



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-general

Brussels  
MARE.A4/ML

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

Dear Mrs Bermudez,

I refer to your letter of 22 November 2023, addressed to DG SANTE Director General Ms Gallina and myself with the same subject. I agreed with my colleague Ms Gallina, that I would reply also on her behalf.

As you know, keeping frozen fishery products (in the specific case salmon) at a temperature different than that prescribed by EU law, i.e.  $-18^{\circ}\text{C}$ , is in breach of EU rules, in this specific case of Annex III to Regulation (EC) No 853/2004.

In the draft act you are referring to, the Commission intends to allow the temperature of frozen fishery products to be higher than  $-18^{\circ}\text{C}$  and that of fresh fishery products to be lower than the temperature of melting ice, but only for a limited period of time and with a view to allow that their cutting or slicing be facilitated (at the so-called stiffening temperature). This tolerance is for technological reasons only and should not exceed 96 hours, as also recommended by the industry guidance established by the European Salmon Smokers Association<sup>1</sup>.

The innovative approach for transporting fishery products without ice, the so-called superchilling that you refer to, was not allowed by EU legislation. EFSA was asked to evaluate the possible sanitary risks related to that technique in comparison with the current rules. The positive opinion from EFSA has led to the initiation of discussions with the Member States in order to possibly introduce that transport technique in the EU legislation.

Contrary to superchilling, the possibility to modify the temperature of frozen or fresh fishery products for technological reasons such as the so-called stiffening is already allowed by EU legislation. However, *this process has to be as short as possible*. This is not the practice in Poland where fishery products are kept for a long period of time at the

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<sup>(1)</sup> [ESSA - European Guide to good practice for smoked, salted, marinated fish - FINAL CLEAN \(6 September 2018\).pdf \(essa-salmon.org\)](#)

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“stiffening temperature”. As this is in breach of EU rules and against their rationale and spirit, an EFSA consultation appears irrelevant.

In fact, Annex III to Regulation (EU) No 853/2004 lays down technical requirements ensuring the safety of products of animal origin. Technical requirements can be amended by delegated acts. This empowerment is granted by Article 10 of that Regulation which requires that amendments to its Annexes II and III ensure and facilitate the achievement of its objectives.

As already mentioned above, Annex III lays down strict temperature requirements for frozen fishery products. These requirements aim at ensuring a high level of food safety. The Commission considers that adopting a rule allowing to stiffen fishery products to facilitate their cutting or slicing would not go against the objectives of Regulation (EC) No 853/2004 only if this process occurs for a short and strictly determined period of time.

Regarding the French national document “Instruction technique DGAL/SDSSA/2014-281” of 9 April 2014, you cited in your letter, the Commission has never been consulted on those national instructions. In any case, with the entry into force of proposal (adopted by the Commission on 28 November 2023), all Member States will have the legal obligation to follow the legal requirements indicated in the act.

I am looking forward to our fruitful cooperation. Should you have any further questions on this reply, please contact our Advisory Councils coordinator, via the functional mailbox [MARE-AC@ec.europa.eu](mailto:MARE-AC@ec.europa.eu)

Yours faithfully,

Charlina VITCHEVA

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