British Frozen Food Federation

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Reducing Refrigerant Leakage

The Institute of Refrigeration, working with the Carbon Trust, has launched **REAL Zero (Refrigerant Emission and Leakage Zero)**. The project provides practical assistance to everyone involved in purchasing, designing, installing, servicing, maintaining and owning refrigeration equipment to help reduce leaks.

It is recognised that at a national and international level the combined environmental and financial impact of refrigerant leakage is significant. Most common halocarbon refrigerants have a high global warming potential and some have significant ozone depleting impact too. **The Carbon Trust is working with the IOR to encourage equipment owners to change the way they think about refrigerant – instead of accounting for it as a consumable, refrigerant should be valued as part of their asset base**. The effective management of refrigerant is not necessarily costly or complicated. A refrigeration or air conditioning system that is well specified, designed, installed and maintained should not suffer any significant leakage during its lifetime. **If the refrigerant is contained within a system its environmental impact is negligible**.

Technical guidance and advice to help achieve substantial reductions in regular refrigerant leakage and measure the benefits has been developed by the IOR and is available from a new website at **www.realzero.org.uk**.

There are five guides available:

- A Pocket Guide to good leak testing for service engineers
- Illustrated guide to 13 common leaks for service engineers
- Designing out leaks – design standards and practices for designers and specifiers
- Leakage matters – the equipment owner's responsibilities
- Leakage matters – the service and maintenance contractor's responsibilities

Two tools to measure both the carbon and financial costs associated with leakage are also available:

- A carbon cost calculator to produce an evaluation of costs based on available data
- A monitoring spreadsheet for use by contractors and end users to track refrigerant use.

This is to be followed up with accessible training material for refrigeration and air conditioning engineers to help them add specific leakage reduction advising and auditing skills to the current range of services available to equipment owners.

End users of refrigeration or air conditioning equipment are responsible for complying with the F Gas and ODS Regulations because they are the "operator" of the system. The aim of the regulations is to reduce leakage of HFC and HCFC type refrigerants. The F Gas regulation also provides a minimum standard for leak testing and training of personnel handling refrigerants. EC Regulation 843/2006 states that the operator shall, using all measures which are technically feasible and do not entail disproportionate cost:
(i) prevent leakage of these gases; and
(ii) as soon as possible, repair any detected leakage.

The REAL Zero website explains what is meant in practical terms by zero leakage:

> "Is zero leakage: possible? - A sealed system which operates for its useful life (say 20 years) without ever needing additional refrigerant to be added in order to keep it running within normal operating parameters is considered to be 'leak tight'. That means that it has not leaked enough refrigerant to effect system performance (typically less than 10% of original charge). Below this 10% lifetime 'benchmark' the system leaks are not practically measurable - and it is deemed a 'leak tight' system."

The Institute of Refrigeration emphasises that taking steps to reduce leakage now will lead to cost savings, improved reliability, improved efficiency and reduced environmental impact. Good refrigerant management must be a priority for everyone who designs, builds, uses or maintains refrigeration or air conditioning systems, not just to meet legal requirements but because it makes sound business sense.

New F Gas Qualification available

There is a new legal qualifications requirement for all personnel whose work involves handling of refrigerants within the scope of the F Gas Regulation. They need to satisfy the new City & Guilds 2079 Assessment, or the CITB equivalent, by July 2011. The current qualifications (City & Guilds 2078 and CITB equivalent) provide only temporary evidence of qualification.

The first of the new F Gas Qualifications are now being awarded in the UK. ACRIB says that it believes that the UK is one of the first member states to have set up the new qualification scheme based on Commission Regulation (EC) No 303/2008 (which established minimum requirements for the certification of companies and personnel as regards stationary refrigeration, air-conditioning and heat pump equipment containing certain fluorinated greenhouse gases).

Eighteen training centres across the country are now able to offer the new City and Guilds qualification, with more expected to follow. The first course for engineers took place as a pilot in December 2008, and led to the successful certification of all seven of the candidates who took part. This was a five-day course, with modules

covering refrigeration theory; how to measure system performance; environmental impact; understanding of component operation; hazards of refrigerant; relevant legislation and handling of cylinders. The final assessment included an on line theory test and a practical exercise in which candidates worked on a test rig, adding refrigerant, checking for correct system operation and leakage; and recovering refrigerant. In addition all candidates had to carry out risk assessments, safe working procedures and fill in waste consignment notes and refrigerant log sheets.

More details are available from the ACRIB website at http://tinyurl.com/bujcue, and from City and Guilds at http://tinyurl.com/bcntlk. The new CITB refrigerant handling assessment is being launched late in February 2009.

ACRIB has said that concerns remain that with only two and a half years to go before the deadline for an estimated 40,000 engineers to be re-qualified to these new levels, the timescales are still very tight. However it welcomes the news that these qualifications are now becoming available and will be monitoring industry take up closely

Additional information requirements applicable to frozen food of animal origin

The European Commission is proposing to amend the hygiene regulation (EC) 853/2004 to require food business operators to ensure that frozen food of animal origin intended for human consumption meets certain additional **information requirements**, in particular regarding **the date of production, the date of freezing and the date of minimum durability**.

The latest version of the Commission's proposed can be download directly as http://tinyurl.com/c4papg . This is revision 9 of the text (document reference 1489/2007) and is dated 18 June 2008. Progress through the Brussels system was interrupted when it was decided that the proposal had to be referred to the Commission unit dealing with Impact Assessments. The proposal cannot proceed until it has been cleared internally.

However the Food Standards Agency is now seeking information from UK stakeholders in order to be better prepared for when the proposal is next discussed in Brussels. The FSA asks a number of specific questions concerning the proposal, seeking more detailed evidence on the cost and impact of implementing the proposal. **Responses are requested by 11 March.**

The Commission proposal would apply additional information requirements on frozen food of animal origin, until the product is finally labelled for sale (to final consumer or food service operator) in accordance with the food labelling directive (2000/13/EC) - when existing rules would continue to apply, or is used for further processing.

Until the stage at which a food is labelled in accordance with Directive 2000/13/EC or used for further processing, food business operators must ensure that frozen food of animal origin intended for human consumption meets the following requirements.

1. Relevant information must be made available in an appropriate form to the food business operator to whom the food is supplied and, upon request, to the competent authority.

2. (a) The relevant information referred to in point 1 must comprise:
(i) The date of production. In the case of carcasses or half carcasses, the date of production means the date of slaughter
(ii) The date of freezing, if different from the date of production
(iii) The date of minimum durability

(b) Where a food is made from a batch of raw materials with different dates of production and of freezing, the oldest dates of production and/or of freezing, as appropriate must be made available.

3. The dates referred to in point 2 shall not be changed or removed until the food is labelled in accordance with Directive 2000/13/EC or used for further processing."

The Commission states that experience with implementation of Regulation (EC) No 853/2004 has exposed certain difficulties as regards the storage of food of animal origin. By indicating the date of initial freezing of such food the food business operators would be better able to judge the suitability of the food for human consumption and to estimate its durability.

The Commission believes that its proposed changes would help in reducing food fraud, although the FSA expresses concern that it may not actually achieve this objective. The FSA is particularly concerned about the impact of the proposal on smaller food business operators.

The questions asked by the FSA are as follows:

Questions For Food Industry Representative Bodies

1 How many food businesses that would be affected by this proposal do you represent – ie how many of your members freeze food?

2 How many of your members keep a record of the date of production (in the case of carcases or half carcases this is the date of slaughter) of the food that they produce?

3 How many of your members keep a record of the date of freezing of the food they produce, where this is different to the date of production?

4 What do you understand by the term 'date of minimum durability'?

5 How many of your members keep a record of the date of minimum durability of the food they produce?

6 What do you understand by the term 'the date of production'?

7 Where a food is made from a batch of raw materials with different dates of production and of freezing, how many of your members keep a record of the oldest date of production and/or freezing?

8 If the above recording processes are not in place:
a) what would be the cost of setting up such a system (including, for example, installation and staff training)?
b) what would be the ongoing costs of operating/maintaining it?

9 When your members send frozen food (or ingredients) of animal origin to another food business, do they also send a record of the consignment (for instance, a commercial document, delivery note or consignment note)? Yes/No
a) If yes, is this an electronic or paper document?
b) If no, (i) what would be the cost of setting up such a system (including, for example, installation and staff training)? (ii) what would be the ongoing costs of operating/maintaining it?

10 Could the information referred to in question 8 (or a copy of it) be presented to the competent authority on request? Yes/No
a) If yes, would there be a cost attached to this, if so what would that be?
b) If no, (i) what would be the cost of setting up such a system (including, for example, installation and staff training)? (ii) what would be the ongoing costs of operating/maintaining it?

11 Please give the details of any other costs that food business operators might incur in trying to comply with this Commission proposal

12 Is there any other information that we should be considering as a part of this proposal? If so what is it and what are the cost implications.

