

Ms Charlina Vitcheva
Director-General, DG MARE
Rue Joseph II 99, 1049 Brussels

Ms Sandra Gallina
Director-General, DG SANTE
Rue Breydel 4, 1040 Brussels

Brussels, 22 November 2023

Subject: Ongoing legislative developments on the so-called “stiffening” technique

Dear Ms Vitcheva,

Dear Ms Gallina,

On 27 April 2023, the European Commission published the proposal for a draft delegated regulation amending Annexes II and III to Regulation (EC) No 853/2004 of the European Parliament and of the council on specific hygiene requirements for certain fresh meat, fishery products, dairy products and eggs¹.

The proposal is expected to cover the so-called “stiffening” technique, the partial toughening of a chilled fishery product by lowering the temperature to facilitate the mechanical slicing of the product, and the so-called “thawing” technique, the increase of the temperature of a frozen fishery product to higher than -18°C to facilitate the mechanical slicing or cutting.

When regulating other processes for transport and storage of fishery products, such as the so-called “super chilling” technique², prior to the publication of the legislative proposal, the Commission services asked the European Food Safety Authority (EFSA) to provide a scientific opinion on the related food safety aspects.

In the present case of the “stiffening” and “thawing” techniques, the Commission services proceeded with the legislative proposal without a prior request of a scientific opinion.

Therefore, the Market Advisory Council (MAC) would like to kindly ask you to clarify why the regulatory procedure for “stiffening” and “thawing” is differing from the one for “superchilling”, when all these processes create exemptions from the general temperature regime of 0°C

¹ <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13725-Food-hygiene-products-of-animal-origin-updated-rules-en>

² <https://www.efsa.europa.eu/en/efsajournal/pub/6378>

(temperature of melting ice) to -18°C . It would be particularly relevant to clarify the reasoning to not request scientific advice from EFSA and whether this advice could still be requested.

For your reference, in a previous opportunity, one of our members, AIPCE, submitted several questions to the services of DG SANTE on the abovementioned matter, which you can find in Annex I, but the reply was less comprehensive than expected by these stakeholders.

In the reply sent on 22 June 2023 by the services of DG SANTE to the questions of AIPCE, which you can find in Annex II, the Commission states that the “stiffening” technique is sometimes abused for storing fishery products for a long time at a temperature not in conformity with the current EU rules and, for that reason, the Commission is obliged to clarify that “stiffening” cannot be an excuse to circumvent EU rules with a possible risk for public health.

Furthermore, it should be noted that some of our members representing the Polish industry drew attention of our Working Group 3 to the French national document “Instruction technique DGAL/SDSSA/2014-281” of 9 April 2014³, where, in Chapter II, A.1., page 3, the French administration allows its sector to store smoked salmon fillets in temperatures between -3°C and -2°C for an undefined time period.

With regards to the above, the MAC would like to kindly ask for your views on the storing of smoked salmon fillets in temperatures between -3°C and -2°C for an undefined time period, as foreseen in the mentioned French document.

We remain available to discuss the above with you and to provide any further information.

Yours sincerely,



Yobana Bermúdez
Chair of the Market Advisory Council

³ https://marketac.eu/wp-content/uploads/2023/11/French-instruction-to-the-8532004_DGAL-SDSSA-2014-281.pdf