

31st Session of the Codex Committee on Fish and Fishery Products

Tromsø, Norway (11-16 April 2011)



**EU positions on items 2a, 3, 4, 5, 8, 10, 11,
12, 13, 14 and 15**

**Codex Committee on Fish and Fishery Products
(31st Session)**

Tromsø, Norway

(11-16 April 2011)

**European Union comments on the Matters referred by the Codex
Alimentarius Commission and/or other Codex Committees**

(Agenda item 2a)

*Mixed competence
European Union vote*

Organic Aquaculture

The European Union and its Member States (EUMS) welcome the confirmation by the Executive Committee that the new work proposed by the EU should be carried out by the Committee on Food labelling as the term "organic" is a labelling claim. The EUMS note that CCFPP will be consulted for advice.

The proposal submitted by the EU to CCFL is attached for reference



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Fish Oils

The EUMS also welcome the proposal for new work accepted by the Committee on Fats and Oils to develop a Standard for Fish Oils.

Background: The scope of the proposed new work, originally encompassing all marine oils, was amended to only cover fish oils including those derived from shellfish as defined on the Code of Practice for Fish and Fishery Products. The EU, supported by Canada, pointed out the relevance of requesting scientific advice from FAO/WHO to develop an appropriate standard including the whole production chain, parameters and methods of analysis and sampling. Due to the wide support to start new work on fish oils, the CCFO invited Switzerland and all interested countries and observers to provide data on trade, trade impediments and other relevant data and to submit the proposal including all the necessary data to the CAC for approval.

The CCFO agreed to establish an electronic working group, chaired by Switzerland, to prepare a proposed draft Standard for Fish Oils for circulation at Step 3 and consideration by the next session subject to approval of new work by the Commission.

The Project Document as developed by CCFO is attached for reference



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Hygiene provisions of the Standard for Smoked Fish, Smoke-Flavoured Fish and Smoke-dried Fish

See EU comments on item 4.

**Codex Committee on Fish and Fishery Products
(31st Session)**

Tromsø, Norway

(11-16 April 2011)

European Union comments on the Draft Standard for Fish Sauce

(Agenda item 3)

*Mixed competence
Member States vote*

The European Union and its Member States (EUMS) greatly appreciate the work carried out by Thailand and Vietnam to develop the draft Standard for Fish Sauce progressed at step 5 by the 33rd session of the Codex Alimentarius Commission and would support the finalisation of the draft Standard for Fish sauce at this session of CCFFP.

The EUMS are pleased to propose the following comments:

1) Section 3.1.1: Fish

The EUMS propose to specifically allow parts of fish in addition to whole fishes:

"Fish sauce shall be prepared from sound and wholesome fish **or parts of fish** in a condition fit to be sold fresh for human consumption"

2) Section 3.1.2: Salt

The EUMS suggest adding a reference to the Codex Standard for Food Grade Salt (CX STAN 150-1985) as follows:

"Salt shall be of food grade quality **and conform to Codex Standard for Food Grade Salt (CX STAN 150-1985).**"

3) Section 5: Contaminants

The EUMS would like to propose that a sentence is added at the end of section 5 as follows: "**Raw material fish for fish sauce shall not contain marine biotoxins (e.g. ciguatoxin, tetrodotoxin) in amounts which could present a risk to human health**".

There is currently no scientific evidence that marine biotoxins levels decrease through the fermentation process. It is therefore appropriate to include such provisions to the standard¹.

4) Histamine

¹ See para. 140 of ALINORM 10/33/18

To be consistent with the approach followed in other Codex Standards², the question of histamine has to be addressed at two places:

- first in section 3 (Essential Composition and Quality Factors) by inserting a new sub-section

3.6 DECOMPOSITION

The product shall not contain more than 20 mg of histamine per 100 g of fish sauce based on the average of the sample unit tested.

- second in section 6.4 as it is now:

"The product shall not contain more than 40 mg histamine/100 g of fish sauce in any sample unit tested."