13 (a) Would there be any cost savings for food business operators if this proposal were to be implemented? Yes/No
(b) If yes, what would they be?
(c) What aspects of the proposal would give rise to these savings?

14 What non-cost benefits (if any) do you see to the introduction of this Commission proposal?

15 Please give an indication of which areas of the proposal it would be most beneficial to explore in any further negotiation with the Commission and other Member states and provide an indication of the cost of these proposals.

Impact On Small Businesses

16 (a) As part of this information gathering exercise we also need to consider the impact of this proposal (specifically the cost implications) on small business operators (ie up to 20 employees). Can you give us an indication of:
(i) whether this proposal would have a specific impact on small businesses, and if so what?
(ii) to what aspects of the proposal they relate:
(iii) what the costs might be:
(b) Please give the contact details of a member who we can contact to seek more information, if necessary?

17 If this proposal was implemented would you/your business: (a) absorb the cost Yes/No
(b) pass on the cost
(c) a combination of both

18 What is the extent of any overlap in membership between your organisation and others consulted (list at Annex 2)? Please give the number of your members that might also be a member of one of the other organisations listed at Annex 2.

Impact On Enforcement Authorities

19 It would be helpful if Lacors/local authorities would give an indication of the additional cost of enforcing the requirements of this proposal, including how the costs are arrived at, etc

The FSA request for information comes from the Veterinary Advice and FVO Co-ordination Branch, Meat Hygiene Division
(E-mail: Rosalind.glover@foodstandards.gsi.gov.uk)

Members of the Federation who can provide relevant information are asked to contact Ian Farley at the BFFF office

FSA advice on fish consumption, in relation to sustainability issues

The Food Standards Agency has launched a public consultation on proposals to review its advice to consumers on eating fish, in relation to sustainability issues.

There are separate consultations in England, Wales, Scotland, and Northern Ireland, with deadlines of 31 March (1 April in Scotland).

Full details are available from the FSA website at www.food.gov.uk/consultations/

The Agency's current advice to consumers is to eat at least two portions of fish a week, one of which should be oily fish. The advice also covers maximum intakes of oily fish. A 'portion' is defined as 140g, the average fish portion size consumed by adults recorded in the National Diet and Nutrition Survey of adults, 2000/01.

Importantly, the Agency offers a generally realistic picture of its position in relation fish and fishery sustainability issues:

> "It is not the Agency's role to regulate the UK fishing industry or advise on its practices (other than in terms of the EU Food Hygiene Regulations), or offer a new definition of sustainability in relation to fish stocks. Other Government departments, international bodies and stakeholders are already active in this area. The Agency wants to support and draw on their work, and not duplicate it."

> "No single, universally agreed definition of 'sustainability' exists in relation to fish and fishing, and no detailed definition is attempted here."

The consultation seeks to address concerns over fish stocks and in relation to other environmental impacts of fishing. **The Agency review has not reopened the scientific evidence on nutrition and safety as these have already been thoroughly examined by the Scientific Advisory Committee on Nutrition (SACN) and the Committee on Toxicity (COT).** Their conclusions were published in the joint report 'Advice of Fish Consumption: Benefits and Risks' (2004) which can be downloaded from the SACN website as http://tinyurl.com/dy2kss

The Agency says that it is committed to taking wider sustainability issues into account in its advice on nutrition and food safety. It notes that its commitment to incorporate sustainability into its policy making is part of a Government-wide strategy on sustainable development. It says that the aim is to produce integrated dietary advice that takes into account environmental, economic and social (including nutrition and food safety) aspects of sustainability.

The FSA considers a number of options but favours the development of an 'information hub' within its dietary advice, which would offer links to other sources of information and advice to enable choices that take into account other aspects of sustainability. (Option 2 below)

> "The emphasis would be on facilitating access to information rather than interpreting or duplicating it on the Agency's website."

Annex A of the consultation paper gives 'examples of information sources available' but disappointingly lists only two sources (even though it does acknowledge that 'this is not an exhaustive list of all sources') - ICES (International Council for the Exploration of the Sea) and MSC (Marine Stewardship Council)

Option 1
Advice remains unchanged. This would fulfil the Agency's remit on public health but would not recognise our wider responsibility to take sustainability into account in our work and is therefore not a credible option.

Option 2
Consumers are advised to eat at least two portions of fish a week, one of which should be oily, but we recognise the pressure this could put on fish stocks and the environment if followed to the full. Consumers are encouraged to choose fish from sustainable sources and to choose from a wider variety of fish to reduce the pressure on the more traditional species. **To support this position the Agency will act as an information portal directing consumers and other stakeholders to reputable sources of advice and data on sustainable fish sources. We will also provide tips and links on our website, and in other relevant guidance and information, on choosing from a wider range of sustainable species. This is the preferred option as it maximises health benefits whilst taking account of the need to safeguard stocks and protect the environment.**

Other options exist, such as withdrawing all advice on fish consumption. This would ignore the social (i.e. health) and economic aspects of sustainability and could not be considered 'sustainable'. This approach may also involve additional nutritional risks to the population or sustainability issues arising should consumers change consumption patterns by replacing fish in their diet, as well as possible economic impacts on businesses across the food chain. The option is not considered further here.

A number of specific issues are raised in the consultation paper where additional comments are sought:

> 7. The joint report by the Scientific Advisory Committee on Nutrition and Committee on Toxicity from which the current FSA advice on fish consumption was developed did not consider shellfish. We would appreciate views on whether sufficient data exists to support a meaningful review of shellfish consumption on nutrition, safety and environmental grounds, should we wish to develop formal advice in the future. If undertaken, any such review would be a longer term project and outside the scope of this consultation. This is not a call for submission of evidence, but rather for comments on its availability.

[The Agency's current advice to eat at least two portions of fish a week applies only to the consumption of fish and does not include shellfish.]

> 9. Comments on consumer perceptions and understanding of 'sustainability' issues, the issues in this consultation that are most important to consumers and the type of information and guidance (other than certification and labelling) that would be most useful to consumers would be welcomed.

> 47. Comments on further criteria specific to fish consumption that could usefully supplement the Agency's guidance would be welcomed. For example,

advice might need to be able to reflect the subtleties of the status of fish stocks, for example that the sustainability of a species can vary from area to area and over time.

48. Demands on stocks of the most popular fish (e.g. cod, haddock, plaice) could be transferred by encouraging consumers to use a wider range of sustainable fish, although care would be needed in doing this to avoid unintended consequences of increasing pressure on other stocks. We would welcome views on practical steps the Agency might take in this regard, such as possible links to information or promotional work provided by other organisations.

49. Many retailers, manufacturers and caterers are taking steps to ensure sustainability of the fish they sell. We would welcome comments from all sectors of the food industry on ways in which the Agency could help consumers to access clear, helpful information about these practices.

More generally, the FSA says that it welcomes views on:

- The Agency's role in helping consumers find information on fish sustainability as part of its existing advice on fish consumption, in particular on the information that would be of most practical use to consumers and criteria the Agency should apply in selecting sources for this (paragraphs 9, 45-49).
- Additional criteria that might be needed to complement existing best practice guidance on assurance schemes and improve their usability by consumers (paragraph 47).
- Additional information other than certification/labelling that would be of most use to consumers (paragraph 9)
- Consumer perceptions of sustainability issues (paragraph 9)
- An early draft impact assessment has been included. Your views on the economic, social and environmental impacts, as well as the description of costs and benefits, would be welcome.
- Whether sufficient good quality evidence is available to support a review of advice on the consumption of shellfish on nutrition and environmental sustainability grounds. (No decision on the practicality of such a review has been taken yet – this is not a call for submission of evidence, but rather for comment on its availability.)

'Gluten-free' foods

A new European Union regulation has been published concerning 'gluten-free' foods (Commission Regulation (EC) No 41/2009 of 20 January 2009 concerning the composition and labelling of foodstuffs suitable for people intolerant to gluten)

Only foods that contain less than 20 parts per million of gluten will be allowed to use the term 'gluten-free' on their packaging. The FSA says that recent evidence has shown that this extremely low level offers better protection for people with an intolerance to gluten.

Additionally, some foods made using cereals that have been specially processed to remove most of the gluten, but which contain less than 100 parts of gluten in a million, will be able to make the claim 'very low gluten' on the packaging. These include substitutes of certain staple foods such as bread.

Manufacturers can use the new labelling system immediately, but in order to give them time to adapt to the new rules by reformulating products or changing existing packaging, products do not have to comply with the new rules until 1 January 2012.

