements of knowledge, experience and history retained.***



## Polish Industry statements Contrary of what EC says

## Regulation 853/2004 does not regulate processed fishery products storing temperatures

# Possible consequences

-3/-2 °C
-12°C

# Current processes in some other factories

SOFT SLICING		Smoking	Smoking	7 days max	Slicing	7-14 days ?			
		Cooling	Cooling	7 days max	Slicing	7-14 days ?			
HARD SLICING	"NEVER FROZEN PRODUCTS"	Smoking	Smoking	7 days max	Stiffening	4h mini	24h max	Slicing	7-14 days ?
	NO MENTION OF DEFROSTED	Smoking	Smoking	7 days max	Stiffening	4h mini	72h maxi (weekends and holidays 96h)	Slicing	7-14 days ?
		Smoking	Cooling	7 days max	Stiffening	4h mini	72h maxi (weekends and holidays 96h)	Slicing	7-14 days ?
	DEFROSTED LABELLED ON THE PRODUCT	Smoking	Cooling	7 days max	Stiffening	4h mini	Over 96h	Slicing	7-14 days ?
		Smoking	Cooling	7 days max	Stiffening	4h mini	Over 96h	Slicing	7-14 days ?



# Possible consequences

SOFT SLICING	Smoking	Smoking	7 days max	Smoking	Smoking	7-14 days ?
	Smoking	Smoking	7 days max	Smoking	Smoking	7-14 days ?
HARD SLICING	"NEVER FROZEN PRODUCTS"	Smoking	7 days max	Smoking	Smoking	7-14 days ?
		Smoking	7 days max	Smoking	Smoking	7-14 days ?
	NO MENTION OF DEFROSTED	Smoking	7 days max	Smoking	Smoking	7-14 days ?
		Smoking	7 days max	Smoking	Smoking	7-14 days ?
DEFROSTED LABELLED ON THE PRODUCT	Smoking	7 days max	Smoking	Smoking	7-14 days ?	
	Smoking	7 days max	Smoking	Smoking	7-14 days ?	

1. Although not directly indicated, this amendment **will make impossible for processing plants to store finished goods at -3C**. Such storage is probably used as a strategy for preproduction before high season (X-mass, Easter), allowing storage ready goods for longer time then at 0C temperatures  
Both French instruction as well as ESSA Code allow to store processed fishery products at 0 to +4C or even -3/-2C. EC however does not claim it as “malpractice”.

“OPE 2.14 – STORAGE

1 - Chilled and sub 0°C chilling products

Chilled should be stored at a temperature between 0°C and 4°C

**Sub 0°C chilling should be stored at a temperature between - 3°C and -2°C”**

2. Both French instruction as well as ESSA Code **does not specify the time of storage of processed fishery products at 0 to +4C or even -3/-2C, allowing FBO to determine it**. In the same time EC does not allow FBO to determine storage at the stiffening temp. Why there are two different rules?

3. Today there is undescribed in any Code, the practice to store smoked fillets prior to slicing or stiffening at the temperatures **even below 0C (-4/-2C)**. Will it be still tolerated if amendment comes to force? Or will it be included in 96h time limit? Do other processors realize the consequences of such change? What impact would it have?

4. Today in France there is often the practice that semiproduct is stored longer then 96h. According to Instruction and ESSA Code it should be freezed but due to impact on quality, problems with partially defrosting (to slicing temperatures) on required time, it is not. **It is kept longer then 96h at the stiffening temperatures and labelled as “defrosted”**. Such products may have quite a big share of all produced products and such possibility is used for operational stock management and to avoid waste of food.

**This option will not be available. Keeping above 96h will not be allowed at all.**

Do such factories realize the consequence of possible amendment?

