

British Frozen Food Federation



T&L update 57

March 2011

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Food Information Proposal

The EU Commission's proposal for a new Food Information Regulation is moving into the second reading stage of the EU's 'ordinary legislative procedure' (codecision).

It is in fact a full three years since the Commission first published its food information proposal at the end of January 2008, but now the first reading stage is complete, the pace will quicken, as there are strict time limits for each of the second and (if necessary) third reading stages. There has been no time limit for completing the first reading stage.

The European Parliament adopted its first reading position in June 2010, and the Council Common Position (at first Reading) was formally adopted at a meeting of the Agriculture and Fisheries Council on 21 February, by qualified majority (with Italy voting against).

Political Agreement had been previously reached by the Council at a meeting of the EU's EPSCO Council (Employment, Social Policy, Health and Consumer Affairs), in December 2010. The political agreement text was then passed through the EU's Jurists/Linguists procedure, to finalise the detail from a legal and linguistic point of view.

Once the Council Common Position was adopted, the way is open for the second reading stage to commence. The second reading clock (three months, with a possible extension to four) did not start immediately, but only after the Parliament formally announces the receipt of the common position in plenary session. Generally the Parliament is notified of the common position at the next plenary session following its formal adoption by Council.

The Parliament's second reading could then proceed in accordance with the 'standard' rules of procedure, with rapporteur Renate Sommer leading, and the ENVI Committee producing a detailed report, incorporating amendments to the Council Common Position, for adoption by the Parliament in plenary session. This second reading position would almost certainly not be acceptable to the Council, and the procedure would move into a third reading Conciliation phase.

However, it is generally true that only a small minority of proposals ever do reach the third reading stage. For most proposals, there is agreement at first or second reading. Essentially there needs to be agreement between the Council, the Parliament (and the Commission). The option exists for the parties to work together to agree a joint compromise text, which can be approved by each of Parliament and Council. This has become a common mechanism for early adoption at first or second Reading.

This informal procedure is expected to be followed in this case.

[For more detail, refer to Ordinary Legislative Procedure "Step By Step" – available from <http://tinyurl.com/34akf9d>]

Where an agreement at second reading appears to be attainable, informal contacts can be established between the co-legislators in order to reconcile their positions. Such contacts may take the form of bilateral meetings between representatives of the European Parliament and the Presidency [Hungary in this case] or, more often, informal tripartite meetings in the presence of the Commission.

Owing to the ad-hoc nature of such contacts, no "standard" format of representation exists but, as a general rule, they involve the rapporteur (accompanied where necessary by shadow rapporteurs from other political groups), the chairperson of the relevant Council working party assisted by the General Secretariat of the Council and representatives of the Commission (usually the expert in charge of the dossier and his or her direct superior assisted by the Commission's Secretariat-General and Legal Service).

The purpose of these contacts is to get agreement on a package of amendments acceptable to the Council and the European Parliament. The Commission's endorsement is particularly important, in view of the fact that, if it opposes an amendment which the European Parliament wants to adopt, the Council will have to act unanimously to accept that amendment.

If these contacts prove fruitful, the COREPER chair (Permanent Representatives Committee) will send a letter to the chair of the parliamentary committee responsible, whereby the Council undertakes to approve the European Parliament's amendments if they are in line with the compromise identified jointly. The compromise amendments are then tabled either in parliamentary committee (if they are identified at an early stage) or, more frequently, just before the plenary session. They are co-signed for their groups by the rapporteur and the principal shadow rapporteurs, thereby guaranteeing an adequate majority. The political groups within the European Parliament coordinate their votes in order to adopt the amendments negotiated with the Council.

If those amendments are adopted in accordance with the agreement reached, the Council will approve the act and the procedure will be concluded. The act is then deemed adopted in the wording adopted in the EP second reading.

The procedure towards compromise is already underway with a meeting of the (Council) Working Party on Foodstuffs taking place to discuss areas where there are expected to be disagreement with the Parliament.

From the Parliament side, the rapporteur has produced her first draft report, which proposes a number of amendments to the Council common position, but which also shows several areas of compromise towards the Council position.

Compromise will not be easy, and a compromise text cannot be guaranteed, as there are major areas of difference between Council and Parliament first reading texts.

Even the Council position is far from unified. Adoption of the Common position was only possible by qualified majority and there are a series of formal statements (included in the Council minutes) from various member states following the political agreement in December. This type of formal statement is made when a member state has a view that is strongly held and that is significantly different from the agreement reached

One striking characteristic of the Council Common Position text is the number of areas where the potential final impact of the regulation remains unclear, depending on later action by the Commission – to report back, or adopt detailed implementing rules (with a fair mix of ‘Commission shall’ and ‘Commission may’). If this approach is followed through second reading, there may be important areas where the full impact of the final regulation will not be clear, even when adopted into law.

It is also a requirement of the EU’s ordinary legislative procedure that the Council provides a statement of its reasons for adopting its Position (and for not accepting various amendments adopted at Parliament’s first reading).

The Commission is also required to detail its views on the Council Common Position.

Key documents are available as follows:

- **Council Common Position** at first reading (adopted by the Council on 21 February 2011 – 17602/1/10 REV1)
<http://tinyurl.com/65mnvch>
- **Statement of the Council's reasons** – 17602/10 ADD1
<http://tinyurl.com/5tjalww>
- **Statements made following political agreement** in December 2010 – 5964/11 ADD 1
<http://tinyurl.com/6huvrv6>
- **Commission Communication** on the Common Position (COM(2011) 77 final)
<http://tinyurl.com/6x2hv8k>
- **Draft Recommendation for Second Reading** (European Parliament Committee on the Environment, Public Health and Food Safety – Rapporteur: Renate Sommer, PE 460.612)
<http://tinyurl.com/6bxguto>
- **European Parliament First Reading Position** (June 2010, PE 442.559)
<http://tinyurl.com/6g5x5wx>

Some of the areas where it is far from clear what the final outcome may be and where compromise will be required include

- Country of origin labelling
- Front of pack labelling
- National schemes

- Name of producer
- Portion size
- Imitation foods
- Legibility and minimum font size, including variation by pack size
- Alcoholic drink labelling
- Non-prepacked foods
- Expression of energy
- Labelling of meat derived from ritually slaughtered animals
- Date of freezing for frozen products

The final item listed here will be of particular concern to the frozen sector:

Date of freezing for frozen products

At first reading, the Parliament introduced a mandatory requirement to include the date of freezing for frozen products. This has been widely opposed by industry bodies and was rejected by the Council at first reading, but has been re-introduced by the rapporteur in her draft recommendation for Second Reading. The Commission has indicated that it is prepared to consider including the Parliament’s provision.

Also to be noted are:

Foods sold defrosted

The Council position introduced a requirement regarding defrosted foods

‘In the case of foods that have been frozen before sale and which are sold defrosted, the name of the food shall be accompanied by the designation "defrosted".’

The Commission has indicated that this is acceptable, and the Council position has not been challenged by the rapporteur in her draft recommendation

Net weight declaration for glazed products

The Council position includes an important modification regarding net weight declaration for glazed products.

“Where a solid food is presented in a liquid medium, the drained net weight of the food shall also be indicated. Where the food has been glazed, the declared net weight of the food shall be exclusive of the glaze.”

This has not been challenged by the rapporteur in her draft recommendation

Timing

If a compromise agreement proves possible, the final food information regulation should be in place by the beginning of 2012. It is expected that most of the provisions of the Regulation will apply after a further period of three years. The new Regulation will co-exist for three years with the present Food Labelling Directive (2000/13) and the various national legislation that implements the directive in member states.

Poultrymeat Regulations 2011

The Poultrymeat (England) Regulations 2011 (SI 2011 No 452) have been published. They come into force on 21 March 2011.

Copies are available from the new UK government legislation website www.legislation.gov.uk, or download directly as <http://tinyurl.com/644hh8s>

Also available from the same website is the associated explanatory memorandum, which includes the formal impact assessment for the regulations. Download the Impact Assessment/Explanatory Memorandum from <http://tinyurl.com/694p6dl>

The purpose of the regulations is to provide for enforcement powers, penalties etc for the EU's poultrymeat marketing standards. The marketing standards are detailed in European Regulations, which apply directly in all member states, as published in the EU's Official Journal, but it is still necessary to introduce national enforcement regulations.

Defra completed a consultation exercise on draft regulations between March and June 2010, when the intention was to make significant use of civil sanctions in enforcement activities, by use of penalty notices. However, following the consultation Defra found it necessary to return to a more traditional approach, to reflect the current Department for Business, Innovation and Skills policy regarding civil sanctions. Penalty notices will consequently not be used to enforce the Regulations. The Regulations will be enforced using compliance notices, with specific offences as a last resort. Defra has said that the effectiveness of this policy will be kept under review.

The Explanatory Memorandum to the Regulations makes the following point regarding enforcement:

“The Poultrymeat Marketing Standards specify the types of cuts, the special marketing terms, labelling requirements and storage conditions for poultrymeat. The EU regulations also stipulate at which stage during the marketing process the enforcement authorities should undertake the required compliance checks and the frequency of those checks. When implementing the EU regulations we have adopted a flexible approach to enforcement and have taken account of all the derogations permitted to Member States.”

There will of course need to be parallel but separate regulations for Wales, Scotland and Northern Ireland.

European Poultrymeat Marketing Standards were first introduced in 1990 by Council Regulation (EEC) No 1906/1990, with further detailed rules following in Commission Regulation 1538/1991. These regulations were repealed in 2007 when the marketing standards were incorporated (along with much else), into the EU's single CMO Regulation.

- Council Regulation (EC) No. 1234/2007 (Single CMO Regulation) of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products

More detailed rules regarding the marketing standards for poultrymeat were added by Commission Regulation (EC) 543/2008, applying from 1 July 2008.

And as many readers will be well aware, further amendments were introduced by Council Regulation (EC) No 1047/2009, taking effect from 1 May 2010.

The UK has never previously implemented the necessary national enforcement legislation for the marketing standards, although there have been some near misses, and Defra did produce a detailed 'Enforcement Guide'. In its defence, Defra has noted that it has always been possible to pursue certain offences under other legislation, citing the Food Safety Act, the Consumer Protection from Unfair Trading Regulations, and Weight and Measures Act; as well as domestic Secondary legislation covering Food Labelling, Food and Feed Hygiene, Poultry meat (water content) regulation and Products of Animal Origin (Import and Export).