Copies of the new regulation can be downloaded from the Eur-Lex website at http://tinyurl.com/ad7yru

The new EU limits for gluten levels follow those of Codex Standard 118, which was revised in 2008. The Codex standard (for foods for special dietary use for persons intolerant to gluten) can be found on the Codex website at http://tinyurl.com/act9vp

Marketing Standards for Poultrymeat

The European Commission issued a proposal in May 2008 that would amend the marketing standards for poultrymeat. The marketing standards are detailed in Regulation 1234/2007 (the Single CMO Regulation), which replaced an earlier specific Regulation (Council Regulation (EEC) No 1906/90)

- Proposal for a Council Regulation amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets as regards the marketing standards for poultrymeat COM (2008) 336 final: 2008/0108 (CNS)

The text of the Commission proposal can be downloaded from the EurLex website at http://tinyurl.com/cb8ehe, or as Council document 10351/08 from http://tinyurl.com/b6hxbv

The proposal was in part intended to accommodate the use of surface decontamination agents, which the Commission wished to see authorised for use in the EU. This required an amendment to the definition of poultry meat, since the existing definition has an exclusive reference to cold treatment. However the Commission failed to obtain support for the authorisation of these substances, from either Parliament or Council and this aspect of the proposal is expected to be withdrawn.

However, the Commission proposal included other changes which it considered necessary in the light of technological developments and to reflect changing consumer habits – particularly the increasing consumption of poultrymeat in the form of meat

preparations and products.

The Commission proposes

(i) including salted chicken within the COM system (poultrymeat in brine within CN code 0210 99 39)

(ii) extending the standards to include poultrymeat preparations and poultrymeat products

"Poultrymeat and poultrymeat preparations shall be marketed in one of the following conditions: fresh, frozen, or quick-frozen"

(iii) amending the definitions included in the standards: definitions for 'fresh poultrymeat', 'frozen poultrymeat' and 'quick-frozen poultrymeat' would be unchanged but there would be a new definition for 'fresh poultrymeat preparation'

'Fresh poultrymeat preparation' means a meat preparation for which 'fresh poultrymeat' within the meaning of this Regulation has been used. This would preclude the use of previously frozen poultrymeat in a product being sold as a chilled preparation.

(iv) a definition for a 'poultrymeat product' ("a meat product as defined in point 7.1 of Annex I to Regulation (EC) No 853/2004 for which 'poultrymeat' within the meaning of this Regulation has been used"),

The Commission justifies its proposed changes on the basis of protecting consumer interests in respect of the quality of product that is purchased 'fresh' (= chilled). This would apply to both poultrymeat and poultrymeat preparations, and possible also to poultrymeat products, although the Commission proposal is poorly drafted and is unclear on this final point.

The proposal seeks to extend restrictions on the use of previously frozen poultrymeat and the Federation has serious concerns with the inaccurate and totally unjustified picture that this portrays of frozen product.

The proposal clearly states that product sold 'fresh' (chilled) is a guarantee of quality for the consumer. This assertion appears in both the Commission's Explanatory Memorandum, and in the draft text of the Regulation itself.

The issue of quality for any meat product is a complex one and clearly depends on many factors along the whole supply chain, and cannot simply be equated to the temperature at which the product is held and finally sold. Product that is held and sold chilled can be of very high quality, but can also be of poor quality, and can of course pose a food safety risk if not properly handled through the supply chain.

The issue for consumers of using previously frozen poultrymeat is properly addressed through appropriate labelling, which is already standard practice. If the existing requirements from food labelling or consumer protection legislation are not sufficiently robust to guarantee such labelling, the opportunity currently exists with the Commission's food information proposal to strengthen the requirement.

There is also great concern within the supply sector that this Commission proposal would seriously disrupt the existing pattern of activity in the sector, to the disadvantage of UK consumers.

Both the Commission and the EU Presidency seem intent on pushing this proposal through during the Czech Presidency (which finishes at the end of June). For this to be possible, the timetable would be very tight.

The Commission proposal is for a Council Regulation, which does not require full participation by the European Parliament. However there is a requirement for the Parliament to be consulted and this process is now actively underway. The lead Parliamentary Committee is that for Agriculture and Rural Development (AGRI), with the Committee on the Environment, Public Health and Food Safety (ENVI) having a secondary role.

An Opinion was adopted by the ENVI Committee at its meeting on 16-17 February, which now goes to the AGRI Committee. The AGRI Committee is due to adopt its Opinion before the end of March, which will go to the full Parliament during April.

Food Improvement Agents – new regulations published

The new package of European regulations relating to food additives (food improvement agents) was published in the Official Journal on 31 December (L354) – the relevant OJ can be accessed from the Europa website at http://tinyurl.com/9al3fm, or download the regulations directly from the addresses below.

The group of four regulations were adopted by the Council of Ministers at the Agriculture and Fisheries Council meeting in November, following agreement reached with the Parliament at second reading.

- Regulation (EC) No 1331/2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings [download from http://tinyurl.com/co9r5v]
- Regulation (EC) No 1332/2008 on food enzymes [download from http://tinyurl.com/aofdpl]
- Regulation (EC) No 1333/2008 on food additives [colours, sweeteners, and other miscellaneous additives] [download from http://tinyurl.com/adqfyb]
- Regulation (EC) No 1334/2008 on flavourings and certain food ingredients with flavouring properties [download from http://tinyurl.com/aamdsp]

All four regulations entered into force 20 days after publication, but there are various application dates and transition periods that apply before the regulations have full effect. The Regulations do not yet include lists of permitted additives, but updated and new lists are to be established

Regulations 1332/2008 (food enzymes), 1333/2008 (food additives), and 1334/2008 (flavourings) (collectively referred to as the sectoral food laws) lay down harmonised criteria and requirements concerning the assessment and authorisation of the relevant substances.

For Regulation 1331/2008 (establishing a common authorisation procedure), the Commission has a period of up to 24 months from the adoption of each sectoral food law to establish the necessary implementing measures.

For Regulation 1332/2008 (food enzymes), certain articles concerning labelling will apply from 20 January 2010. A Community list of permitted enzymes is also to be established, with an initial two-year period allowed for applicants to submit information on existing enzymes (or new enzymes), following the date of application of the implementing measures laid down in accordance with Regulation 1331/2008. The Community list will be drawn up in a single step, after completion of the risk assessment of all food enzymes for which sufficient information has been submitted during the initial two-year period. Risk assessments for individual enzymes will however be published as soon as they are completed. A transitional period is provided during which food enzymes and food using food enzymes may be placed on the market and used, in accordance with the existing national rules in the Member States, until the Community list has been drawn up.

Regulation 1333/2008 (food additives) will apply in general from 20 January 2010, although other dates will apply to certain specific requirements. The Regulation replaces previous Directives and Decisions concerning food additives permitted for use in foods. **Community lists of approved additives are to be re-established, with existing food additives subject to a two-stage review process** – firstly by the Commission, assisted by the Standing Committee on the Food Chain and Animal Health, **to review existing authorisations for criteria other than safety**. Articles 6, 7, and 8 of the Regulation detail the conditions which must be satisfied by additives for inclusion in the Community lists – see the panel below for detail. Food additives that are to continue to be authorised in the Community will be transferred to the Community lists in the new Regulation. This first stage review process is to be completed by 20 January 2011.

> Article 30: Establishment of Community lists of food additives
>
> 1. Food additives which are permitted for use in foods under Directives 94/35/EC, 94/36/EC and 95/2/EC, as amended on the basis of Article 31 of this Regulation, and their conditions of use shall be entered in Annex II to this Regulation after a review of their compliance with Articles 6, 7 and 8 thereof.
>
> The measures relating to the entry of such additives in Annex II, which are designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 28(4). The review shall not include a new risk assessment by the Authority. The review shall be completed by 20 January 2011.
>
> Food additives and uses which are no longer needed shall not be entered in Annex II.

The second stage review will see a re-evaluation by EFSA of the safety of food additives that are already approved in the Community. Within one year following the adoption of the Regulation the Commission is to set up an evaluation programme which will define the needs and the order of priorities according to which the approved food additives are to be examined.

> Article 32: Re-evaluation of approved food additives
>
> 1. Food additives which were permitted before 20 January 2009 shall be subject to a new risk assessment carried out by the Authority.
>
> 2. After consultation of the Authority, an evaluation programme for those additives shall be adopted by 20 January 2010, in accordance with the regulatory procedure referred to in Article 28(2). The evaluation programme shall be published in the Official Journal of the European Union.

The European Commission has already charged EFSA with the re-evaluation of all currently permitted food additives in the EC, in part anticipating the requirement that would flow from this new package of measures. In its 'Report to the European Parliament and the Council on the progress of the re-evaluation of food additives' in July 2007 (COM(2007) 418 final), the Commission wrote:

> "There are a number of reasons why the Commission has considered it appropriate to start a systematic re-evaluation of food additives:
>
> (1) The Commission has recently adopted a proposal for a new Regulation on food additives as announced in the White Paper on Food Safety. In this context, the Commission has proposed to formalise its intention and introduce a requirement for a systematic re-evaluation of all authorised food additives.
>
> (2) The report from the Commission on Dietary Food Additive Intake in the European Union published in 2001 has shown that the intake of some food additives has the potential to exceed the Acceptable Daily Intake (ADI).
>
> (3) In the context of the amendment of Directive

95/2/EC and Directive 94/35/EC on sweeteners (Directives 2003/114/EC10 and 2003/115/EC11), the Commission has been required to present a status report about the re-evaluation of food additives to the European Parliament and the Council, in particular for those additives that were identified as possibly exceeding the ADI in the 2001 intake report.