The EUMS note that Thailand provided at the 30th session CRD28 "Thailand information paper on estimating the risk of developing histamine poisoning from consumption of histamine in Thai fish sauces"³.

5) Section 8.1: Name of the product

The EUMS would be in favour of adding the possibility to use the wording "naturally fermented" when the sauce is prepared with fish and salt or brine:

"If during fermentation process, fish is mixed with salt or brine only, the fish sauce may be declared on the label as "natural fermentation" **or "naturally fermented"**."

² e.g. Standard for Salted Atlantic Herring and Salted Sprat (CODEX STAN 244-2004) or Standard for Smoked Fish, Smoke-Flavoured Fish and Smoke-Dried Fish (under development)



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³ Attached for reference:

**Codex Committee on Fish and Fishery Products
(31st Session)**

Tromsø, Norway

(11-16 April 2011)

**European Union comments on the Draft Standard for Smoked Fish,
Smoke-flavoured Fish and Smoke-dried Fish**

(Agenda item 4)

*Mixed competence
European Union vote*

The European Union and its Member States (EUMS) are pleased to submit the following comments on the Draft Standard for Smoked Fish, Smoke-flavoured Fish and Smoke-dried Fish. The EUMS support the finalisation of this Standard at this session subject to some fine-tuning.

2.1.2 Process definitions

The EUMS wish to suggest the following amendments:

- “Smoking” is a process of treating fish by exposing it to smoke from smouldering wood or plant materials **in a smoking chamber**. This process is ~~usually~~ characterised by ~~an integrated a~~ combination of **salting**, drying, heating and **hot or cold** smoking steps ~~in a smoking chamber~~. **A salting step may be included**.

Comment : The EUMS are of the opinion that the use of a smoking chamber is compulsory in a definition for smoking and that this requirement should appear in the first sentence. However the salting step should remain optional.

- “Smoking by regenerated smoke” is a process of treating fish by exposing it to smoke which is regenerated by atomizing smoke condensate in a smoking chamber under the time and temperature conditions similar to those for hot or cold smoking. ~~Smoke condensates are products obtained by controlled thermal degradation of wood in a limited supply of oxygen (pyrolysis), subsequent condensation of the resultant smoke vapours, and fractionation of the resulting liquid products.~~
- **"Smoke condensates" are products obtained by controlled thermal degradation of wood in a limited supply of oxygen (pyrolysis), subsequent condensation of the resultant smoke vapours, and fractionation of the resulting liquid products aiming at reducing the levels of potentially harmful compounds such as the polycyclic aromatic compounds (PAHs).**

Comment: The second sentence of second bullet of 2.1.2 is in fact a definition of smoke condensates and should therefore be isolated in a specific bullet. The EUMS also propose to add some wording underlining the purpose of fractionation, i.e. to reduce the levels of potentially harmful compounds.

4. FOOD ADDITIVES

Comment: The EUMS suggest following the procedure propose by the eWG on food additives to develop the list of authorised additives with corresponding levels.

6. HYGIENE AND HANDLING

6.6 Histamine

The product shall not contain histamine that exceeds 20 mg/100 g fish flesh **in any sample unit tested**. This applies only to susceptible species (e.g. *Scombridae*, *Clupeidae*, *Engraulidae*, *Coryfenidae*, *Pomatomidae*, *Scombrosidae*).

Comment: The EUMS support the modifications made by the Codex Committee on Food Hygiene (CCFH) but require an addition in the histamine section to clarify that the maximum level of histamine applies to all sample units tested (same wording as in the fish sauce standard).

8.1 Sampling

- In the 2nd paragraph, delete the first sentence "~~The sampling of lots for microbial analysis and parasites shall be in accordance with the Principles for the Establishment and Application of Microbiological Criteria for Foods (CAC/GL 21-1997)~~".