The changes recently introduced to the poultrymeat marketing standards by Council Regulation 1047/2009 raised a number of questions concerning the interplay between the requirements of the marketing standards and those of the existing EU hygiene regulations, specifically issues surrounding the definitions of poultrymeat preparations and poultrymeat products. Defra did issue what was described as 'interim industry guidance' early in 2010, but this was later withdrawn, pending expected clarification from the European Commission. We still await possible clarification and guidance in this area.

The Explanatory Memorandum to the national regulations does indicate that guidance on the use of special marketing terms will be published to detail the specific criteria that producers and food business operators must meet to be eligible to market poultry using special marketing terms. Readers are directed to 'a dedicated Defra website which provides all information on compliance with the Regulations' at <http://tinyurl.com/6l35fv3>, although this remains part of the 'old Defra Website', which has not yet been transformed into the new government's format.

Full details of the earlier Defra consultation are available from the Defra website at <http://tinyurl.com/yk7mmt2>

'Unofficial' consolidated texts are available as follows:

- The single CMO regulation (Council Regulation 1234/2007), which includes the amendments introduced by Regulation 1047/2009 – download from the EUR-Lex website at <http://tinyurl.com/68sd2tu>

The amendments from 1047/2009 are marked in the consolidated text by 'M11'. You should refer in particular to pages 261-263 of the consolidated text.

- Commission Regulation 543/2008 of 16 June 2008 laying down detailed rules ... as regards the marketing standards for poultrymeat – download from <http://tinyurl.com/6fild8w>

Animal By-Products Regulations

Readers will probably be aware that the existing EU regulation on animal by-products (1774/2002) has been replaced with effect from 4 March 2011. The new animal by-products regulation was published in the Official Journal in November 2009, and has applied from 4 March, revoking and replacing the current regulation 1774/2002.

The detailed implementing rules to accompany the main regulation have also been recently published, in the Official Journal L54, on 26 February.

Copies of the main regulations can be downloaded from <http://tinyurl.com/yck7ye6>, and of the detailed implementing rules (254 pages) from <http://tinyurl.com/4vn5tyn>

- Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)
- Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive

The implementing rules have been available previously, both in draft and in the form that was submitted for EU Council adoption. The published text should not therefore contain any surprises.

Now that the implementing rules are in place, we should expect early publication by Defra of the Animal By-Products (Enforcement) (England) Regulations 2011, which were subject to consultation between July and September last year. These new national regulations will provide for enforcement of both the new EU Animal By Products Regulation and the new Implementing Regulation, and will also make provision for certain derogations and for areas of national discretion that are available under the EU legislation.

Defra says that it is putting finishing touches to the new domestic Animal By-Products Regulations and will advise on the exact date of their entry into force. These will revoke and replace the current Animal By-Products Regulations 2005 (SI 2005 No. 2347), and will also make minor amendments to various other regulations.

Regarding available derogations, Defra notes that the majority of these have been extended from previous legislation but there are also new additions, such as the derogation on the disposal of small quantities of low-risk animal by-products.

“The UK has sought to implement as many of these derogations as possible except where we consider that there is a risk to animal or public health. The conditions

attached to the derogations are in some cases laid down in the Implementing Regulation (EC) 142/2011. In others, competent authorities in Member States have discretion on how they implement the derogations. Defra guidance has [will have] a section detailing which derogations we are implementing in England and what controls may be required to carry out such activities. Some activities will require an authorisation, and a table of authorised activities and controls required to carry them out will be available shortly from the Defra website.”

Parallel legislation is necessary for Wales, Scotland, and Northern Ireland. Scottish enforcement regulations are already published, and came into force on 4 March:

- The Animal By-Products (Enforcement) (Scotland) Regulations 2011 (Scottish Statutory Instruments 2011 No. 171), available from <http://tinyurl.com/65dkmc6>
- Executive Note for the Animal By-Products (Enforcement) (Scotland) Regulations 2011 (SSI 2011/171), available from <http://tinyurl.com/6yz6cav>

Defra has produced general guidance on the new regulations available from its website at <http://tinyurl.com/5sqbyfu>, or **download directly** as <http://tinyurl.com/6cmjjdp>

- Controls on Animal By-Products: Guidance on Regulation (EC) 1069/2009 and accompanying implementing Regulation (EC) 142/2011, enforced in England by the Animal By-Products (Enforcement) (England) Regulations 2011

Detailed guidance on specific topics is also being prepared by Animal Health and will be available on the Animal Health website at <http://tinyurl.com/6e4c4xc>

Defra had previously published a Customer Information Note (API/2010/186, at the end of December 2010), drawing attention specifically to the new rules for the importation of animal by-products, which also linked to a further document showing the main changes between the current rules in Regulation (EC) 1774/2002 and the new rules, but only as regards imports.

A further Customer Information Note is now available (API/2011/27), and also OVS Note 11/10

- New rules on animal by-products from 4 March 2011: Defra Customer Information Note API/2010/186 is available from <http://tinyurl.com/6bmzvsww>
- Main changes to the import rules for animal by-products from third countries from 4 March 2011 (Defra: last updated: 30 December 2010) is available from <http://tinyurl.com/6ko52ah>
- New Animal By-Products Regulations – Customer Information Note API/2011/27, available from <http://tinyurl.com/6fnfqo7>
- New animal by-products regulations: OVS Note 11/10, available from <http://tinyurl.com/654enwx>

Defra guidance

Readers should note that the Defra guidance is applicable in England only. The guidance provides a useful overview of the changes in the new Regulations, as evidenced by the extracts following:

“While the overall framework of animal by-products controls remains broadly in line with previous legislation, the new Regulations will provide greater legal certainty, simplify some requirements, and reduce burdens on operators. They also take into account advancements in science and technology, and revise the categorisation of some animal by-products according to the risk they pose. The main areas of change to note will be:

(a) Introduction of animal by-products end point

The Regulation introduces the concept of an "end point" in the manufacturing of animal by-products, after which the processed products are no longer subject to the Regulation- as some potential risks have been eliminated- e.g. by heat or chemical substances.

(b) Food chain safety

The distinction between foodstuffs and animal by-products is clarified by confirming that operators need to make an irreversible decision if products are destined for purposes other than human consumption. This means that once a product has become an animal by-product, it must not re-enter the food chain.

(c) Changes to categories of certain animal by-products

Certain animal by-products, which so far have been classified by default as category 2 material but which have been proven to pose no major risks, are reclassified as belonging to category 3, so as to allow their use for certain feeding purposes.

(d) Plants handling animal by-products

Any plant that handles animal by-products will now have to be approved or registered. This is a change from establishments being approved by activity rather than type of establishment. If your plant handles animal by-products you should contact your local Animal Health office who will explain the requirements.

(e) Registration and approval of plants

There have been some changes to the requirements for registration and approval of operators handling animal by-products. For instance technical plants which were previously approved by Animal Health will in future only need to be registered.

Some transporters of animal by-products will need to be registered for the first time. This requirement has been introduced in order to strengthen traceability.

(f) Home composting exception

We have now widened this exception to include anaerobic digestion and to permit use of the compost off-site in certain situations where there is no risk of livestock gaining access to it. This will be beneficial particularly to community composting and anaerobic projects who may be able to run small community or neighbourhood schemes without requiring full approval from Animal Health.

(g) Wild game animal by-products

Approved Game Handling Establishments (AGHEs) will now need to dispose of animal by-products generated in their premises in line with the Regulations.

(h) Derogations and areas of national discretion

The Regulations allow for Member States to have the option of taking advantage of various derogations from the main animal by-products controls and areas of national discretion. Some of these continue previous derogations, such as the use of animal by-products for feeding at hunt kennels, some expand previous derogations, such as it now being permissible where there is no health risk to feed carcasses of zoo animals to other carnivorous zoo animals, and some are new, such as the introduction of a concept of 'small quantities' of animal by-products which have greater options for disposal than previously, the possibility of spreading eggshells to land under national rules, and the use of animal by-products in biodynamic agriculture.

These derogations and areas for national discretion are discussed in detail in sections 14 and 15 of the Guidance.

Readers should note in particular:

Disposal of small quantities of category 3 animal by-products: Article 16(d) and Article 19(1)(d)

The UK intends to take advantage of this derogation. Small quantities of former foodstuffs (retail and factory waste) may be disposed of by landfill. This would increase the disposal options available for industry and has the potential to reduce costs significantly. Disposal must be carried out in accordance with Annex VI Chapter IV of Regulation (EC) 142/2011. Article 17 and Annex VIII Chapter IV Section 1 set out record keeping requirements.

'Small quantities' are defined as up to 20kg of former foodstuffs per week.

Option to set conditions to allow shellfish shells to be spread to land: Article 14(h)

The UK does not intend to take advantage of this measure. The UK has been working with industry to come up with rules for removal of soft tissues from shellfish. Shells that are flesh-free are out of scope of the Regulation and could therefore be applied to land, subject to any environmental controls that may also apply. Shells with the flesh intact remain category 3 material and must be disposed of accordingly.

Option to set conditions to allow eggshells to be applied to land: Article 14(h)

The UK intends to take advantage of this measure under conditions to ensure microbiological safety. Operators wishing to apply eggshells to land without prior heat treatment will need to be registered and comply with the following conditions [see guidance for detail]

Option to allow disposal of former foodstuffs and processed petfood to landfill: Article 7 of Regulation (EC) 142/2011

The UK intends to take advantage of this measure. This was already permissible as a transitional measure under

previous legislation. The UK will allow this to continue as a permanent measure. This must be done in accordance with Article 7 of Regulation (EC) 142/2011. Article 17 and Annex VIII Chapter IV Section 1 set out the record keeping requirements.

The guidance also includes a Frequently Asked Questions section, which includes:

Q3: I run a retail, catering or food manufacturing business, what rules do I have to follow for disposing of my waste? [see guidance for detail]

Delivery of official food safety controls to be reviewed

Tim Smith, Chief Executive of the Food Standards Agency, announced the intention to conduct a review of the delivery of official controls on food in the UK. The announcement was made at a conference hosted jointly by the FSA and the Chartered Institute of Environmental Health, in December 2010.

He noted that the FSA is ultimately responsible for the controls on food in the UK, as the UK's competent authority in this area, but that the controls are currently delivered through a variety of means – by employees of the FSA, by other government departments, by contractors and by local authorities.

"This range of approaches to delivery brings complexity. In the current climate of increased financial pressures it is timely to consider how best to secure efficiency, consistency, resilience and sustainability in this fundamental public health protection function. Our goal will be to ensure that the system we have in place is the best route to ensuring food safety for consumers."