(4) A report entitled "Food additives in Europe 200012" was submitted by the Nordic Council of Ministers to the Commission. This provides a good basis for the prioritisation of additives for re-evaluation. It examines whether the safety evaluations on food additives undertaken by the SCF are still valid and adequate in the light of present day standards for safety assessments.

Furthermore, it examines whether significant new toxicological studies have been published since the latest SCF evaluation of a substance.

Consequently, the Commission has asked the EFSA to re-evaluate all currently permitted food additives in the EC.
[Report available from http://tinyurl.com/dykem6]

The original request from the Commission to EFSA dates from September 2003, with the following terms of reference:

The Commission asks the European Food Safety Authority to start a systematic re-evaluation of authorised food additives and to issue scientific opinions on these additives, taking into account the prioritisation as follows:

Colours as a group should be given the highest priority for re-evaluation for the reasons outlined above.

The re-evaluation of the miscellaneous additives should follow according to needs and priorities to be worked out by the Commission. Within this group, polysorbates, nicin and natamycin should be given highest level of priority.

Sweeteners would then be the third and last group of additives to be re-evaluated.

The new Regulation 1333/2008 identifies 26 functional classes of food additives. There is as would be expected a close correlation with the categories of food additives identified in Directive 89/107/EEC. (see detail opposite)

Regulation 1333/2008 also applies a specific additional labelling requirement in respect of the Southampton six colours – 'name or E number of the colour(s)': may have an adverse effect on activity and attention in children.

Sunset yellow (E 110)	Quinoline yellow (E 104)
Carmoisine (E 122)	Allura red (E 129)
Tartrazine (E 102)	Ponceau 4R (E 124)

This requirement takes effect from 20 July 2010 (although foods placed on the market or labelled before 20 July 2010 which do not comply with the new requirement may be marketed until their date of minimum durability or use-by-date).

Regulation 1334/2008 (flavourings) applies from 20 January 2011

A Community list of flavourings and source materials is to be established covering covering substances and materials for which an evaluation and approval is required. A flavouring or source material may be included in the Community list only if it complies with the conditions set out in this Regulation.

Article 4: General conditions for use of flavourings or food ingredients with flavouring properties

Only flavourings or food ingredients with flavouring properties which meet the following conditions may be used in or on foods:

(a) they do not, on the basis of the scientific evidence available, pose a safety risk to the health of the consumer; and

(b) their use does not mislead the consumer.

Specific requirements for use of the term 'natural' are detailed (in Article 16)

Functional classes of food additives

Regulation 1333/2008 identifies and defines 26 functional classes of food additives:

ANNEX I: Functional classes of food additives in foods and of food additives in food additives and food enzymes

1. sweeteners	14. flavour enhancers
2. colours	15. foaming agents
3. preservatives	16. gelling agents
4. antioxidants	17. glazing agents (including lubricants)
5. carriers	18. humectants
6. acids	19. modified starches
7. acidity regulators	20. packaging gases
8. anti-caking agents	21. propellants
9. anti-foaming agents	22. raising agents
10. bulking agents	23. sequestrants
11. emulsifiers	24. stabilisers
12. emulsifying salts	25. thickeners
13. firming agents	26. flour treatment agents

There is a close correlation with the categories of food additives previously identified in Directive 89/107/EEC. The following differences are noted:
(i) 'Foaming agents' is now identified as a separate category – 'foam stabilizers' was previously included with the 'stabilizer' category.
(ii) 'Packaging gases' and 'propellants' are now identified as separate categories
(iii) 'Carriers' is now included as a category
(iv) 'Enzyme' was previously included as a category

Conditions associated with the use of food additives

Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives

Article 6: General conditions for inclusion and use of food additives in Community lists

1. A food additive may be included in the Community lists … only if it meets the following conditions and, where relevant, other legitimate factors, including environmental factors:
(a) it does not, on the basis of the scientific evidence available, pose a safety concern to the health of the consumer at the level of use proposed;
(b) there is a reasonable technological need that cannot be achieved by other economically and technologically practicable means; and
(c) its use does not mislead the consumer.

2. To be included in the Community lists … a food additive must have advantages and benefits for the consumer and therefore serve one or more of the following purposes:
(a) preserving the nutritional quality of the food;
(b) providing necessary ingredients or constituents for foods manufactured for groups of consumers with special dietary needs;
(c) enhancing the keeping quality or stability of a food or improving its organoleptic properties, provided that the nature, substance or quality of the food is not changed in such a way as to mislead the consumer;
(d) aiding in the manufacture, processing, preparation, treatment, packing, transport or storage of food, including food additives, food enzymes and food flavourings, provided that the food additive is not used to disguise the effects of the use of faulty raw materials or of any undesirable practices or techniques, including unhygienic practices or techniques, during the course of any such activities.

3. By way of derogation from paragraph 2(a), a food additive which reduces the nutritional quality of a food may be included in the Community list in Annex II provided that:
(a) the food does not constitute a significant component of a normal diet; or
(b) the food additive is necessary for the production of foods for groups of consumers with special dietary needs.

Article 7: Specific conditions for sweeteners

A food additive may be included in the Community list … for the functional class of sweetener only if, in addition to serving one or more of the purposes set out in Article 6(2), it serves one or more of the following purposes:
(a) replacing sugars for the production of energy-reduced food, non-cariogenic food or food with no added sugars; or
(b) replacing sugars where this permits an increase in the shelflife of the food; or
(c) producing food intended for particular nutritional uses as defined in Article 1(2)(a) of Directive 89/398/EEC.

Article 8: Specific conditions for colours

A food additive may be included in the Community list … for the functional class of colour only if, in addition to serving one or more of the purposes set out in Article 6(2), it serves one of the following purposes:
(a) restoring the original appearance of food of which the colour has been affected by processing, storage, packaging and distribution, whereby visual acceptability may have been impaired;
(b) making food more visually appealing;
(c) giving colour to food otherwise colourless.

These conditions detailed in Regulation 1333/2008 should be compared to corresponding text in existing legislation:

Council Directive … concerning food additives authorized for use in foodstuffs intended for human consumption (89/107/EEC)

Annex II: General criteria for the use of food additives

1. Food additives can be approved only provided that:
- there can be demonstrated a reasonable technological need and the purpose cannot be achieved by other means which are economically and technologically practicable,
- they present no hazard to the health of the consumer at the level of use proposed, so far as can be judged on the scientific evidence available,
- they do not mislead the consumer.

2. The use of food additives may be considered only where there is evidence that the proposed use of the additive would have demonstrable advantages of benefit to the consumer, in other words it is necessary to establish the case for what is commonly referred to as 'need'. The use of food additives should serve one or more of the purposes set out from points (a) to (d) and only where these purposes cannot be achieved by other means which are economically and technologically practicable and do not present a hazard to the health of the consumer:
(a) to preserve the nutritional quality of the food: an intentional reduction in the nutritional quality of a food would be justified only where the food does not constitute a significant item in a normal diet or where the additive is necessary for the production of foods for groups of consumers having special dietary needs;
(b) to provide necessary ingredients or constituents for foods manufactured for groups of consumers having special dietary needs;
(c) to enhance the keeping quality or stability of a food or to improve its organoleptic properties, provided that this does not so change the nature, substance or quality of the food as to deceive the consumer;
(d) to provide aids in manufacture, processing, preparation, treatment, packing, transport or storage of food, provided that the additive is not used to disguise the effects of the use of faulty raw materials or of undesirable (including unhygienic) practices or techniques during the course of any of these activities.

Directive 94/35/EC … on sweeteners for use in foodstuffs

"Whereas the use of sweeteners to replace sugar is justified for the production of energy-reduced food, non-cariogenic foodstuffs or food without added sugars, for the extension of shelf life through the replacement of sugar, and for the production of dietetic products"

Directive 94/36/EC … on colours for use in foodstuffs

"Whereas colours are used to restore original appearance of food whose colour has been affected by processing, storage, packaging and distribution, whereby visual acceptability may have been impaired"
"Whereas colours are used to make food more visually appealing and help identify flavours normally associated with particular foods and to give colour to food otherwise colourless"
"Whereas colours are used to reinforce colours already present in food"

Food Colours

Government Ministers have endorsed the FSA proposal for a 'voluntary ban' on the six colours that were the subject of the Southampton study. The six colours in question are:

- E102 Tartrazine
- E104 Quinoline Yellow
- E110 Sunset Yellow
- E122 Carmoisine
- E124 Ponceau 4R
- E129 Allura Red

'Voluntary' action by UK manufacturers is expected to remove these artificial colours by the end of 2009, although presumably some product may remain in the distribution chain well beyond that date. The FSA says that it will be 'working closely with manufacturers and retailers as they take this issue forward'.