**Typical storage happens before soft slicing or stiffening and for ready goods.**

**Will it be also included for 96h time limit?**

**If not- why?**





## Position of Polish sector

**Poland is not against regulation of stiffening of the smoked and marinated salmon fillets, including providing proper consumer information on the packaging.**

**Poland has however reservations to the text of the amendment proposed by the Commission.**

### **1) CONCERNS REGARDING THE SCOPE OF APPLICATION OF THE DRAFT REGULATION – SHOULD THE ANNEX III SECTION VIII, CHAPTER VII COVER THE PROCESSED FISH PRODUCTS**

According to the current wording of Regulation 854/2004, Annex III Section VIII applies only to thawed unprocessed fishery products and fresh products (defined as unprocessed).

Definition of the “fresh fishery products” is included in the Annex 1 point 3.5. of the Regulation 853/2004 saying: *“Fresh fishery products” means unprocessed fishery products, whether whole or prepared, including products packaged under vacuum or in a modified atmosphere, that have not undergone any treatment to ensure preservation other than chilling.”*

Taking the above-described scope of the Regulation, this is highly disputable whether the inclusion of the “processed products” in the proposed point 4 is in line with the good legislative practices and standards.

Adding this point, without changing the overall scope of applicability of the whole Section VIII, would be confusing, raising doubts about the consistency of the legal text and its subsequent interpretation.

The draft of point 4, which include the “processed products” contradicts the point 1 of the Section VIII which defines the scope of applicability of the whole Section.

This issue has been also raised as a concern in legal opinion submitted to the Commission by the Polish sector.

## Position of Polish sector

**Poland is not against regulation of stiffening of the smoked and marinated salmon fillets, including providing proper consumer information on the packaging.**

**Poland has however reservations to the text of the amendment proposed by the Commission.**

### 2) MISCONCEPTION OF THE STIFFENING PROCESS

During the last meeting on the 7<sup>th</sup> of July 2023 the **experts from the EU countries have been informed that stiffening is a technological process which involves thawing products i.e. raising their temperature from -18**. However, stiffening is the opposite process. **Stiffening means freezing of smoked fillets within a temperature range of -7°C to -14°C to stiffen them before slicing**. Therefore, it is not raising the product temperature, but lowering it. **It applies only to processed products**, in practice, to smoked or marinated fillets of Salmonidae.

Stiffening, prior to mechanical slicing, is not directly regulated in the EU law, however, it is well-recognized in the sector, widely used and described in many technical instruction guides, including guidance established by the European Salmon Smokers Association, and also in the French Instruction technique DGAL/SDSSA/2014-281. Maintaining (processed) smoked or marinated fillets for stiffening is a production stage, not storage, and as a production/operational stage, it is in accordance with the applicable law.

## Position of Polish sector

**Poland is not against regulation of stiffening of the smoked and marinated salmon fillets, including providing proper consumer information on the packaging.**

**Poland has however reservations to the text of the amendment proposed by the Commission.**

### 3) 96-HOUR TIME LIMIT

Polish food operators, who are using the stiffening process for the big-scale production (200 mln portions a year), being able to secure the significant volume of safe products to be delivered to the European market, are raising concerns on the time-limit for stiffening proposed in the draft Regulation. **Sector points out that the 96 hours' time period is not sufficient for the big-scale production and has no justified legitimacy.**

The only source which indicates that 96 hours is sufficient for this process is the European guide to good practice for smoked and/or salted and/or marinated fish published by ESSA.

Taking into account that this association is not a representative opinion for the European sector (due to its membership composition) and the guide itself has been developed quite time ago and has not been updated since.

Therefore, the additional and actual sector voice should be taken into account.

## Position of Polish sector

**Poland is not against regulation of stiffening of the smoked and marinated salmon fillets, including providing proper consumer information on the packaging.**

**Poland has however reservations to the text of the amendment proposed by the Commission.**

### **4) FOOD SAFETY, EFSA VERIFICATION**

Poland would like to propose to engage EFSA in order to obtain EFSA scientific opinion on the influence of the stiffening process (with the proposed time limit up to 30 days) on the product safety.

EFSA opinion is the standard procedure, especially in the case of the changes in the regime of storage of the frozen products.

**Poland objects procedure of regulation stiffening without EFSA opinion** and without discussion about the time for stiffening, based on the documented arguments, provided by the EU sector.