The FSA Board has now agreed to review the delivery of official safety controls, agreeing at its January meeting:

- that the FSA should review the current delivery model for official controls and compare it to an alternative model that involves four national bodies
- to consider the progress of the review and any proposals for action at the July 2011 open Board meeting

Following the January Board meeting, FSA Chair Jeff Rooker said:

'The heart of the FSA's role is protecting public health from risks, which may arise in eating food, including the way it is produced or supplied. In the current climate of financial pressures it is timely to consider how best we can secure consistency and sustainability in this fundamental public health protection function.

'The review will be principle based and objective with no pre-determined outcomes. A number of options will be assessed including a more centralised model with four national delivery bodies in each of the countries of the UK.

The review will be undertaken by FSA staff but overseen by an independent representative. It will be done in partnership with and will seek the co-operation and involvement of other public health organisations, individuals, other Government departments, professional bodies and consumers across the UK.

Before the January meeting, concern had been expressed by Local Government Regulation (formerly LACORS), noting that the FSA Board Paper could signal the start of a significant and fundamental debate about the future delivery of food control work locally.

"LG Regulation has not been involved in prior discussions about the content of this paper, and has concerns about the potential direction of travel suggested. The whole tone of the paper suggests a centralist agenda and includes favourable reference to the creation of the Meat Hygiene Service leading to improved levels of compliance, consistency and performance management.

"With reference to the discontinuation of LG Regulation, the paper notes the architecture to support local authorities in their regulatory work is being diminished, and questions whether under funded local authorities can be relied upon in future to deliver official controls on a consistent and coherent basis."

Following the Board meeting, Local Government Regulation offered further comment as follows:

"Although the whole tone of the paper had an obvious centralist agenda, the Board's discussion was more measured and recognised that the review should not have any pre-judged outcomes. The Board made it clear that the review should include consideration of how the current system might be improved. The discussion also raised some of the benefits of local authority delivery including accessibility, flexibility, economy and combination/synergy with other functions provided by local authorities. Issues of potential conflict between a centralist approach and localism were raised and discussed during questions.

"In approving the review, the Board expressed reservations that such a complex examination of official controls delivery could be achieved in the robust detail required to enable proper consideration of all the arguments, including the financial implications, by the suggested July deadline. The board paper refers to the architecture to support local authorities in their regulatory work being diminished, and in this context it should be noted that the future of Local Government Regulation, and how regulatory services might be represented in future, remains very uncertain."

The FSA Board paper is available from <http://tinyurl.com/5wyz2sz> and the comments from Local Government Regulation can be seen at <http://tinyurl.com/6feb65f>

The future of Local Government Regulation

The discussions on the future delivery of official food safety controls has highlighted the severe financial pressure that will impact the Local Government Regulation activity.

In the specific area of food standards and labelling, Local Government Regulation has already announced that, due to loss of resource, it will no longer be able to provide detailed technical advice on food standards and labelling issues, although it may still be able to provide support in relation to high-level strategic issues relating to food standards and labelling.

LG Regulation has produced guidance for local authorities on the future handling of food standards and labelling queries, which includes the following statement in respect of queries from businesses:

“LG Regulation is only able to respond to queries from local authorities. Queries from industry groups would usually need to be referred directly to the relevant government department.”

Recent advice provided by LG Regulation in this area has included:

- Labelling foods in languages other than English
- Fish content of fish cakes
- Meat QUID declarations for pies and similar products
- Local Government Regulation statement on voluntary calorie declarations at catering outlets

More generally, it is likely that there will be a substantial reduction in staffing across the whole LG group, and it is suggested that this would mean the end of the specialist LACORS / LG Regulation services as currently known, including representation on detailed regulatory matters, the production of guidance, the distribution of specialist emails and the operation of focus and policy groups. For more information, see <http://tinyurl.com/46sxxjf>

LBRO and the Primary Authority Scheme

The Department for Business, Innovation and Skills (BIS) has announced plans for streamlining and improving how regulators deal with businesses, following a six-month review of the Local Better Regulation Office (LBRO).

The proposals mean that LBRO will be replaced by a new organisation that builds on the expertise of LBRO staff and continues the expansion of the Primary Authority scheme, but is part of the Department for Business, Innovation and Skills.

The new organisation will work closely with local enterprise partnerships across the country to find the best way to tackle red tape at a local level and share this knowledge. It will also promote the Primary Authority scheme as a way to improve consistency in regulatory enforcement, reduce bureaucracy and create the right conditions for economic growth.

The new organisation will work closely with the Better Regulation Executive, the Regulatory Policy Committee and national regulators to ensure there is a more joined-up approach on regulation and enforcement from across Government. The BIS proposals will be subject to Parliamentary approval and the Government will consult on these plans in spring 2011.

The Government has reaffirmed its clear commitment to the Primary Authority Scheme. Administration of the scheme and simplification of the regulatory system were previous functions of the LBRO that will be brought into the new organisation within BIS. The third LBRO function, directly promoting improvement in the delivery of local authority regulatory services will not be continued, but the new organisation will be working to disseminate good practice throughout the system as a whole. More details are available from <http://tinyurl.com/4chtrzt>

In response to the BIS proposals, LBRO has announced a number of new projects, “to ensure progress towards the Government’s plans for streamlined and improved regulation.” More information is available from <http://tinyurl.com/6k3myyj>. The new projects include:

- Exploring earned recognition with major companies and the Primary Authorities they work with.
- Piloting the application of Primary Authority principles to support for small businesses with a number of local authorities.
- Consulting on national enforcement priorities for England (details available from <http://tinyurl.com/6fv4kp3>)
- Working with the Chartered Institute of Environmental Health and the Trading Standards Institute, through the World Class Coalition, to introduce a common and transparent framework of professional standards of competency
- Working with leading business organisations to consider alternative approaches to the regulation of date coded food
- Testing a common approach to risk assessment with national and local regulators.

Mechanically separated meat

The European Commission has published a communication on the subject of mechanically separated meat:

- Communication from the Commission to the European Parliament and the Council on the future necessity and use of mechanically separated meat in the European Union, including the information policy towards consumers (ref COM(2010) 704 final)

Copies can be downloaded from <http://tinyurl.com/6kexahh>

This communication will now be considered by two European Parliament Committees – the Environment, Public Health and Food Safety Committee (responsible) and the Agriculture and Rural Development Committee (opinion)

[Procedure reference <http://tinyurl.com/5tr8l7j>]

In Summary the Commission paper states:

In accordance with Article 9 of Regulation (EC) No 999/20011 (the TSE Regulation), the Commission is required to present a communication to the European Parliament and the Council on the future necessity and use of mechanically separated meat (MSM) in the EU, including the information policy towards consumers. MSM is produced by removing remaining meat from flesh-bearing bones after the deboning or from poultry carcasses. The production of MSM may be a tool to increase the economic benefit from meat production recovery.

This Communication provides an overview of the specific hygiene and labelling requirements in the EU legislation, the production and the use (including the perception of consumers concerning the use of MSM).

Methodologies used to produce MSM vary a lot, resulting in products which are very different as regards visual and microscopic (histological) aspects and quality parameters.

The total amount of MSM produced is close to 700 000 tonnes per year, in 2007 high pressure MSM represented 77% and low pressure MSM 23%. Regarding the species, 88% of MSM is derived from poultry and 12% from pigs. Production of MSM from ruminants is banned due to the BSE legislation. The total value of the reported MSM production can therefore be estimated between 400 and 900 million Euro per year. 20% of MSM produced in the EU is exported. Import is negligible.

The Commission has no objections against the continued use of MSM, supported in general by Member States and stakeholders organisations.

Certain difficulties have been identified during the implementation of the hygiene and labelling requirements laid down in the EU legislation, mainly in relation of the applicable definitions. In order to ensure uniform application of the EU law and fair competition on the EU market the Commission will provide a guidance document to better identify products that need to be considered as MSM or, if appropriate, propose legislative amendments.

In addition, the Commission considers that the current provisions on the labelling of MSM are appropriate and therefore should be maintained.

The Commission states its position as follows:

As an outcome of these consultations, the Commission takes the following position.

- There are no objections on the continued use of MSM from pigs and poultry: Member States and stakeholders' meat organisations support the continued use of MSM. Only a few Member States prefer to use only low pressure MSM. This general support is partly due to the economic benefit from such production.

In addition the level of compliance with the hygiene requirements, including microbiological criteria, would not indicate reasons to further restrict current production of MSM. It can be concluded that risks to public health associated with the consumption of meat preparations and meat products, when MSM was used as a raw material, can be considered negligible. Therefore, any change of the relevant legal provisions would not be necessary.

- The Commission does not support the reintroduction of MSM from bovine, caprine and ovine animals.
- It recognises to better define in a harmonised way products that need to be defined as MSM. In order to ensure uniform application of the EU law and fair competition on the EU market the Commission will provide a guidance document to better identify products that need to be considered as MSM or, if appropriate from a legal point of view, propose legislative amendments.
- Considers that the obligation to label the use of any MSM should be maintained to ensure that consumers are informed about the use of MSM in general. In addition, the Commission does not support a differentiation of labelling provisions for low and high pressure MSM. Therefore, the Commission is of the opinion that the current labelling provisions are appropriate and therefore should not be changed.

Sanitary and phytosanitary controls on imports

The European Commission has published a paper concerning the effectiveness and consistency of sanitary and phytosanitary controls on imports of food, feed, animals and plants.

Copies can be downloaded from <http://tinyurl.com/678jqty>

- Report from the Commission to the European Parliament and the Council on the effectiveness and consistency of sanitary and phytosanitary controls on imports of food, feed, animals and plants

In December 2008, the Council invited the Commission to “submit a report to the Council and the Parliament, by the end of 2010, on the effectiveness and consistency of sanitary and phytosanitary controls on imports of food, feed, animals and plants, with a view to continuing a well-functioning Community framework on imports, along with proposals, if appropriate”.

This report from the Commission is intended to answer that call.

The report also notes that there is a separate debate on imports that deals with competitiveness issues – focussing on the differences in production costs between the EU and third countries, such as land, labour and capital, and the consumer choices that affect purchasing decisions based on factors such as price, availability, quality and cultural preferences. However that debate falls beyond the scope of the present report.

According to the Commission, the report demonstrates that, despite an ever-changing global environment and an ever-increasing demand for certain food products on the part of both consumers and businesses, the EU has an effective system in place that ensures consistent import controls across the 27 Member States.

The report, however, also acknowledges that the system is based on individual approaches to specific food and feed sectors. This can occasionally pose difficulties to Member-State authorities and businesses operating within the confines of these controls. The wide range of legislation in place and the complexity of the controls can sometimes contribute to a lack of coherence, particularly when it comes to implementation.

The report concludes that a more holistic approach would serve to strengthen the efficiency of the EU's imports control regime.