The Agency is publishing information on its website on brands and companies that have removed these colours from products, and has invited companies to notify it of products and brands.

The FSA says that the website list will be limited to general information that will help consumers identify quickly whether a product they use is likely to contain these colours, rather than listing individual products. Consumers who are particularly concerned about the presence of the colours are advised to continue to check the label, especially in the case of products with a long shelf life where the availability of reformulated products may vary.

A first list of product ranges from manufacturers, caterers and retailers that do not contain the six colours has been published, including both companies whose product ranges have never contained the six colours as well as product ranges that have been reformulated to remove the colours. Full details are on the FSA website at http://tinyurl.com/c2jdbr

As detailed in the item above, the new European Regulation on food additives (1333/2008) also applies a specific additional labelling requirement in respect of the Southampton six colours – 'xxx' may have an adverse effect on activity and attention in children [where 'xxx' = name or E number of the colour(s)]

This requirement takes effect from 20 July 2010, although foods placed on the market or labelled before 20 July 2010 which do not comply with the new requirement may be marketed until their date of minimum durability or use-by-date.

Meanwhile, the EFSA review of all food additives continues, with priority given to colours. The six Southampton colours are being fast-tracked.

LACORS guidance

LACORS has recently published new guidance in four areas:

LACORS guidance notes on the labelling of sandwiches

(available to download from http://tinyurl.com/asobrg)

The guidance has been prepared by LACORS for use by enforcement officers solely in relation to advice on labelling to be given to producers and sellers of sandwiches. It is not intended to cover other products such as quiches, pizzas, pies etc.

The guidance primarily relates to compliance with legal requirements, but also includes best practice advice, which is separately identified as boxed text. The guidance does acknowledge that UK trade interests have drawn attention to certain issues that are not reflected in the guidance.

LACORS guidance on the labelling of meat and meat products for all species other than beef sold by breed

(available to download from http://tinyurl.com/buuzed)

LACORS has been asked to provide guidance on appropriate labelling and descriptions to be applied to meat other than beef (eg pork chops, pork joints, lamb chops, lamb shanks etc) and meat products (eg bacon) to which a specific breed is attributed, either on the labelling or in accompanying promotional material or both.

The guidance uses Gloucestershire Old Spot pigs as an example, but notes that the same basic principles apply to other species and breeds. The guidance applies equally to produce labels where such products are sold loose or pre-packed or pre-packed for direct sale. The guidance includes the advice that any trademark applied to the products should not be similar to the name of the breed in question.

LACORS guidance on the labelling of meat and meat products for beef species

(available to download from http://tinyurl.com/c3oyby)

LACORS advice has been sought on the use of the descriptions "rare breed" and "cross breed" in relation to meat and meat products sourced from Aberdeen Angus and Hereford cattle.

LACORS working guidance on salad, vegetable and fruit washes and sanitising solutions

(available to download from http://tinyurl.com/d6ldal)

LACORS says that the purpose of the guidance is to clarify the legal position with regard to the labelling of foods subject to the use of a wide range of post harvest sanitising solutions/washes applied to chopped, sliced, peeled or diced salad, vegetables and fruit. The guidance notes that a number of products are commercially available for use in the UK - including chlorine in solution; solutions containing acetic, ascorbic,

citric, malic, tartaric acids; solutions containing bioflavonoids; solutions containing quaternary ammonium compounds. Certain of these substances can be used both as processing aids and as additives and it is quite feasible for a substance to fulfil both roles, depending on its use.

Acrylamide "Toolbox" updated

The Confederation of the Food and Drink Industry of the EU (CIAA) has published an updated version of its Acrylamide Toolbox. This can be downloaded from the CIAA website at http://tinyurl.com/cfdept, or from the DG SANCO website at http://tinyurl.com/c67ntv

The CIAA "Toolbox" reflects the results of several years of industry cooperation to understand acrylamide formation and potential intervention steps. Its aim is to provide brief descriptions of the intervention steps evaluated and, in many cases, already implemented by food manufacturers and other partners in the food chain.

New in this latest edition is the inclusion of information from food and beverage manufacturers in the USA, provided through the Grocery Manufacturers Association (GMA). GMA will in future be actively involved in providing information on mitigation measures and be integrated in the Toolbox revision and final validation processes. This corroborates the global applicability and use of the Acrylamide Toolbox.

The summary introduction to the new edition indicates that the Toolbox approach is intended to assist individual manufacturers, including small and medium size enterprises with limited R&D resources, to assess and evaluate which of the intervention steps identified so far may be helpful to reduce acrylamide formation in their specific manufacturing processes and products.

> "It is important that they assess the suitability of proposed mitigation steps in the light of the actual composition of their products, their manufacturing equipment, and their need to continue to provide consumers with quality products consistent with their brand image and consumer expectations. It is anticipated that some of the tools and parameters will also be helpful within the context of domestic food preparation and in food service establishments, where stringent control of cooking conditions may be more difficult."

A total of 14 parameters, grouped within the four major Toolbox compartments, have been identified. These parameters can be applied selectively by each food producer in line with their particular needs and product/process criteria. In addition, the stage at which the different studies have been conducted, i.e. laboratory, pilot, or in a factory setting (industrial), are aligned to the potential mitigation measures. This approach ensures that all pertinent tests and studies are captured independent of their immediate applicability to commercial production.

The Toolbox is not meant as a prescriptive manual or as formal guidance. It should be considered as a "living document" with a catalogue of tested concepts at different trial stages that will be updated as new findings are communicated. Furthermore, it can provide useful leads in neighbouring sectors such as catering, retail, restaurants and domestic cooking. The final goal is to find appropriate and practical solutions to reduce the overall dietary exposure to acrylamide.

To assist SMEs in the implementation of the Toolbox, CIAA and the European Commission, Directorate General Health and Consumer Protection (DG-SANCO) in collaboration with national authorities developed the Acrylamide Pamphlets for five key sectors: Biscuits, Crackers & Crispbreads, Bread Products, Breakfast Cereals, Fried Potato Products such as Potato Crisps and French Fries. Individual operators can use the tools outlined in the pamphlets to adapt their unique production systems.

The pamphlets are available in > 20 languages on the DG SANCO website at http://tinyurl.com/34anh8

New European Regulation on IUU fishing

The new EU regulation 'to prevent, deter and eliminate illegal, unreported and unregulated fishing' is due to enter into force on 1 January 2010. This was described in some detail in a previous issue of this newsletter (**T&L *update* 50**). At the heart of the Regulation, and of major significance for importers of fishery products from third countries, is the catch certification scheme.

The timetable for implementation of the Regulation is acknowledged to be extremely tight. The Commission is currently working on an implementing regulation to set up technical provisions. The target date for adoption of the implementing regulation is in mid 2009. This will be complemented by a document giving practical guidelines on how to actually apply the IUU Regulation, including the catch certification scheme and the procedures to be followed by third country fishing vessels landing their catches in the EU.

The Regulation allows for the granting of 'approved economic operator' (APEO) status to qualifying importers, for whom a simplified procedure will be available in respect of the presentation of validated catch certificates.

Unfortunately, the section from the Commission's initial draft implementing rules that covers approved economic operators has not been well received in the UK - by industry or Government (Defra). **The Commission is seeking to implement operating rules that would make**

qualification for APEO status onerous and available only to a very limited number of importers.

Firstly, the Commission is proposing that an applicant for APEO status must first have received Authorised Economic Operator (AEO) status from customs authorities. This is considered both disappointing and unhelpful.

An Authorised Economic Operator (AEO) is an economic operator who, by virtue of satisfying certain criteria, is considered to be reliable in their customs related operations throughout the European Community and is therefore entitled to certain benefits. Depending on the type of AEO certificate applied for and authorised, these can include either easier access to certain customs simplifications or certain facilitations from customs security and safety controls, or both.

The concept of AEO was introduced by an amendment to the Community Customs Code in April 2005 (Council Regulation 648/2005, The Security Amendment). The detailed implementing provisions are contained in Commission Regulation 1875/2006 published in December 2006. AEO status entered into force on 1 January 2008 across the EU.

At the end of the first year of operation the UK customs authorities (HMRC) reported that there were 140 applications for AEO status registered in the UK, with 37 certificates issued. Two-thirds of applications were from small medium enterprises with the majority from freight agents / forwarders. On average it took HMRC 125 days to process an application and assess the AEO criteria, from receipt of all the relevant information through to the date of the decision.

Secondly, the Commission sets a minimum number of imports for the applicant company to average 50 consignments per month (in the Member State of establishment).

This minimum is set at such a high level that it would exclude all except the very largest importers

The applicant for APEO status must be established on the territory of the Member State to which it submits the application, and APEO status will only be recognised in that Member State.

For more information:

Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 can be downloaded from the Eur-Lex website at http://tinyurl.com/6qko89 (or directly as http://tinyurl.com/5ub6sd).

