



Brussels, 8th March 2017

RE: Storage and processing fresh fish - AIPCE-CEPⁱ request for a meeting with DG SANTE

Dear Mr. Thévenard,

Several members of AIPCE-CEP are currently faced with a conflict regarding the interpretation of a specific provision (Annex 3, section 8, chapter 3A) in the Hygiene Regulation (EU) 853/2004 dealing with the handling and storage of fresh fish inside processing facilities. This conflict is leading to unworkable exchanges between the sector and the respective national authorities.

For decades, fish processing companies in several Member States handle fresh fish arriving from the auctions using large tubs with water and ice prior to further processing (such as sorting, filleting or freezing). Tubs are large plastic containers measuring 1x1x1 meters (or 1x1x0,5 meters); and constitute an indispensable means by which large volumes of fish can be processed while maintaining the cold chain effectively (see Annex 1). The use of tubs with water enables the required core temperature to be reached quickly and spread evenly. The use is particularly effective in the handling of flatfish.

The issue the sector is facing has to do with the literal interpretation of the regulation text. After the auction step, the regulation states that fish must be stored ***under ice*** (point 1) which creates confusion over the use of tubs with ice and chilled water. In addition, point 4 states ***that unpackaged prepared fresh fishery products stored under ice must ensure that melt water does not remain in contact with the products***. The use of tubs does not allow for the discharge of water.

In the Netherlands for example, tubs are in widespread use throughout the industry for over three decades and the control authorities have ***never*** mentioned any objection to their use. As the fish are only kept in tubs during the period between arrival at the company and processing, the use of tubs was considered as part of the processing step. This was until recently the view of both the authorities and the companies. Over the course of 2016 however, both the Dutch NVWA as well as the Danish authorities began to interpret the use of tubs as illegal. This situation is puzzling, unworkable and needs an urgent solution.

The alternative the authorities suggest on the basis of their interpretation of the regulation is to use small boxes with ice. The problem with using ice boxes is that the ice will keep the upper fish cool while the bottom ones will press together and will not reach the required core temperature, as the ice prevents full surface contact. In addition, the use of ice boxes causes mechanical damage to the fish and enhances the formation of bacterial 'slime'. Furthermore, the use of boxes is not realistic when dealing with large scale volumes of fish. A quality study conducted by Belgian research institute ILVO, demonstrates the quality advantages of the use of tubs over boxes with ice in terms of organoleptic features, microbiology and durability (see Annex 2).

The Dutch and Danish authorities currently **find themselves restricted by the literal interpretation of the regulation that in this regard appears outdated**. The sector is concerned what this interpretation would mean for the safeguard of food safety. The situation has reached an impasse because switching to an alternative is not a solution. **Transferring fish from tubs to small boxes with ice makes no sense in terms of food quality and safety, whilst would severely impact member companies logistic operations as well as financially.**

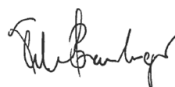
We thank you for your consideration of the above sensitive issue and would appreciate guidance to explore potential room for broader interpretations of the regulation text as it now stands. We would therefore like to meet you at your earliest convenience to explore possibilities to resolve this issue.

Thanking you for your attention, we look forward to hearing from you soon.

Yours sincerely,



G. Pastoor
AIPCE President



P. Bamberger
CEP President

Annexes:

Annex 1 - Photos

Annex 2 - ILVO research report

ⁱ *AIPCE-CEP represents the Fish Processing and Trading National Associations from Belgium, Denmark, Finland, France, Germany, Ireland, Italy, NL, Poland, Portugal, Spain, Sweden and UK. This sector accounts for 120.000 employees, 3.500 enterprises and a production value of around €27 billion (<http://www.aipce-cep.org/>).*