The Commission notes that it is currently reviewing and consolidating its imports provisions for food, feed and animals and plants to achieve a more integrated approach. It aims to present its proposals to the Parliament and Council during the course of 2012.

A more holistic approach will serve to reinforce the risk-based nature of the EU's import regime, ensure the optimal allocation of resources and promote the EU regulatory model further.

The Commission's Conclusions are reproduced below:

While imports of food, feed, animals and plants aim to satisfy the demands of European businesses and consumers, the growth taking place in overall global trade, increases the risk associated with these imports. The EU has an important role to play in addressing this risk.

It does this by assessing the risks associated with the import of a particular commodity and establishing the import conditions and controls that should apply so that the EU can ensure that imports of food, feed, animals and plants take place on safe grounds. The underlying principle is, at all times, that food on EU markets must be safe, irrespective of whether it is produced within the EU or imported from third countries.

The comprehensive body of harmonised legislation in place in the EU for high risk products, underpinned by a harmonised and risk-based approach to import controls, is pivotal in this respect. It prevents important safety concerns from materialising, it allows the EU to deal with emerging risks or emergency situations and it prevents serious distortions to trade.

The report shows that while this legislation effectively manages potential and actual risks, it is at times rather complex and lacking in overall coherence. This means it can be burdensome and lead to difficulties with implementation for Member States and business operators alike. The report also concludes that the tools available, in support of this legislation, can be implemented more consistently across the broad range of food chain products so as to ensure that all imported products are subject to conditions and controls directly proportionate to the risk they pose.

Therefore, while the Commission remains confident that no major overhaul of existing legislation is needed, it will – through the review and consolidation of various existing acts – strive to bring more coherence to import controls, particularly for the benefit of those who implement them. A more holistic approach will serve to reinforce the efficiency of the EU's import control regime, ensure an optimal allocation of resources and make it easier to promote and defend the EU regulatory model.

The European Commission is committed to ensuring the safety of all imported food, feed, animals and plants. It is also confident of its ability to continue, and enhance, the consistency and effectiveness of the import controls in place, in close co-operation with the Member States.

European Commission Quality Package

The European Commission has adopted a group of measures, which it is grouping together as a 'Quality Package'. Details are available from the DG Agriculture website at <http://tinyurl.com/6beeak9>

There are **two proposals for Regulations**, which are subject to the codecision procedure and which will therefore need scrutiny and agreement by the European Parliament and the Council, and **two guidelines** which are directed towards operators and are directly applicable.

The Guidelines have already been published formally in the Official Journal as Commission Communications

- Proposal for a Regulation of the European Parliament and of the Council on agricultural product quality schemes (COM(2010) 733 final), available from <http://tinyurl.com/6gzhlbr>
- Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1234/2007 as regards marketing standards (COM(2010) 738 final), available from <http://tinyurl.com/6j2veyb>
- Commission Communication: EU best practice guidelines for voluntary certification schemes for agricultural products and foodstuffs, available from <http://tinyurl.com/64vst2g>
- Communication from the Commission: Guidelines on the labelling of foodstuffs using protected designations of origin (PDOs) or protected geographical indications (PGIs) as ingredients, available from <http://tinyurl.com/6aag79q>

Also available by way of explanation are various Commission summaries:

- News Release: An enhanced EU policy to help better communicate the quality of food products (IP/10/1692: 10 December 2010) – <http://tinyurl.com/69b5dx8>
- Background note: Quality package (MEMO/10/669: 10 December 2010) – <http://tinyurl.com/5sl7n3t>
- Citizens' Summary: EU Quality Policy Proposal – <http://tinyurl.com/5v3qcpe>

This quality package is a follow-up to a 2009 Commission Communication on agricultural product quality policy [COM(2009)234], which in turn had followed on from a 2008 Green Paper. The 2009 Communication set out strategic orientations for a comprehensive agricultural product quality policy, and the Commission now identifies the following intentions from its 2009 paper:

- recast the legislation on geographical indications.
- examine the feasibility of laying down specific optional reserved terms
- consider laying down a general basic marketing standard and consider appropriate labelling indicating place of farming within marketing standards for agricultural products

- develop guidelines for certification schemes on agricultural products and foodstuffs
- develop guidelines on the use of geographical indications as advertised ingredients on the labels of processed products.

The 2009 Communication [COM(2009)234] is available from <http://tinyurl.com/6I579t7>, or via the DG Agri web page above

The Commission summarises its Quality Package as follows:

- A proposal for a new 'Agricultural Product Quality Schemes Regulation', bringing coherence and clarity to the EU schemes: reinforcing the flagship scheme for protected designations of origin and geographical indications (PDOs and PGIs); overhauling the traditional specialities guaranteed scheme (TSGs), and laying down a new framework for the development of Optional Quality Terms to provide consumers with information they increasingly demand, such as 'free range' and 'first cold pressing'.
- A proposal to streamline adoption of marketing standards by the Commission, including the power to extend place of farming labelling in accordance with the specificity of each agricultural sector.
- New Guidelines on best practices for voluntary certification schemes and on the labelling of products using geographical indications as ingredients.

The first Commission legislative proposal aims at reinforcing the existing EU quality schemes on geographical indications, traditional specialities and optional quality terms by gathering them into a single legislation, by introducing a common, simplified and shortened registration procedure for geographical indications and traditional specialities, clarified provisions as regard the relations between trade marks and geographical indications, the role of applicant groups and the definition of a 'traditional speciality guaranteed'.

Voluntary guidelines on the labelling of products using geographical indications as ingredients give the Commission's interpretation of the current rules in this regard (**more detail below**).

Marketing standards contribute to improving the economic conditions for production and marketing of agricultural products, as well as the quality of such products. Current sectoral marketing standards will continue to exist, and may be streamlined in the future, in a more coherent way, through a uniform mechanism by delegation of powers to the Commission in accordance with the Lisbon Treaty ("delegated acts"). This will allow technical norms to be adapted to the realities in the field. For those products where no specific standard exist, baseline requirements will apply. The Commission also proposes to extend sectoral rules (also as "delegated acts") regarding the indication of the place of farming, on the basis of impact assessments, taking account of the specificities of each sector and of consumer requests for

transparency.

The fourth element of the Package is the Commission guidelines on the functioning of voluntary certification schemes for agricultural products and foodstuffs. They aim at showing best practice for the functioning of the hundreds of voluntary certification schemes that have developed in the last decade (a newly released inventory study done for the Commission lists more than 400 schemes operating in the EU).

[The Study completed for the Commission in 2010 identified 441 schemes, including 17 of non-EU origin. The largest number of schemes originated in Germany (107), followed by Italy (52), Spain (49), UK (45), and France (31). Full details are available from <http://tinyurl.com/5tjw4wr>]

Areas of particular interest include:

- (i) Labelling guidelines when using a PDO or PGI foodstuff as an ingredient
- (ii) Traditional specialities guaranteed: The renewed EU scheme for traditional specialities guaranteed would be simplified and targeted in several respects:

Guidelines on labelling using PDO or PGI ingredients

The Commission guidelines were published as part of the Quality Package above

- Communication from the Commission: Guidelines on the labelling of foodstuffs using protected designations of origin (PDOs) or protected geographical indications (PGIs) as ingredients, available from <http://tinyurl.com/6aag79q>

In its Communication on agricultural product quality policy (COM(2009) 234), the Commission undertook to draw up guidelines on the labelling and advertising of processed products using geographical indications as ingredients.

Those guidelines are intended to illustrate the legislative provisions applicable in this area and to help economic operators define their room for manoeuvre. In particular, they set out the Commission's point of view concerning:

- the conditions under which names registered as a PDO or PGI can be used in the labelling, presentation and advertising of foodstuffs containing such names as ingredients,
- good practice to ensure that names registered as a PDO or PGI and employed as ingredients in food products are not used in a manner that damages the reputation of the product benefiting from such a designation or misleads consumers as to the composition of the product produced.

Uptake of the guidelines is voluntary.

the criterion of tradition is extended to 50 years (from 25 years) to reinforce the credibility of the scheme; the scheme is restricted to prepared meals and processed product; and definitions and procedural requirements are substantially simplified to improve understanding of the scheme.

(iii) Place of farming: Under the proposed framework for marketing standards, a legal basis for compulsory labelling of place of farming is introduced for all sectors. (more detail below)

(iv) General marketing standard: Introduction of the concept of a general marketing standard, to which products are subject if there is no sectoral standard. A product is deemed to comply with the general marketing standard if it is of sound, fair and marketable quality. Products which are ready for retail sale as human food may only be marketed if they conform to the general marketing standard.

A product is also considered as conforming to the general marketing standard if it is in conformity with an applicable standard, from certain designated international organisations (Codex Alimentarius and United Nations Economic Commission for Europe)

The examples mentioned in the guidelines are provided purely for illustrative purposes and do not reflect situations or contentious issues brought to the Commission's attention.

The key part of the guidelines is probably the following section:

2. The Commission also considers that a name registered as a PDO or PGI may be mentioned in or close to the trade name of a foodstuff incorporating products benefiting from a registered name, as well as in the labelling, presentation and advertising relating to that foodstuff, provided that the following conditions are met.

— The foodstuff in question should not contain any other 'comparable ingredient', i.e. any other ingredient which may partially or totally replace the ingredient benefiting from a PDO or PGI. As a non-restrictive example of the concept of 'comparable ingredient', the Commission considers that a blue-veined cheese (commonly known as 'blue cheese') could be considered comparable to 'Roquefort' cheese.

— This ingredient should also be used in sufficient quantities to confer an essential characteristic on the foodstuff concerned. However, given the wide range of possible scenarios, the Commission is not able to suggest a minimum percentage to be uniformly applied. As an example, the incorporation of a minimum amount of a spice benefiting from a PDO/PGI in a foodstuff could, if appropriate, be sufficient to confer an essential characteristic on that

foodstuff. By contrast, the incorporation of a minimum amount of meat benefiting from a PDO/PGI in a foodstuff would not a priori be sufficient to confer an essential characteristic on a foodstuff.

— Finally, the percentage of incorporation of an ingredient with a PDO or PGI should ideally be indicated in or in close proximity to the trade name of the relevant foodstuff or, failing that, in the list of ingredients, in direct relation to the ingredient in question.

3. On the assumption that the conditions referred to in point (2) are met, the Commission feels that the European Union terms, abbreviations or symbols accompanying the registered name should be used in labelling, within or close to the trade name or in the list of ingredients of the foodstuff only if it is made clear that the said foodstuff is not itself a PDO or PGI. Otherwise, the Commission takes the view that this would result in the undue exploitation of the reputation of the PDO or PGI and result in consumers being misled. For example, the trade names 'Pizza au Roquefort' (Pizza with Roquefort) or 'Pizza élaborée

avec du Roquefort AOP' (Pizza prepared with Roquefort PDO) would hardly give rise to a dispute in the eyes of the Commission. By contrast, the trade name 'Pizza au Roquefort AOP' (Pizza with Roquefort PDO) would clearly be ill-advised, in as much as it could give the consumer the impression that the pizza as such was a product benefiting from a PDO.