More information is available on the European Commission Fisheries website **(Combating illegal fishing)** at http://tinyurl.com/2edmx2, including a series of Information Notes:

- the IUU regulation
- the catch certification scheme
- international cooperation
- reform of the Community Control Regime

The customs **Authorised Economic Operator** (AEO) system was described in an earlier issue of this newsletter **T&L *update*** 42. Full information is available from the HMRC website:

- **Authorised Economic Operator** (September 2008)
  HMRC Reference: **Notice 117** (revised Notice, canceling and replacing earlier Notice)
  http://tinyurl.com/cyxdjv
- **Customs Information Paper (08) 80 - Authorised Economic Operators** (10 December 2008)
  HMRC Reference: JCCC CIP (08) 80
  http://tinyurl.com/cqzrru

Members of the British Frozen Food Federation requiring further information should contact Ian Farley at the BFFF Office

Review of Port Procedures: Consultative Document

SITPRO is undertaking a review of procedures at UK sea ports, airports, the Channel Tunnel and inland clearance depots for the international and intra-EU movement of goods.

SITPRO last carried out such a review in 1997 and notes that much has changed in the intervening time. The aim of the new review is to provide an overview of the current regulatory framework and its attendant procedures and to assess their impact on trade.

Views are sought from port operators, port users, traders or trade associations. The consultation document can be downloaded from the SITPRO website at http://tinyurl.com/agmhqy as a PDF document. The response form is available from the same address, to be completed electronically or manually, with a deadline for responses of 31 March 2009

SITPRO, the UK's trade facilitation body (a non-departmental public body principally funded by BERR), was established in 1970 to simplify international trade. Much of its work in that time has focused upon improving the procedures at ports and borders, such as improving the arrangements for inspecting goods at the border and streamlining the submission of data to government. SITPRO works at national, European and international levels.

In 1997 SITPRO undertook a review of port procedures in the UK ports and airports and the Channel Tunnel. This stemmed from concerns amongst traders that despite the advent of the European Single Market, new official requirements had since created new barriers to

trade. It produced 22 recommendations, some of which have been implemented and others overtaken by events. But many of the underlying concerns still exist.

The report was influential in that it highlighted the trend towards "bureaucratic creep" and contributed to the more co-ordinated and consultative environment in which international trade in the UK operates today. It also did much to encourage the move towards paperless trade.

In the period since the review was conducted the world has changed considerably. The events of 11 September 2001 in particular changed attitudes towards border and international supply chain security, and this has driven many of the new border procedures that are being implemented today.

Indeed, there has been a proliferation of procedures pertaining to both the international and intra-EU movement of goods. A recent study published by SITPRO identified 37 security themed procedures and controls in UK trade operations, which the study described as a veritable "security spaghetti".

But a vast array of other measures and controls also have impacts on the ability of UK traders to trade internationally. There is no authoritative guide to these procedures and individual control agencies tend to focus on their own requirements. Without a guide to current procedures it is difficult for regulators to scope the extent of the procedural burden and therefore to cost it. One aim of this new review in 2009 is to enable SITPRO to provide an analysis of the regulatory environment as it is today and to determine what changes are needed to better facilitate trade with the UK.

The current consultation exercise was in part prompted by two related developments in 2008. Firstly, Government interest in the **World Bank's annual Doing Business Report**. The 2009 report ranks the UK as only the 28th easiest country (out of the 180 countries studied) to trade with across borders - even though the UK gets an overall ranking of 6th. Although SITPRO believe some of the World Bank data to be incorrect, the World Bank report is in the public domain, and has spurred the Government into considering the cost to UK business of international trade regulation, culminating in the following provision in the 2008 Pre-Budget Report:

> "International trade represents a significant proportion of GDP and it is crucial that domestic trade regulation is as easy to comply with as possible, in order for UK based firms to remain internationally competitive. The Government will take forward a Department for Business, Enterprise & Regulatory Reform and HMRC led work programme to review the cost to business of complying with international trade regulation and put forward an action plan alongside the 2009 Pre-Budget Report setting out how it will reduce costs to business."

A second SITPRO consultation to be launched shortly will focus specifically on identifying proposals that could feature in the 2009 action plan.

Fish Decontamination Products

The Food Standards Agency has issued a reminder notice concerning the use of products for the decontamination of fish. Article 3 of Regulation (EC) No. 853/2004 on the hygiene of foodstuffs prohibits the use of any substance other than potable water, or when permitted, clean water, to decontaminate products of animal origin, unless approved by the European Commission.

No product has been approved for the decontamination of fish and fishery products in the EU and therefore such products may not lawfully be used for that purpose in the UK.

Approved establishments in the UK

Fishery products and live bivalve molluscs

The list of approved establishments for fishery products and live bivalve molluscs in **England** is now available on the FSA website, joining those for Scotland, Wales and Northern Ireland that were previously available.

Note however that the webaddress has changed from that used earlier for this information – all four lists can now be found at http://tinyurl.com/dccbln

Industry sector rules

A new page on the FSA website - **Industry sector rules** – gives easy access to approved listings for sectors where approval under hygiene Regulation 853/2004 is required (www.food.gov.uk/enforcement/sectorrules/), including;

Approval of meat plants

(i) Approved meat products, minced meat and meat preparation establishments - detailed listings available from http://tinyurl.com/5kqgdt (address unchanged). The listings now include Scotland. Coverage includes a number of other sectors, most notably **Standalone Cold Stores**, but is not complete for all country / sub-sector combinations,

(ii) Approved red, poultry, and game meat establishments (approved to slaughter and/or cut meat) – detailed listings available from http://tinyurl.com/6yxbed (address unchanged)

Approved milk and dairy establishments – detailed listings available from http://tinyurl.com/68xv9n (address unchanged)

Fish and shellfish approval (as above)

Approved establishments in other member states

For other EU (and EEA) member states, the EUROPA website provides links to the relevant national websites for corresponding information (when available), available from http://tinyurl.com/686drh.

Readers interested in this area of information should also try the EuroVetLinks website at www.eurovetlinks.com.

Coverage is not complete for all member state / sector combinations but **the site gives access to a database of more than 54,000 establishments**. Coverage for the UK does not yet reflect recent new web availability from the FSA.

The site also provides direct links to the sites of the Member States

Third Countries

Lists of establishments in Third Countries can be accessed from the Europa website at http://tinyurl.com/6b4zzn. Lists can be accessed by sector or by country.

BRC Global Standard for Food Safety - Interpretation Guideline

The British Retail Consortium (BRC) has produced guidance on interpretation of the requirements of the BRC Global Standard for Food Safety (Issue 5). The guideline discusses the principles behind each of the requirements clause-by-clause, and is intended to assist companies to effective implementation. Also included is a discussion on how to prepare for a BRC audit, what to expect during the audit and what actions are required following an audit and to maintain certification.

The format of the guideline closely mirrors that of the Standard to aid cross-reference. Examples are included to explain the type of documents, procedures and level of detail which would be required by an auditor.

BRC Global Standard for Food Safety - Interpretation Guideline is available for purchase from the Stationery Office (http://tinyurl.com/bhrafc)

Purchased alone the price is £37-50 (plus VAT - electronic publication in pdf format), but options are also available to purchase in combination with BRC's existing series of Best Practice Guidelines

Certification Requirements for Imports of Fishery Products, Bivalve Molluscs,

Commission Regulation (EC) No 1250/2008 has amended Regulation (EC) No 2074/2005 regarding the certification requirements for imports of fishery products, live bivalve molluscs, etc for human consumption (download as http://tinyurl.com/bnyhog)

The new Regulation amends and replaces the previous health certificates in Annex VI of Regulation 2074/2005 but introduces transitional arrangements for the new requirements.

Consignments of fish, fishery products, live bivalve molluscs, echinoderms, tunicates and marine gastropods for human consumption should, from 1 January 2009, be accompanied by a health certificate issued in accordance with the model laid down in Regulation 1250/2008.

Consignments of fish, fishery products, live bivalve molluscs, etc for human consumption can however continue to be accompanied by the previous health certificate as laid down in Regulation 2074/2005 (as amended by Regulation 1664/2006) until 30 June 2009.

There is also a longer transitional period until 31 July 2010 for animal health attestations.

More information from the FSA at http://tinyurl.com/cd2p8w

Flexibility in the use of approval numbers

The Food Standards Agency has issued advice to enforcement authorities regarding business requests for flexibility in the use of approval numbers

The FSA advice reads as follows:

There is evidence that enforcement officers are occasionally being asked by food businesses to permit products to bear an approval number other than the one relating to the establishment where the product was manufactured or handled.

The Agency has sought legal advice and is of the opinion that the practice of allowing products of animal origin (POAO) to bear an identification mark using an approval number other than that of the establishment of production or of processing is contrary to Regulation 853/2004, Annex II, section I, paragraphs 1 and 7;

"The identification mark must be applied before the product leaves the establishment". and "The mark must indicate the approval number of the establishment".

The Recitals to Regulation 853/2004 link the application of the identification mark explicitly to traceability, saying that it applies in addition to the requirements of Regulation 178/2002. Recital 15 states that "the traceability of food is an essential element of food safety".