Comment: The Principles for the Establishment and Application of Microbiological Criteria for Foods (CAC/GL 21-1997) do not address directly sampling which is developed in the General Guidelines on Sampling (CAC/GL 50-2004) already referred to at the beginning of section 8.1.

ANNEX I

Comment: The EUMS fully support the modifications made by the Codex Committee on Food Hygiene (CCFH).

ANNEX II

Comment: The EUMS fully support the modifications made by the Codex Committee on Food Hygiene (CCFH) but request 2 deletions and one amendment as detailed below.

- In the 3rd row ($\geq 3^{\circ}\text{C}$ to 5°C), 4th column, the EUMS propose to delete the sentence "~~The purpose of the aerobic packaging is not to provide sufficient oxygen to prevent growth and toxin formation of *C. Botulinum*~~".

Comment: This sentence is confusing and attempts to repeat a concept which is explained in the subsequent sentences, i.e. that the presence of oxygen does not have the objective of blocking the development of *C. Botulinum* but rather allows the development of aerobic spoilage organisms which when present at high concentrations will lead to sensory signs of spoilage.

- In the 3rd row, 4th column, last sentence, the EUMS suggest making the same amendment as the one proposed by CCFH for last row, 4th column, last sentence:

"For that reason, the country where the product is consumed ~~may~~ **should** still require aqueous phase salt as a barrier to growth of non-proteolytic strains of *C. botulinum* if there are concerns ~~about the ability of transporters, retailers or consumers to maintain time/temperature control~~ **temperature abuse of the product.**"

Comment: The food business operators such as transporters and retailers should of course always fulfill the requirements. However, the country where the product is consumed should have the right to demand the additional requirements. One other possibility for the wording could be: "**For that reason, the country where the product is consumed may still require the higher aqueous phase salt as a barrier to growth of non-proteolytic strains of *C. botulinum* as an additional precaution.**"

- The EUMS also propose to delete the footnote at the very end of the table "~~Packaging material having an oxygen permeability...greater than 10,000 cc/m²/24hrs~~".

Comment: This sentence is currently very confusing and introduces useless complications.

**Codex Committee on Fish and Fishery Products
(31st Session)**

Tromsø, Norway

(11-16 April 2011)

**European Union comments on the Proposed Draft Code of Practice for Fish
and Fishery products (other sections including smoked fish)**

(Agenda item 5)

*Mixed competence
European Union vote*

Background

Extract from report of CCFFP30

**PROPOSED DRAFT CODE OF PRACTICE FOR FISH AND FISHERY PRODUCTS
(OTHER SECTIONS INCLUDING SMOKED FISH) (Agenda Item 6)⁹**

81. The Committee recalled that due to time constraints it had not considered the section on smoked fish at its last session and had agreed that the physical working group on Smoked Fish established to meet immediately prior to this session would consider the draft Code together with the Proposed Draft Standard for Smoked Fish. The Committee was however informed that due to considerable discussion on the Standard for Smoked Fish, the physical working group had been unable to consider the Code.

Status of the Proposed Draft Code of Practice for Fish and Fishery Products (Other Sections including Smoked Fish)

82. The Committee agreed to return the section on smoked fish to Step 2/3 for redrafting by the Netherlands, circulation for comments and consideration by the next session of the Committee. The Committee also agreed to re-establish the physical working group led by The Netherlands, working in English, to meet immediately prior to the next session to consider comments and prepare proposals for consideration by the 31st Session of the Committee.

EU Position

The European Union and its Member States (EUMS) note that a physical working group will take place prior to the plenary session of the Committee on this item. The EUMS intend to participate actively in this working group chaired by the Netherlands.

The EUMS wish to thank the Netherlands for redrafting the draft text and already wish to share some comments which will be made at the working group, after which updated comments will be prepared if appropriate.

1)

Comment: The EUMS support the alignment of the definitions with those of the Standard for Smoked Fish, Smoke-Flavoured Fish and Smoke-Dried Fish (under development). To simplify the document, a simple reference to the definitions in the Standard could be inserted.