4. The Commission takes the view that, if an ingredient comparable to an ingredient benefiting from a PDO/PGI has been incorporated in a foodstuff, the name registered as a PDO/PGI should appear only in the list of ingredients, in accordance with rules similar to those applicable to the other ingredients mentioned. In particular, it would be appropriate to use characters that are identical in terms of font, size, colour, etc.

Details on registered products in the UK are available from the Defra website at <http://tinyurl.com/6bfzxo> and the full European Commission Database of Origin Registration (DOOR) can be accessed from <http://tinyurl.com/62nv2pr>

Place of farming

The commission's Quality Package (above) contains important proposals regarding 'Place of Farming'. The Explanatory Memorandum from the Quality Package proposal states:

3.1.4. Marketing standards

Following the Communication from the Commission on agricultural product quality policy and subsequent debates, it is clear that marketing standards can contribute to improving the economic conditions for the production and marketing as well as the quality of such products. A minimum requirement of "sound, fair and marketable" already exists in market management measures. Extending these minimum requirements to those products not covered by specific standards can be useful for reassuring the consumers about the basic quality of the products they buy.

The proposal also takes into account the necessity of the alignment to the Treaty on the Functioning of the European Union, and thus the powers to adopt and develop standards in future will be delegated to the Commission.

Under this new framework, a legal basis for compulsory labelling of place of farming will be introduced for all sectors. This allows the Commission, following appropriate impact assessments and on a case by case basis, to adopt delegated acts concerning possible mandatory labelling on place of farming at the appropriate geographical level in order to satisfy the consumers' demands for transparency and information. One of the first sectors to be examined will be the dairy sector. At the same time the Commission envisages that for the future the mandatory indication of origin, for those sectors in which it already exists, will be maintained.

The Recitals give a good impression of where the Commission is heading:

(8) In order to guarantee that all products are of sound, fair and marketable quality, and without prejudice to provisions adopted in the food sector and, in particular, general food law contained in Regulation (EC) No 178/2002 ... and principles and requirements thereof, a basic general marketing standard as envisaged in the aforementioned Communication of the Commission should be appropriate for products not covered by marketing standards by sectors or products. When such products conform to an applicable international standard, as appropriate, those products should be considered as conforming with the general marketing standard.

(9) For some sectors and/or products, definitions, designations and/or sales descriptions are an important element for the determination of conditions of competition. Therefore, it is appropriate to lay down definitions, designations and sales descriptions for those sectors and/or products, which should only be used in the Union for the marketing of products which comply with the corresponding requirements.

(10) Under Regulation (EC) No 1234/2007 the Commission has, so far, been entrusted with the adoption of the provisions on marketing standards for certain sectors. Given their detailed technical character and the need to constantly improve their effectiveness and to adapt them to evolving trade practices, it is appropriate to extend this approach to all marketing standards, while specifying the criteria to be taken into account in setting out the relevant rules.

(11) Marketing standards should apply to enable the market to be supplied with products of standardised and satisfactory quality. They should relate, in particular, to

definitions, grading into classes, presentation and labelling, packaging, production method, conservation, transport, information on producers, content of certain substances, related administrative documents, storage, certification, marketing and time limits.

(12) In particular, taking into account the interest of consumers to receive adequate and transparent product information, it should be possible to determine appropriate indications of place of farming, on a case by case approach at the appropriate geographical level, while taking into account the specificities of some

sectors, in particular concerning processed agricultural products.

(16) Marketing standards should, in principle, apply to all products marketed in the Union. It is appropriate to provide special rules in respect of products imported from third countries according to which special provisions in force in certain third countries may justify derogations from the marketing standards if their equivalence to Union legislation is guaranteed.

Principles on Country of Origin Labelling

Defra has agreed guidance on Principles on Country of Origin Labelling with a number of industry groups. The industry groups who signed up to the principles of the code are listed below (although not all individual members of the groups concerned will necessarily commit to the code)

- British Retail Consortium;
- British Meat Processors Association;
- British Hospitality Association;
- Dairy UK;
- Food and Drink Federation; and
- Business Services Association [membership includes ARAMARK, Compass Group, Sodexo – more from <http://www.bsa-org.com/>]

Strangely the final version of the code does not seem to be available from the Defra website, but copies can be found via BRC or FDF websites

– download from <http://tinyurl.com/5wgtzqm> or <http://tinyurl.com/6kozeq8>

There is a foreword from Defra minister Jim Paice, with separate sections of General Principles and Best Practice.

The Best Practice guidance concerns

- Meat
- Meat products
- Dairy products (Liquid milk, fresh cream, cheese and butter)

The General Principles are reproduced below;

We are fully committed to honest labelling and these principles set out how we will continue to improve the level and clarity of country of origin information for meat, meat products and certain dairy products.

We will continue to ensure that labels do not mislead consumers as to the origin of food particularly where some form of voluntary claim is made.

We will keep this document under review particularly in the light of the development of new EU labelling rules (EU Regulation on Food Information to Consumers) and other relevant legislation.

The Defra announcement (but not the code) can be found at <http://tinyurl.com/6xud58m>

GFSI Guidance Document

The GFSI Guidance Document Sixth Edition has been published and can be downloaded from <http://tinyurl.com/6jjcpfk>.

The GFSI Guidance Document specifies the process by which food safety schemes may gain recognition (**GFSI Guidance Document, Part I – The Benchmarking Process**) and gives guidance to schemes seeking compliance.

It also specifies the requirements to be put in place for a food safety scheme seeking recognition by GFSI (**GFSI Guidance Document, Part II – Requirements for the Management of Schemes**) and the key elements for production of safe food (GFSI Guidance Document, Part III – Scheme Scope and Key Elements).

All schemes which are currently recognized against the Fifth Edition (2007) will maintain their recognition by GFSI until 31 December 2011. All of these schemes have been

invited to reapply for full benchmarking to the Sixth Edition.

Existing GFSI-Recognised Schemes are:

(i) Manufacturing Schemes:

- BRC Global Standard Version 5
- Dutch HACCP (Option B)
- FSSC 22000
- Global Aquaculture Alliance BAP Issue 2 (GAA Seafood Processing Standard)
- Global Red Meat Standard Version 3
- International Food Standard Version 5
- SQF 2000 Level 2
- Synergy 22000

(ii) Primary Production Schemes:

- CanadaGAP
- GlobalG.A.P IFA Scheme V3
- General Regulations: V3.1_Nov09 (all scopes)
- Fruit and Vegetables: 3.0-2_Sep07

- Livestock Base: 3.0-4_Mar10
- Aquaculture - V1.02_March10

(iii) Primary and Manufacturing Scheme:

- PrimusGFS

Target to Reduce Campylobacter in UK Produced Chickens

The Food Standards Agency has announced a new target to reduce the levels of campylobacter in UK produced chicken. The target which has been established jointly with the UK poultry industry and major retailers is to reduce the numbers of most contaminated birds from 27% to 10% by 2015. A banding approach is to be used to classify the levels of contamination, with samples grouped into 3 bands according to whether the Campylobacter counts in chicken are above or below a set level (i.e. <100 cfu/g, 100-1,000 cfu/g, and >1,000 cfu/g).

Full details are on the FSA website at <http://tinyurl.com/6fdwsou>. The following extracts are taken from the FSA's detailed paper describing the target and the work behind it.

The Target

6. The target will be to reduce Campylobacter contamination on whole chickens in UK slaughterhouses and will be based on Campylobacter counts (enumeration) as this is considered more appropriate than a target based on prevalence. This reflects the fact that the count on birds is relevant to the risk to public health, with higher bacterial counts being the most risky. Although as yet no level has been agreed as acceptable in terms of risk, a scientific paper published by EFSA in 2009 concluded that consumer risk appears to be particularly associated with exposure to high numbers of Campylobacter. The aim of the target is to reduce the levels of the most highly contaminated chickens at the end of the slaughter process (post chill).

7. The target will be monitored using a banding approach, where samples are grouped into 3 bands according to whether the Campylobacter counts in chicken are above or below a set level (i.e. <100 cfu/g, 100-1,000 cfu/g, and >1,000 cfu/g). The target is limited to 3 bands for simplicity and to allow sensible interpretation when monitoring progress against the baseline. The target focuses on decreasing the proportion of birds in the most contaminated group i.e. >1,000 cfu/g. A number of factors affect the likelihood of exposure to Campylobacter, more detail is described in paragraph 29. Following exposure, the chance of illness is considered to be higher where higher numbers of organisms are ingested; hence the highest band is selected for the focus of the target

8. The UK target for reduction of Campylobacter is a reduction in the percentage of chickens produced in UK poultry slaughterhouses that have the highest level of contamination, i.e. those with more than 1,000 cfu per

gram, from a baseline of 27% in 2008 to 10% by 2015, measured post-chill.

It is expected that the least contaminated chickens i.e. less than 100 cfu per gram, will get no worse or will improve upon the baseline of 42% by 2015. The baseline was determined in 2008 by the EU survey of Campylobacter in broiler batches and on Campylobacter and Salmonella on broiler carcasses.

Point in the Food Chain that the target will be set

16. The target will be set in the slaughterhouse at the end of the slaughter process, post chill. The advantages, and disadvantages, of a slaughterhouse target were compared to other options i.e. a target set at farm level, or at the point of sale to the consumer (in retail shops) or at the point where the chicken is packaged and "ready for retail" but is still within the slaughterhouse/cutting plant. Advantages and disadvantages associated with monitoring each option are outlined in Annex 6.

17. Setting the target at the end of slaughter was the preferred option as it would take account of the majority of slaughterhouse interventions and allow feedback to farms on flock-level interventions. It is also a point at which samples can be collected with relative ease and low cost. This option also has the key advantage of having a robust baseline against which to measure progress, the EU baseline survey of UK broiler carcasses (2008). Although setting the target at "ready for retail" instead would have the additional advantage of taking account of the potential benefit of packaging interventions, the lack of a baseline at this point in the food chain has weighed in favour of proposing the target is set at the end of slaughter before packing. One option is for baseline data at the point of "ready for retail" to be collected in future to enable an additional target to be set at that point later in the target period.