Polish sector points out that safety of products produced using stiffening up to 180 days has been supported and well-proven by the independent laboratory. All data shows that combination of stiffening and hard slicing is even safer, in terms of Listeria, than soft-slicing of products kept in the temperature of melting ice before slicing. It has been noted that RASFF factor has been 30 times less than for products produced by other methods in the industry.

We would like to emphasize that **EFSA has always been involved in the similar legislative processes in the past, which should be recognized as a good legislative practice.** In particular, EFSA issued an opinion on super chilling regulation, which allows lowering the **fresh fishery products** temperature to -0,5/-2C and allows its transport.

**It followed positive opinions on this by the EFSA.**

## Position of Polish sector

**Poland is not against regulation of stiffening of the smoked and marinated salmon fillets, including providing proper consumer information on the packaging.**

**Poland has however reservations to the text of the amendment proposed by the Commission.**

### **5) PRODUCTION ASPECTS OF STIFFENING PROCESS – OPERATIONAL FACTORS**

Please see below the operational arguments raised by the Polish sector which show the need to extend the allowed period for stiffening process.

#### SELECTED ARGUMENTS:

- I. Scale of production
- II. Discrepancies in IN and OUT (raw material v. orders)
- III. Regulating the size of employment
- IV. The operational need for buffering period

## Position of Polish sector

**Poland is not against regulation of stiffening of the smoked and marinated salmon fillets, including providing proper consumer information on the packaging.**

**Poland has however reservations to the text of the amendment proposed by the Commission.**

### 6. TEMPERATURES

The Commission stated that rules in the regulation 853/2004 for cooked crustaceans and molluscs are applicable, mutatis mutandis, to other processed fishery products in regard to temperatures.

Poland requests the EC to clarify what exact rules are applicable, mutatis mutandis, to other processed fishery products?

In regard to the temperatures for storage of the processed products, Poland noted that the French national Instruction technique DGAL/SDSSA/2014-281 09/04/2014 at its point III.1 says: *“Currently, storage at temperatures below 0°C is only recognized, for fishery products, for smoked salmon and as validated within the framework of the Guide to Good Hygiene Practices for smoked and/or salted fish and/or marinated (CITPPM-SPF, 2008); the storage of the product can then be between - 3°C and - 2°C (temperature range during which the smoked salmon is supercooled, therefore not frozen).*

**Poland requests EC to clarify if allows French administration and French sector to store smoked salmon fillets in the temperature ranges mentioned in the recalled**

**French document: - 3°C et - 2°C ?.** *“Actuellement, le stockage à des températures inférieures à 0°C n'est reconnu, pour les produits de la pêche, que pour le saumon fumé et tel que validé dans le cadre du Guide de Bonnes Pratiques d'Hygiène poissons fumé et/ou salés et/ou marinés (CITPPM-SPF, 2008) ; le stockage du produit peut alors être compris entre - 3°C et - 2°C (plage de température pendant laquelle le saumon fumé est en surfusion, donc non congelé).”*

## Position of Polish sector

**Poland is not against regulation of stiffening of the smoked and marinated salmon fillets, including providing proper consumer information on the packaging.**

**Poland has however reservations to the text of the amendment proposed by the Commission.**

### **7) VACATIO LEGIS**

In addition, Polish sector would like to ask for the same approach as it is taken toward meat producer in regard to the applicability of the newly adopted changes. Therefore, we propose to provide the fish processors with sufficient time to adapt to the new requirements and introduce the provision in the draft Regulation saying that new point 4 of Section VIII of Chapter VII of the Regulation should apply **6 months** from the date of entry into force of this Regulation.

## Position of Polish sector

Poland is not against regulation of stiffening of the smoked and marinated salmon fillets, including providing proper consumer information on the packaging.

Poland has however reservations to the text of the amendment proposed by the Commission.

**Polish sector requests MAC to address the question to the EC/DG Sante:**

Why process of regulating stiffening and thawing differs from the process of regulating superchilling? In the same regulatory procedure; while both create exemption from the temperatures regime of 0 or -18C.





## **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