The only flexibility that could be applied to this requirement would be in the event of a force majeure (an extraordinary event beyond the control of the parties involved, for which no contingency arrangements could be made, such as war, flooding or fire).

If a Food Business Operator approaches an enforcement authority in England for consideration of extreme circumstances, such a decision can only be

made through the single contact point at the Agency [given below] – the enforcement authority should clearly make the case in writing …

While the Agency cannot condone manufacturers/handlers using approval numbers other than those specifically linked to an establishment, except in very extreme circumstances, comments are welcome. Information gained from enforcement authorities could form the basis of a case to the Commission for amending the legislation to provide a measure of flexibility.

[download as http://tinyurl.com/cvqy8e]

Animal By-Products Regulation Transition period for former foodstuffs

The existing EU Animal By-Products Regulation is under review. The European Commission has issued proposals for a new regulation that will replace the existing regulation (EC) No 1774/2002. In the UK Defra has undertaken a full public consultation on the Commission's proposal. Details are available from Defra's website at www.defra.gov.uk/corporate/consult/default.asp

Defra notes in the impact assessment document that at this early stage, the Government's preferred approach is to support the Commission's proposals whilst seeking to negotiate improvements.

> "The proposal provides a more risk- based approach to controls on the use and disposal of ABPs and the Government agrees with the Commission that this could not be achieved by a more piecemeal approach to amending the existing Regulation."

Former foodstuffs

Under the existing regulations, transitional measures have been established regarding collection, transport, treatment, use and disposal for certain 'former foodstuffs' by Commission Regulation (EC) No 197/2006, but these **transitional measures are due to expire on 31 July 2009**.

The position of former foodstuffs and the available scientific evidence related to the risks arising from such animal by-products will be considered fully during the current review process, but new rules will not be in place until well beyond 2009.

The period of validity of the current transitional measure has therefore been extended until 31 July 2011.

Commission Regulation (EC) No 129/2009 of 13 February 2009 ('amending Regulation (EC) No 197/2006 as regards the validity of the transitional measures relating to former foodstuffs') was published in the Official Journal, L44, 14 February 2009. Copies can be downloaded as http://tinyurl.com/dz5vpw

Commission Regulation (EC) No 197/2006 of 3 February 2006 ('on transitional measures under Regulation (EC) No 1774/2002 as regards the collection, transport, treatment, use and disposal of former foodstuffs') can be downloaded as http://tinyurl.com/cznjyj

Information on former foodstuffs is available from the Defra website at http://tinyurl.com/bu4tqo

New Food and Environment Research Agency

Defra has announced that a new national research centre for food and the environment is to be formed by bringing together a number of existing operations.

The **Food and Environment Research Agency** (Fera) will bring together Defra's Central Science Laboratory, Plant Health Division, Plant Health and Seeds Inspectorate, and the Plant Variety Rights Office and Seeds Division as one agency.

Defra says that this will significantly strengthen its work in plant and crop protection, food chain safety, environmental risk assessment and crises response, and will promote better integration between policy development, scientific evidence and inspection services.

Fera comes into being officially on 1 April 2009. This is to denote the legal creation of the agency as announced to Parliament in a written ministerial statement. The agency has actually been operating in shadow form since April 2008.

Fishery product imports from List II countries

List II countries are third countries that do not have full approval to export fishery products and/or bivalve molluscs to the EU, but where individual member states can establish bilateral agreements.

Imports from List II countries are restricted to the national market only, and cannot enter into free circulation within the Community.

Israel

Israel is one List II country with which the UK has a bilateral agreement. The Commission's Food and Veterinary Office has visited Israel and found serious deficiencies in the official controls system, and in the standards being applied to the production of fishery products intended for export to the EU. Enforcement officers at Border Inspection Posts are therefore undertaking 100% physical checks on all consignments of fishery products from Israel.

More information is available from the FSA website at http://tinyurl.com/cszhxh

Cameroon

The Commission has recently published a Regulation removing Cameroon from List II of authorised

countries. Imports into the Community of fishery products from Cameroon are therefore no longer permitted.

The UK did not have a bilateral agreement with Cameroon, and no imports have therefore been possible anyway, but other Member States may have had such agreements.

The Regulation can be downloaded from http://tinyurl.com/c7d22o

- Commission Regulation (EC) No 146/2009 of 20 February 2009 amending Annex II to Regulation (EC) No 2076/2005 as regards imports of fishery products from Cameroon

More information is available from the FSA website at http://tinyurl.com/ckgnps

List II countries

Commission Regulation (EC) No 146/2009 replaces the existing list of countries that can establish bilateral agreements, as below

Annex II to Regulation (EC) No 2076/2005 is replaced by:

List of third countries and territories from which imports of fishery products in whatever form for human consumption may be permitted	
AO — ANGOLA	AZ — AZERBAIJAN (1)
BJ — BENIN	CG — REPUBLIC OF CONGO (2)
ER — ERITREA	IL — ISRAEL
MM — MYANMAR	SB — SOLOMON ISLANDS
SH — SAINT HELENA	TG — TOGO
(1) Authorised only for imports of caviar. (2) Authorised only for imports of fishery products caught, frozen and packed in their final packaging at sea.'	

Note that UK has continuing bilateral arrangements for fishery products with:

- Azerbaijan
- Eritrea
- Israel
- Myanmar
- St Helena

There are also bilateral arrangements for bivalve mollusc establishments with

- Canada
- US

but these are not affected by the Commission Regulation

Details of UK bilateral arrangements, including lists of approved establishments, are available on the FSA website at http://tinyurl.com/2v6hkr

Food Safety Group Restructures

The Food Standards Agency has announced the restructuring of the Food Safety Group under FSA Chief Scientist and Director of Food Safety, Andrew Wadge, This organisational change brings together work on aspects of food safety that was previously spread across the Agency.

The new structure brings together hygiene, microbiology, contaminants and other work that had previously been divided between two different groups – the Food Safety Group and the former Consumer Protection and Enforcement Group.

The FSA says that the merger of these two groups has provided the opportunity to better organise the Agency's food safety work and align resources to the new strategic plan priorities to maximise impact in improving public health in relation to food safety.

The new Food Safety Group has two divisions that address the two broad categories of agents that can cause food to become unsafe - namely microbiological and non-microbiological agents. It also has a cross-cutting division that deals with the implementation and delivery of effective controls on these two aspects of food safety. This division will work closely with the Veterinary and Technical Division in the Meat Hygiene Service, which performs a similar role in respect of MHS delivery, ensuring greater consistency of approach.

Alongside these is a division providing analytical support and advice across the whole of the Agency, as well as the Chief Scientist Team, which supports the Chief Scientist role for the whole of the Agency.

Last, but not least, is the Incident Response Team, which reports directly to the Director of Food Safety and recognises the strategic importance of responding effectively to food safety incidents.

<table>
<tr>
<td rowspan="3">Chief Scientist's Team
Julie Norman / David Atkins</td>
<td>Food Safety:
Hygiene &
Microbiology
Liz Redmond</td>
<td>Food Safety:
Contaminants
Alison Gleadle</td>
<td rowspan="3">Analysis & Research
Derrick Jones</td>
</tr>
<tr>
<td colspan="2">Food Safety:
Implementation & Delivery
Sarah Appleby</td>
</tr>
<tr>
<td colspan="2">Incident Response Team
Liz McNulty</td>
</tr>
</table>

For more details see the recent FSA Board paper ref FSA 09/02/04 at http://tinyurl.com/d9vdo2

Listeria monocytogenes and ready-to-eat foods

The European Commission has published two new guidance documents on Listeria monocytogenes and ready-to-eat foods. These are available from the DG SANCO website at http://tinyurl.com/b3ppk8

- Guidance Document on Listeria monocytogenes shelf-life studies for ready-to-eat foods, under Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs.

  "This document is mainly directed at Food Business Operators who produce ready-to-eat foods and conduct Listeria monocytogenes shelf-life studies for them in accordance with Article 3(2) and Annex II of Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs."

- Technical Guidance Document on shelf-life laboratory durability and challenge studies for Listeria monocytogenes in ready-to-eat foods.

  "This technical guidance document is intended for laboratories conducting shelf-life studies for L. monocytogenes in RTE foods, in collaboration with the FBO's. It provides recommendation on how to select the test(s), to implement and how to perform them."

Guidelines for assessing the microbiological safety of ready to eat foods

The Health Protection Agency has recently completed a consultation exercise on revised guidelines for assessing the microbiological safety of ready-to-eat foods. The draft revised guidelines can be downloaded as a pdf file http://tinyurl.com/cwn59b

The guidelines have been updated by a subgroup of the HPA Regional Food, Water and Environmental Co-ordinators Forum. **The HPA expects to publish the finalised guidance in spring 2009**.

Guidelines were first published by the Public Health Laboratory Service in 1992, updated in 1996. The current guidelines date from 2000 and can be downloaded from the HPA website at http://tinyurl.com/ckfmf8.