Interventions to deliver on the target

18. The target will be achieved through the implementation of interventions along the chicken production chain. These interventions have been described in the Joint Action Plan (see Annex 2 for a summary). A phased approach has been agreed, with initial interventions focusing on primary production whilst interventions at the slaughterhouse and retail points are further developed and trialled. The interface between the interventions and the target are described below.

The target is set at slaughterhouse level but interestingly in considering the alternative of a target at the retail/ready for retail level, the FSA paper includes the following comment:

“The target would also not include frozen chicken. Around 12% of sales of unprocessed chicken are frozen, and only 1% of all retail sales are frozen whole birds. Again, this is not believed to be a major issue as Campylobacter load is significantly reduced by freezing. The FSA retail survey found only 14% of frozen samples were Campylobacter positive, and where they were enumerated the counts were below 150 cfu/g, suggesting that the public health risk from frozen chicken is much lower than from chilled.”

Also, imported chicken is outside the scope of the project:

“Imported chicken is outside the scope of this target, which concentrates on UK produced chicken. An estimated 30% of chicken in the UK is from non-UK production, consisting of 21% from other EU countries and 10% from non-EU countries. Chicken from non-EU countries is mainly further processed, so may pose a smaller risk than UK produced chicken. Supplies from EU countries are more likely to be chilled so may pose a risk from campylobacter and should be measured.”

Associated with the target-setting exercise is a report on consumer research carried out for the FSA. The Citizen Forum report on campylobacter can be accessed from <http://tinyurl.com/5ul7gne>

There are a number of observations regarding ‘frozen’:

- Preparing frozen chicken was considered inconvenient because of the length of time necessary to defrost the meat.
- There may also be a lack of knowledge about how to handle frozen chicken safely. Key areas of uncertainty were how to defrost chicken safely; how cooking times need to be adjusted; and how long a chicken can be left to thaw before it is unsafe to return it to the freezer.
- Informing respondents about Campylobacter was found to have a limited effect on shopping habits and food preparation behaviour between waves 1 and waves 2. Respondents said they chose smaller chickens or frozen chickens as they believed these were less likely to carry Campylobacter.
- Respondents questioned whether slaughtering birds earlier would change the taste of chicken, much in the same way that veal tastes different from beef. Frozen chicken was thought have a different taste and be „tougher” than chilled chicken. It was thought likely that „chemical treatments”, such as lactic acid spray and chlorines washes would affect the taste of chicken
- Frozen chicken was considered to be less convenient than fresh chicken as it was necessary to leave sufficient time to defrost the bird fully. Therefore people would not be able to buy a chicken to eat that

evening and this would be particularly problematic for people in full-time employment who may want to purchase ingredients for their evening meal after work. In addition, respondents felt that purchasing frozen chicken may also have consequences for storing the product, unless the consumer wished to defrost and eat on day of purchase. For example, some people mentioned that they only had small freezer compartments within their fridges and that they would physically not be able to store a chicken in their freezer.

- In addition respondents discussed how interventions would impact chicken imported to the UK and concerns about handling frozen chicken safely.
- There were a number of key factors about frozen chicken that consumers were uncertain about. These were: how to know when a frozen chicken is fully defrosted; how cooking times need to be adjusted for defrosted chicken; and whether it is possible to refreeze chicken at any point.

Respondents were concerned that consumers were not sufficiently educated in how to safely freeze and de-frost chicken and therefore they were wary of frozen chicken. Respondents commonly mentioned the need to make the public aware of basic food hygiene practices, particularly around the ‘do’s and don’ts’ of handling frozen chicken.

Respondents stated that they seldom bought frozen chicken and were not used to preparing chicken bought in this way. As such, they were not confident about how long it would take to fully defrost a chicken, whether it was best to defrost chicken in the fridge or on a sideboard, and how long a frozen chicken can be left to thaw before it is unsafe to return it to the freezer. Therefore consumers may be ‘nervous’ about cooking chicken from frozen.

- Processing interventions: Freezing
 - Affect on experience**
 - Likely to require a ‘cultural change’ in consumers to switch from buying fresh/chilled chicken to buying frozen
 - Inconvenient due to preparation time therefore demand likely to be low
 - Food safety**
 - Confusion exists over correct and safe ways to handle frozen chicken
 - Wider issues**
 - Additional energy required to process and store chicken

Cost versus Benefit

- Frozen chicken perceived as ‘cheap’
- Considered to be effective because it reduces levels of Campylobacter and prevents cross-contamination
- However, did not justify impact on convenience

Changes to commodity codes affecting chapters 3 and 16

HMRC has announce a number of changes to commodity codes affecting chapters 3 and 16 of the printed Tariff (and CHIEF), applicable from 1 February 2011

Tariff Stop Press Notice 14/11 is available from <http://tinyurl.com/6yoc6s7>

Chapter 03	
Amend the text of the following commodity codes to read:	
03061210 10	Lobster (<i>homarus americanus</i>), cooked
030612 90 10	Lobster (<i>homarus americanus</i>), in pieces, cooked or fresh
Delete commodity code 030739 10 00 and replace with the following:	
030739 10	<i>Mytilus</i> spp
030739 10 10	Frozen mussels (<i>mytilus edulis</i>) cooked whether in shell or not
030739 10 90	Other

Chapter 16	
Delete TARIC breakdown 160420 90 10 and replace with the following umbrella heading and new TARIC breakdowns:	
Of herring:	
160420 90 11	Of the species <i>clupea harengus</i>
160420 90 19	Other
Amend the text of the following commodity codes to read:	
160590 11 10	Frozen mussels (<i>mytilus edulis</i>) cooked, whether or not in shell
160590 19 10	Frozen mussels (<i>mytilus edulis</i>) cooked, whether or not in shell

These new commodity codes will have the same full duty rate, preference rates, unit of quantity and VAT as the ones they are joining/replacing.

CHIEF (Customs Handling of Import & Export Freight) has been updated for 3 March 2011 and this change will appear in the May amendment of the printed Tariff.

SACN Iron and Health Report

The Scientific Advisory Committee on Nutrition (SACN) has published its full report on iron in the UK diet. It considers the health consequences of both iron deficiency and iron excess; iron intakes and adequacy of iron nutrition in the UK population. SACN also reviewed the possible impact of a recommendation to reduce intakes of red and processed meat on the risk of iron and zinc deficiency in the UK population. In addition the report examines associations between red and processed meat and cancer risk.

On the basis of their review of the evidence, SACN have made recommendations, including a recommendation on red and processed meat consumption. In light of this recommendation the Department of Health has updated their advice on red and processed meat consumption on the NHS Choices website (<http://tinyurl.com/5r5vfyx>)

In 1998, the Committee on Medical Aspects of Food and Nutrition Policy (COMA), in their report, Nutritional Aspects of the Development of Cancer, recommended that high consumers of red and processed meat should consider reducing their intakes because of possible links with a risk of colorectal cancer. However, since red and processed meat are sources of iron in the UK diet, COMA recommended that the possible adverse nutritional implications of a reduction in red and processed meat intakes should be assessed. The present report has been prepared in response to COMA's recommendation.

The main recommendations of the report are:

- While most people in the UK are iron replete, health professionals need to be alert to increased risk of iron deficiency anaemia in toddlers, girls and women of reproductive age (particularly those from low income groups) and some adults aged over 65 years. Those with symptoms suggesting iron deficiency anaemia should receive appropriate clinical assessment and advice, including dietary advice on how to increase their iron intakes and to consider use of iron supplements if required.
- A healthy balanced diet, which includes a variety of foods containing iron, will help people achieve adequate iron status. Such an approach is more important than consuming iron-rich foods at the same time as foods/drinks that enhance iron absorption (e.g., fruit juice, meat) or not consuming iron rich foods with those that inhibit iron absorption (e.g., tea, coffee, milk).
- Adults with relatively high intakes of red and processed meat (around 90 g/day or more) should consider reducing their intakes. A reduction to the UK population average for adult consumers (70 g/day cooked weight) would have little impact on the proportion of the adult population with low iron intakes.

The full report is available on the SACN website <http://tinyurl.com/5tog88q>

Combining food safety and health & Safety inspections

The Food Standards Agency (FSA), Health and Safety Executive (HSE) and Local Government Regulation (LGR) have issued a joint statement concerning the combining of food safety and health and safety inspections by local authorities. The statement is in response a specific recommendation made by Lord Young in his report Common Sense Common Safety in October 2010.

The statement will be incorporated into the relevant statutory FSA and HSE Guidance.

The statement acknowledges that the overall aim is to reduce the inspection burden on business and introduce local authority efficiencies in order to help concentrate resources. It recognises that most local authorities already combine such inspections and this development will build on current practice. Implementation should not result in interventions in food businesses being undertaken at a greater frequency than appropriate or necessary.

Combined interventions would only be appropriate where the local authority's food and health and safety intervention programmes coincide and should only be carried out by officers with the necessary competency and training and the required authorisation.

The planning of combined interventions is expected to be adopted by all local authorities by 1 April 2011

Further details are available from <http://tinyurl.com/64qb76o> (FSA letter to Heads of Environmental Services in England), and from <http://tinyurl.com/6x5u5pd> (Joint Statement).

Lord Young's report (Common Sense Common Safety) is available from the Number 10 website (<http://tinyurl.com/3xujvlh>)

Preparation of minced meat

The Food Standards Agency has issued guidance for official controllers and enforcement officers (in FSA and local authorities) on the approach to be taken on the enforcement of European legislative requirements regarding **the number of days between the slaughter and mincing of chilled meat**

The guidance notes that EU hygiene legislation (paragraph 2(b), Chapter III, Section V, Annex III of Regulation (EC) 853/2004) prescribes the maximum number of days between the slaughter of animals and the mincing of chilled meat. These limits are that meat must be minced within no more than:

- 6 days of slaughter for red meat;
- 3 days of slaughter for poultry meat; and
- 15 days of slaughter for boned vacuum packed beef and veal.

Immediately after production such minced meat must be wrapped or packaged and be: chilled to an internal temperature of not more than 2 °C; or **frozen to an internal temperature of not more than -18 °C.**

The FSA consider that these time limits for mincing do not provide any additional protection of public health and do not fit with the risk based approach to food hygiene advocated in Article 5 of Regulation (EC) 852/2004.

"The scientific evidence suggests there is no increased risk to human health from meat that has been stored hygienically and at appropriate temperatures for longer than the time limits specified in the legislation. The evidence also indicates that no specific additional controls are required where meat is stored for longer periods before mincing, other than those specifically associated with ageing rooms. The storage temperature will however influence the time meat can be stored, with lower temperatures allowing storage for longer periods."

The FSA has written to the European Commission to seek amendments to Regulation (EC) 853/2004 regarding the time limits between slaughter and the mincing of chilled meat. Supporting evidence has been sent to the Commission, seeking an EFSA opinion

In the meantime, "the Agencies view is that enforcement action against food business operators (FBO's) is unlikely to be appropriate solely on the basis that the time limits have been exceeded"

The Agency's Guidance recommends the use of professional judgement and the assessment of the full range of food safety controls that the FBO has in place, including

- consideration of the monitoring and controlling of processes identified in the HACCP plans of the FBO and that the requirements therein documented are fully implemented.
- that if storage of meat prior to mincing is longer than that prescribed it should be at a lower temperature (2°C is quoted)
- consideration of other measures that the FBO is taking ie hygiene standards and practices
- consideration of other evidence that is available (scientific / microbiological) to support the production of safe food.

The Guidance also reminds official controllers and enforcement officers that the legislative requirement regarding the number of days between the slaughter and mincing of chilled meat does not apply to the production of minced meat used to make meat preparations.

Further details are available from <http://tinyurl.com/68koggq> (FSA letter to enforcement) and from <http://tinyurl.com/6ldx2gq> (Guidance)

The hygiene regulation 853/2004 (for food of animal origin) is available from <http://tinyurl.com/6ezqwxk>

Nutrient Profiling Technical Guidance

The Department of Health has issued updated technical guidance to assist food manufacturers, retailers and advertisers to correctly calculate nutrient profiling scores for their products. The document aims to answer the frequently asked questions about the application of the model to different types of products through a simple guide, Q&A section and worked examples. The new guidance supersedes previous guidance issued in April 2009, by the FSA.

The nutrient profiling model was developed by the Food Standards Agency (FSA) in 2004-2005 to provide Ofcom, the broadcast regulator, with a tool to differentiate of foods on the basis of their nutritional composition, in the context of television advertising foods to children.

The model uses a simple scoring system where points are allocated on the basis of the nutrient content of 100g of a food or drink. Points are awarded for 'A' nutrients (energy, saturated fat, total sugar and sodium), and for 'C' nutrients (fruit, vegetables and nut content, fibre and protein). The score for 'C' nutrients is then subtracted from the score for 'A' nutrients to give the final nutrient profile score.

Foods scoring 4 or more points, and drinks scoring 1 or more points, are classified as 'less healthy' and are subject to Ofcom's controls on the advertising of foods to children on TV. The model applies equally to all food and drink; there are no exemptions or category-specific criteria.

Nutrient Profiling Technical Guidance can be downloaded from <http://tinyurl.com/5vehfd9>

Guide to Charges for Official Controls for Meat Hygiene

The Food Standards Agency has published an updated guide on charges for meat hygiene controls. The guide is for food business operators of approved meat premises in Britain, and comes into effect from Monday 28 March 2011.

The Food Standards Agency provides a range of services in approved meat premises across Great Britain. Some of these services are currently paid for by other Government departments, for example, checks on animal by-product controls. Other services are charged to food business operators (FBOs).

The charges guide includes guidance for FBO's on:

- why charges are made for the services that we provide
- who and what the FSA charges

- what is included in the charges
- how the charges that will be made for service provided by the FSA are calculated
- the ways that FBOs can reduce their charges
- the frequency with which FBOs will be billed for these services
- the methods by which FBOs can pay for charges and when payment is due
- what to do if FBOs are unhappy with their charges

The new 2011 guide to charges effective from 28 March is available from <http://tinyurl.com/65fskvb>

The existing guide (2009 updated 2010) is available from <http://tinyurl.com/6blvakh>

Extension of remedial action notices to all food establishments

The Food Standards Agency is consulting on the possible extension of remedial action notices to all food establishments. There are separate consultations in England, Scotland, Wales, and Northern Ireland, details of which can be accessed from <http://www.food.gov.uk/consultations/>. The consultation deadline is 23 May 2011.

Currently, remedial action notices (RANs) can only be used at establishments subject to approval under Regulation 853/2004. The FSA says that their extension to establishments not subject to approval will provide competent authorities with an enforcement tool that in certain circumstances is more appropriate and proportionate than the current tools for ensuring that food businesses take prompt corrective action, where it is in the public interest for them to do so.

Enforcement officers are provided with powers to ensure food business operator (FBO) compliance with the food hygiene regulations through the Food Hygiene (England) Regulations 2006 (and similar for Wales, Scotland, Northern Ireland). These powers include hygiene

improvement notices (HINs), hygiene emergency prohibition notices (HEPNs) and detention notices.

In establishments that are subject to approval under Regulation 853/2004 (generally slaughterhouses, cutting plants, and establishments processing or manufacturing products of any animal origin), the enforcement officer also has access to RANs. RANs require prompt corrective action to be taken, but without criminalising a business, needing the involvement of a magistrate, or indeed any court appearance. If a HEPN is used, the FBO may need to attend court.

The FSA says that there are circumstances in establishments not subject to approval where enforcement officers, businesses and consumers would benefit from the use of RANs. This occurs when there is a breach of the food hygiene legislation and action needs to be taken promptly to control an ongoing non-compliance but an 'imminent risk of injury' would be difficult to demonstrate. In these circumstances the existing enforcement tools may be inappropriate and/or overly bureaucratic. It is important that authorised officers have

access to an appropriate and proportionate tool to ensure prompt corrective action where the FBO is reluctant to take action voluntarily.

Suggested examples of where a RAN might be a more effective enforcement tool include:

- a lack of proper cook or chill temperature control, which may place consumers at risk
- cleaning issues – use of a HIN with delayed

implementation may be inadequate in certain circumstances

- proportionate remedy for cross-contamination problems
- a lack of hot water supply
- pest infestation and drainage defect issues

Water content in poultry meat

The European Commission has launched a call for tenders for a study to measure water content in poultry meat. Full details are available from <http://tinyurl.com/6ypv35d>

The study will analyse the physiological water content in breast fillets and legs of chicken raised and slaughtered in the EU. The results of the study will be compared with the results of a study made in 1993 to evaluate whether the limits of tolerated water in poultrymeat after slaughtering given in Commission Regulation (EC) No. 543/2008 need to be adapted.

The maximum budget attributed to this project is €190,000. The deadline for submitting offers is 10 May, 2011.

The Commission intends to award the contract during the third quarter of 2011, following the evaluation of the offers received. The contractor will have to carry out the study within 11 months from the signature of the contract.

The contract will be awarded under the best-value-for-money procedure.

HFC phase-down arrangement

The Department for Environment, Food and Rural Affairs has published a UK position paper concerning international hydrofluorocarbon (HFC) phase-down arrangement. This can be downloaded from <http://tinyurl.com/6jvj9am>. The content is reproduced below in full

International hydrofluorocarbon (HFC) phase-down arrangement

Fluorinated greenhouse gases (F gases) are powerful greenhouse gases covered by the Kyoto Protocol. F gases currently make up about 2% of the UK's annual greenhouse gas emissions. The most common types of F gases are hydrofluorocarbons (HFCs) which are used mainly in commercial refrigeration and air conditioning.

A comprehensive EU F gas regulatory framework has already been fully implemented in the UK. The aim of the framework is to minimise F gas emissions through leak prevention and repair. As a result of this framework and further industry action, it is expected that UK HFC emissions will drop significantly over the next 20 years.

However, there is great concern that as developing countries prepare to implement new commitments under the Montreal Protocol to phase out ozone-depleting substances, they will substitute these gases with HFCs, leading to increased global HFC emissions.

The Montreal Protocol is a UN international treaty that was agreed to prevent potentially catastrophic damage to the stratospheric ozone layer from industrial ozone-depleting substances like chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs) by implementing phase-out schedules for those substances. These gases had been widely used by the refrigeration and air-conditioning sectors worldwide. HFCs were one of the types of gases invented to replace them in new refrigeration and air-conditioning equipment. HFCs do not deplete the ozone layer and so are not currently within

the scope of the Montreal Protocol. However, they do add to the problem of global warming if the gas escapes.

HFCs are already covered by the United Nations Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol. However, existing proposals have been submitted by both North America (Canada, Mexico and the United States acting together) and Micronesia to phase down production and consumption of HFCs under the Montreal Protocol. These proposals would involve amendments to the Montreal Protocol, allowing it to deal with HFCs, that could pave the way for a significant phase-down of HFC production and consumption. This would enable developing countries to avoid "phasing in" high GWP HFCs and move direct to lower GWP HFCs or other alternatives.

The UK Government is supportive in principle of an international phase-down of production and consumption of HFCs. Such a phase-down would need to be binding on developing as well as developed countries in order to be effective. A "phase-down" means to progressively reduce the permitted levels of production, import and export of HFCs, but to allow the gases to continue to be used for important products or where there is no suitable alternative.

The UK Government will continue to work with its EU partners to push for development of an international HFC phase-down arrangement at upcoming Montreal Protocol and Kyoto Protocol meetings.

F Gas Regulation – Company Certification is Mandatory

F-Gas Support have issued an important reminder regarding the F Gas Regulation, that Company Certification is Mandatory. This is intended to remind companies that it is a legal requirement in Great Britain for all businesses that install, maintain or service stationary refrigeration, air-conditioning or heat-pump (RAC) equipment that contains or is designed to contain "F gas" refrigerants to hold an interim or a full Company Certificate issued by an appointed certification body.

Certification bodies and F-Gas Support are working to identify those companies that have yet to acquire an interim certificate. Defra will be following up with F-Gas Support and enforcement bodies. It is an offence if your business holds neither and you should apply for an interim or full Company Certificate urgently.

This legal requirement applies to any organisation that directly employs engineers to install, maintain or service RAC equipment that contains or is designed to contain F gas refrigerants. This includes RAC maintenance contractors and installers, including sole traders, and RAC end users and facility managers employing their own qualified staff to carry out these activities.

Relevant businesses must hold an interim or full Company Certificate **NOW** and a **FULL** certificate by **July 2011**.

Interim certificates are only valid until July 2011. Full certificates are valid for 3 years from the date of issue.

- Apply for an interim Company Certificate if your engineers hold one of the following qualifications:
 - City & Guilds 2078 or 2079 or CITB J01 or J11-12.

– or, if your engineers only work on equipment containing less than 3 kg of F gas then they can use an in-house qualification or apply for an "interim personnel certificate" based on previous experience;

- Apply for a full Company Certificate if all of your engineers hold one of the following qualifications:
 - City & Guilds 2079 or CITB J11 - J12 (or have an equivalent European qualification).

Defra has designated three bodies that can issue a Company Certificate - Refcom, Quidos and Bureau Veritas.