The HPA says that the guidelines are intended for use by food microbiologists, food examiners and local authority enforcement officers. They will also help to inform other health protection and public health specialists.

> "The microbiological criteria in these guidelines will contribute to the provision of safe food products. The primary purpose of these guidelines is to assess the microbiological safety of ready-to-eat food at any point in the retail chain, e.g. retail, catering, wholesale, and port of entry. These guidelines do not take precedence over microbiological criteria within European or national legislation but serve to complement legally enforceable standards and provide an indication of the microbiological safety for foods where standards currently do not exist."

The HPA also notes that this latest revision has a different emphasis than previous versions.

> "The guidelines are risk based focusing on public health, consumer protection, and provide advice on actions and investigations which should be considered."

Draft Contaminants in Food Regulations 2009

The Food Standards Agency is consulting on draft Contaminants in Food Regulations 2009. There are separate regulations and consultations for each of England, Wales, Scotland, and Northern Ireland.

- Draft Contaminants in Food (England) Regulations 2009
- Draft contaminants in food (Scotland) regulations 2009
- Draft Contaminants in Food (Wales) Regulations 2009
- Draft Contaminants in Food Regulations (Northern Ireland) 2009

Full details are on the FSA website at http://www.food.gov.uk/consultations/

The consultation was originally intended to make provisions for authorities to enforce the requirements of two Commission Regulations which amend Regulation (EC) No. 1881/2006, but the consultation has been extended to also include enforcement of a further Commission Regulation published on 11 February and which will apply from 1 July 2009.

The extended consultation now runs to 10 April

- Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs – available to download from the Europa website at http://tinyurl.com/dxudx4

The original two European Regulations are

- Commission Regulation (EC) No 565/2008 of 18 June 2008 amending Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs as regards the establishment of a maximum level for dioxins and PCBs in fish liver
  [download from http://tinyurl.com/cj9bre]
- Commission Regulation (EC) No 629/2008 of 2 July 2008 amending Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs
  [download from http://tinyurl.com/ckpjmq]

Regulation 565/2008 establishes for the first time maximum levels for dioxins and dioxin-like PCBs in fish liver, following the reporting of high levels of dioxins and dioxin-like PCBs in canned fish liver through the European Commission's Rapid Alert System.

Regulation 629/2008 concerns principally revised levels for certain heavy metal contaminants. New information indicates that even good agricultural and fisheries practices cannot ensure that levels of lead, cadmium and mercury in certain aquatic species and certain species of fungi are as low as was required in the Annex to Regulation 1881/2006. The maximum levels fixed for those contaminants have therefore been revised.

The new regulation published on 11 February sets maximum levels for the presence of coccidiostats or histomonostats in food resulting from the unavoidable carry-over of these substances in non-target feed.

- Commission Regulation (EC) No 124/2009 of 10 February 2009 setting maximum levels for the presence of coccidiostats or histomonostats in food resulting from the unavoidable carry-over of these substances in non-target feed
  [download from http://tinyurl.com/d93h5d]

The FSA explains that coccidiostats and histomonostats are veterinary medicines authorised for use in animal feeds. The Veterinary Medicines Directorate (VMD) normally lead on any regulatory issues, such as maximum residue limits in formulated feeds and resulting limits in food. Because of the Commission's concern about the possible carry-over into batches of feed that are not intentionally formulated with coccidiostats or histomonostats they have felt it necessary to introduce a Directive limiting the permissible amount of coccidiostat carry-over into feed, and at the same time, a Regulation limiting the resulting residue in food of non-target animals.

Introduction of ambulatory references

The draft Contaminants in Food Regulations 2009 will revoke and remake with necessary amendments the existing Contaminants in Food Regulations. **The proposed Regulations will also introduce the use of ambulatory references.**

An ambulatory reference is a new provision in UK legislation that allows future amendments to specified EC legislation to take effect in national law without having to be specifically implemented or enforced via new domestic regulations.

The impact assessment that accompanies the consultation for England makes the following comment:

> "The introduction of ambulatory provisions in this Statutory Instrument (SI) for England will help to reduce the regulatory burden on enforcement authorities as well as industry as further SIs will not be necessary to introduce subsequent EU changes to these particular provisions in Commission Regulation (EC) No. 1881/2006. Thus, this practice will reduce the time and costs taken by enforcement authorities and industry to read and comprehend the Regulations and it will also save them costs in terms of purchasing printed copies of the SI in which new or amending Regulations are contained. It will also significantly reduce the time and cost borne by central government in preparing new or amending Regulations. Stakeholders have previously welcomed the introduction of ambulatory references in food contact materials legislation."

The power to make ambulatory references in UK legislation is contained in Section 28 of the Legislative and Regulatory Reform Act 2006. The Explanatory Note that accompanies the Act makes the following comments:

> **Section 28: Power to make ambulatory references to Community instruments**
>
> 147. Section 28 inserts a new paragraph 1A into Schedule 2 to the 1972 Act. It enables any "subordinate legislation" (as defined by the new paragraph) which is made for a purpose mentioned in section 2(2) of the 1972 Act, to provide expressly that any reference in that legislation to a Community instrument is to be construed as a reference to the Community instrument in question as amended from time to time. (The definition of "subordinate legislation" in the new paragraph 1A(2) is not restricted to instruments made under section 2(2) of the 1972 Act; it also includes instruments made under other Acts, Acts of the Scottish Parliament or Northern Ireland legislation.) Such provision can only be made where it appears to the person making the legislation that it is necessary or expedient for references to Community instruments in the legislation he is making to have that ambulatory meaning.
>
> 148. The reason for this amendment is that it might otherwise be thought that such ambulatory references could not be made under the powers conferred by section 2(2) of the 1972 Act. An example of when this power might be useful is where a Community instrument contains lists or tables of technical detail which might be the subject of frequent updating or amendment. A person making legislation which refers to such an instrument could make use of this power in order to avoid the need for the legislation to have to be amended regularly in the future simply to reflect the updating of the Community instrument.
>
> 149. It is worth noting the relationship between this provision and the provision made by section 25. Where subordinate legislation refers to a Community instrument, the 1978 Act, as amended by section 25, will operate as described above so that the reference is taken as a reference to the Community instrument as amended up to that date.

But the provision made by section 25 does not allow for the reference to be taken as including the instrument as amended after that date. Paragraph 1A makes provision for this.

[The Legislative and Regulatory Reform Act 2006, together with the accompanying Explanatory Note, can be downloaded from the OPSI website at www.opsi.gov.uk/acts/acts2006a]

Guidance Document on EU Organic Standards

Defra has published a guidance note on the new EU organic standards regulations which came into force on 1 January 2009.

Guidance Document on European Union Organic Standards can be downloaded as a pdf file from http://tinyurl.com/dcapjd

Defra writes that this document has been produced to assist those who produce, prepare, store, import from a non-EU country or market organic products (referred to as operators) and the inspection bodies which licence them (referred to as control bodies) with implementing the new framework of EU organic standards which comes into effect on 1 January 2009. These standards are set out in

- Council Regulation (EC) No. 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No. 2092/911
  [download from http://tinyurl.com/aksfvk]
- Commission Regulation (EC) No.889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 834/2007 of 28 June 2007 on organic production and labelling of organic products with regard to organic production labelling and control
  [download from http://tinyurl.com/b59rog]

Guidance on importing organic products from outside the EU and guidance on aquaculture will be circulated in due course when detailed EU provisions on these subjects, currently under discussion, have been adopted by the European Commission.

Two sections from the guidance are reproduced below dealing with 'Who is subject to the regulations?'

5. Article 28 (1) of 834/2007 explains that those in the EU who produce, prepare, store, import from a non-EU country or market organic products must make themselves known to the competent authority for the Member State in which they are situated and comply with the control system for organic production. This is done through registering with a control body.

However, Article 1 of 834/2007 explains that "mass catering operations" as defined in its Article 2 (aa) are not subject to the EU control system. Such operations may however be subjected to national rules as is the case in some EU Member states.

Pending the introduction of such rules in the UK, mass catering operations will simply be subject to general food consumer protection law.

Because mass catering has some of the characteristics of food processing the chart at Appendix 1 will be used to guide decisions on whether particular operators are food processors or mass caterers.

6. Two other classes of operator are also not subject to the full impact of the control system. Article 28 of 834/2007 permits Defra to exempt from the control system operators who sell organic products directly to the final consumer or user provided they do not "produce, prepare, store other than in connection with the point of sale, or import such products from a third country". It is proposed to use this provision to continue to exempt retailers selling prepackaged goods and their distribution hubs from the control system.

However, from 1 January 2009, when 834/2007 comes into effect, other wholesale operations selling prepackaged goods will be subject to the control system but the Regulation's Article 27(3) provides for them not to be subject to the annual verification required to be applied to all other operators.

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Members of the British Frozen Food Federation requiring further information about any item in this newsletter should contact Ian Farley, Technical and Legislative Co-ordinator

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