- **Refcom:**
 - Website: www.refcom.org.uk,
 - Tel: 01768 860409 or
 - Email: info@refcom.org.uk
- **Quidos:**
 - Website: www.fgasregister.com,
 - Tel: 01225 318400 or
 - Email fgas@quidos.co.uk
- **Bureau Veritas:**
 - Website: www.bureauveritas.co.uk/fgas,
 - Tel: 0207 661 0726 or
 - Email: fgas.mail@uk.bureauveritas.com

For general queries related to the EC F Gas and Ozone Regulations contact:

- **F-Gas Support:**
 - Website: www.defra.gov.uk/fgas,
 - Helpline: 0161 874 3663
 - Email: fgas-support@enviros.com

Full details are available from <http://tinyurl.com/5whoj4f>

IUU fishing regulation

Commission Regulation 202/2011 has introduced amendments to the IUU regulations 1005/2008 and 1010/2009.

- Commission Regulation (EU) No 202/2011 of 1 March 2011 amending Annex I to Council Regulation (EC) No 1005/2008 as regards the definition of fishery products and amending Regulation (EC) No 1010/2009 as regards prior notification templates, benchmarks for port inspections and recognised catch documentation schemes adopted by regional fisheries management organisations can be found at <http://tinyurl.com/6yb752k>

This amends the list of products excluded from the definition of "fishery products" now to be set out in an amended Annex I of Regulation (EC) No 1005/2008. There are a number of detailed amendments, but these do not seem likely to be of concern for imports of fish or fishery products for human consumption.

The regulation also amends the list of benchmarks for port inspections included in Article 4 of Regulation (EC) No 1010/2009 to include:

- the fishing vessel has been denied entry or use of port in accordance with the Agreement on Port State

Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, concluded in the framework of the Food and Agriculture Organisation of the United Nations (FAO)';

Finally, the ICCAT catch documentation programme for bluefin tuna as set out in Regulation (EU) No 640/2010 is to be included in the list of catch documentation schemes adopted by regional fisheries management organisations which are recognised as complying with the requirements of Regulation (EC) No 1005/2008.

The Commission has also published a list of approved economic operators, established in accordance with Regulation 1005/2008. The list shows just two entries – VOG Einfuhr und Großhandel mit Lebensmitteln und Bedarfsgütern AG (Austria, April 2010) and Heiploeg B.V. (Netherlands, January 2011)

- Approved economic operators established in accordance with article 16(3) of Council Regulation (EC) No 1005/2008 and published in accordance with article 29 (3) of Commission Regulation (EC) No 1010/2009 can be downloaded from <http://tinyurl.com/5uz3tla>

Fishery exports from Fiji

Fiji has been approved for export of fishery products to the EU. This follows a successful FVO inspection in Fiji in September 2010 which determined that Fiji is now able to export fishery products to the EU which meets conditions equivalent to those in the EU. The proposal to approve Fiji was agreed at the Standing Committee on Food Chain and Animal Health (SCoFAH) meeting on 11-12 January 2011. Commission Decision 2011/131/EU was published on 26

February

Commission Decision of 25 February 2011 amending Annex II to Decision 2006/766/EC as regards the inclusion of Fiji in the list of third countries and territories from which imports of fishery products for human consumption are permitted (2011/131/EU) – available to download from <http://tinyurl.com/64gr28l>

Emerging risks in food

On 12-13 October 2010, EFSA organised its 15th Scientific Colloquium on “Emerging Risks in Food – from Identification to Communication”. The Summary Report from that colloquium has now been published. Full details are available from the EFSA website at <http://tinyurl.com/6d6sv5r>

EFSA notes that in the era of globalisation, governments are frequently confronted with unexpected crises and longer term challenges arising from a broad range of domains. As a consequence, policy makers are increasingly aware of the importance of having robust systems in place to identify emerging risks at their early inception. Ideally, such a system would provide an opportunity for risk assessors to undertake their full risk characterisation, and for risk managers to put in place strategies for prevention and control, avoiding unnecessary scares in the general population.

The scope of this Colloquium was to bring together international experts from different sectors for an open scientific debate on key issues related to the identification of emerging risks in the food chain, aiming at providing practical inputs for the development of the EFSA’s methodological framework for emerging risks identification. In particular, the debate focused on four main topics related to emerging risks identification, namely on available methods to identify emerging risks, strategic sources of information and strategies for data

collection, identification of drivers of change as underlying causes of emerging risks, and on opportunities for the establishment of an international network to communicate on emerging risks to risk managers and policy makers.

The emergence of new risks, including those in the food chain, may depend on a variety of different factors and circumstances which may be very difficult to predict. As data leading to a correct identification of risks at their early inception are likely to be characterised by considerable limitations and uncertainties, the identification of emerging risks requires a structured intelligence approach, based on a high level of organisation and expertise in a broad range of sectors. EFSA is developing a methodological framework, including a data monitoring capacity, data filtering methodology and networking structures to identify emerging risks and drivers of emerging risks in a timely fashion and to communicate these to the risk managers. A number of competent bodies, along with some network systems designed to identify emerging risks in different sectors, including food, already exist. The challenge is, therefore, to harmonise terminology and procedures and to develop a network involving key partners from all interested European, (inter-)national institutions and organisations, and stakeholders, sharing relevant information on emerging risks in real time.

Food Standards Agency – The Identification of Future Food Risks

The Food Standards Agency Board meeting in January 2011 discussed a paper on the Identification of Future Food Risks, which concerned the FSA’s Emerging Risk programme. This programme aims to provide a co-ordinated approach to the collation and analysis of intelligence relating to food safety. The programme is intended to provide a clearer picture of when, why and how food safety issues develop. The analyses will be used to predict new and re-emerging risks to food safety and to

build knowledge of new technologies and novel foods.

The Board was invited to note and discuss the paper outlining the principles and practices underpinning the Emerging Risks programme of work.

The Board paper (FSA 11/01/09) can be downloaded from <http://tinyurl.com/5rq7jck>. Full details of the Board meeting including access to video or audio recording can be found at <http://tinyurl.com/69vzput>

The Future of Climate Change Agreements

The Coalition Government's Annual Energy Statement of 27 July 2010 announced that DECC would be considering the future of Climate Change Agreements to ensure significant energy efficiency improvements are delivered whilst complexity and policy overlaps are minimised.

With this in mind, DECC organised a meeting of key stakeholders to discuss ideas for the future of Climate Change Agreements (CCAs) in December 2010. A detailed report from that meeting is now available – download from <http://tinyurl.com/5uppbqq>

The aims of the meeting were to:

- discuss some early ideas for the future of CCAs to inform policy making
- identify any other ideas for consideration

Four broad ideas for a future scheme were considered:

1. To move to a competition based approach for awarding grants or Levy discounts

2. To close CCAs and have no CCL discount, but not require relevant sectors to purchase allowances in CRC

3. To allocate grants or Levy discounts on the basis of approved sector strategies

4. To continue with a CCA scheme similar to the one that currently exists, but with some modifications, including those in line with the proposals set out in the 2010 consultations

These four ideas are not Government policy but were used to provoke discussion. Of the ideas that were considered:

- Ideas 1 and 2 were the least favoured by attendees
- Ideas 3 and 4 were the most favoured, with Idea 4 being preferred

DECC is to work up a proposal for the future of CCAs. The aim is to formally consult on this proposal in 2011.

Nitrate in green leafy vegetables

Discussions have been taking place at EU Expert Working Group level on proposals to amend Regulation 1881/2006 setting maximum levels for certain contaminants in foodstuffs as regards nitrates. The changes being introduced follow a Scientific Opinion on nitrate in vegetables from EFSA's Panel on Contaminants in the Food Chain adopted in April 2008.

It is anticipated that a draft Regulation will shortly be subject to vote at a Standing Committee meeting.

Included in the draft regulation is a maximum level for nitrate in preserved, deep-frozen or frozen spinach of 2000 mg NO₃/kg

Further details are available from <http://tinyurl.com/6kkgckm>

- Draft Commission Regulation (EU) No .../... of ... amending Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs as regards nitrates

Terrestrial edible snails for human consumption

The Food Standards Agency has produced guidance on producing, harvesting and importing terrestrial edible snails for human consumption. Full details are available from <http://tinyurl.com/6l8vt8d>, or download directly as <http://tinyurl.com/5wc8cfx>

Snails for human consumption are defined Regulation (EC) No. 853/2004 as meaning: terrestrial gastropods of the

species *Helix pomatia* Linné, *Helix aspersa* Muller, *Helix lucorum* and species of the family Achatinidae. Marine gastropods are not covered by this guidance.

The guidance deals with production of snails (both primary production – rearing snails – and secondary production - processing of snails) and also with importing snails and snail products.

Green Claims Guidance

Defra has published new Green Claims Guidance, which can be downloaded from <http://tinyurl.com/693esby>. The guidance is aimed at anyone producing, selling, marketing or advertising products or services in the UK and who:

- Currently makes environmental claims about their products, services or organisation;
- Is considering how to market their environmental attributes;
- Receives queries from customers about the

environmental attributes of their products, services or organisation and is considering how to respond.

Defra says that the guidance will also be useful for:

- Regulatory bodies that assess environmental claims; and,
- Non-profit organisations or consumers with an interest in environmental claims.

The guidance builds on the principles of Defra's original Green Claims Code (2000) as outlined in Annex 1 of the

present document, and replaces Defra's Green Claims Practical Guidance (2003). The guidance is said to represent good business practice to be followed on a voluntary basis, and is not regulated or enforced by the Government.

This guidance applies to all forms of communication, marketing or advertising relating to the environmental attributes of products, services or organisations. This includes all types of statements, information, symbols and graphics on packaging, labelling, advertising, in all media (including websites) and made by any organisation.

It is mainly aimed at providing useful information for those making self-declared claims in environmental statements, graphics or imagery (i.e. made without independent third-party certification), but it also provides good practice for any type of claim including third party certification and labels.

In developing this guidance, Defra says it has sought to align it with the following standards, guidance and codes:

- The international standard on self-declared environmental claims ISO 14021;
- The UK Code of Non-Broadcast Advertising, Sales Promotion and Direct Marketing (CAP code) and Code of Broadcast Advertising (BCAP);
- The European Commission Guidance for Making and Assessing Environmental Claims; and
- Guidelines on the EU Unfair Commercial Practices Directive.

The intention is not to replace these standards, codes and guidance, but rather to provide helpful interpretative guidance on how they can be applied. Many countries use the international standard ISO 14021 on self-declared environmental claims as a basis to inform national codes and guidance. Defra's guidance has also drawn from ISO 14021 and in this respect is said to align with international practice. For ease of reference, the guidance refers to the relevant provisions of ISO 14021 and the BCAP and CAP codes throughout the text.

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