2) SECTION 12.1-PROCESSING OF SMOKED FISH

~~In the context of recognising controls at individual processing steps,~~ This section provides examples of potential hazards and defects and ~~describes~~ **details the corresponding technological guidelines guidance**, which can be used to develop control measures and corrective actions. At a particular step only the hazards and defects, which are likely to be introduced or controlled at that step, are listed. It should be recognised that in preparing a HACCP and/or DAP plan it is essential to consult Section 5 which provides guidance for the application of the principles of HACCP and DAP analysis. However, within the scope of this Code of Practice it is not possible to give details of critical limits, monitoring, record keeping and verification for each of the steps since these are specific to particular hazards and defects.

Smoking of fish and dried smoking of fish have a long tradition as preservation methods for fish. As such experience regarding the potential hazards has been gained over the time. New technologies of smoking and smoke flavouring of fish and storage of smoked products and smoke-flavoured products under refrigerated and frozen conditions **and the use of modified atmosphere and vacuum packing** have altered the barriers to growth of bacteria.

...

If raw material likely to contain viable parasites is to be used steps must be taken to eliminate this hazard during processing steps, e.g. freezing (**for killing parasites, see Annex I of the Standard for Smoked Fish, Smoke-Flavoured Fish and Smoke-Dried Fish**), heating or salting the product. Alternatively, the final product should be treated in a way to kill parasites.

The topics to be dealt with in this chapter will be those covering the special **features characteristics** of the smoked products, smoked-flavoured products and smoke-dried products as well as the handling of these products. Where the process, packaging or storage conditions of the product are not described in this code, the operator should endeavour to scientifically validate the safety of such a process, packaging or storage of the product so as to **eliminate mitigate** further **hazards risks** to the consumer.

Hot smoked products and some cold smoked products, such as smoked salmon are ready to eat without a further cooking preparation stage. For these products it is necessary to introduce **highere stringent hygienic** practices during the processing, which would **in particular** include employment of **qualified and** trained staff, **who handling of** products in segregated areas, and **using of** dedicated equipment. For instance non smoked and smoked fish must be kept separate to avoid cross contamination.

Comment : Clarification of the text.

3) Figure 12.1

Comment: The EUMS are of the opinion that numbering the various steps would provide clarification and allow cross-references in the subsequent sections. We also propose to add a

new step which is commonly used between “cooling” and “slicing” and which sometimes takes several days : “stiffening by cold” (“raidissage” en français). We also propose a new paragraph later in the text (point 12.1.12 b).

- 1: Salting
- 2: Put on racks/rods
- 3: Drying
- 4: Hot smoking
- 5: Cold smoking
- 6: Cooling
- 7: Slicing
- 8: Packing
- 9: Labelling
- 10: Cooling or freezing
- 11: Storage
- 12: Distribution/transport
- 13: Retail: fresh, chilled or frozen
- 14: Possible thawing
- 15: Reception of wood for smoking
- 16: Storage of wood for smoking
- 17: Smoke generation
- 18: Regeneration of smoke

4) 12.1.2 Salting

Potential Defects: Decomposition, physical contamination, undesired texture, undesired taste

...

- Typically fish for hot smoking are salted by immersion in brine only a short time for enhancing flavour and reducing water activity, using a low to medium strength or saturated salt brine. It can also be dry salted, salted by brine injection or combined salted.
- Fish for cold smoking are dry salted, wet salted, combined salted ~~or~~ salted by brine injection or by immersion of a medium strength salt brine to enhance flavour and ~~for safety purposes to~~ reduce water activity. To ensure a uniform salt distribution throughout the fish, it ~~is~~ can be left to mature for up to 24 hours under refrigeration to equilibrate. The maturing time should be adapted to the salting technique used, to the temperature (8-12°C) and to the fish species.

Comments :

Any type of salting practices can be used. We propose a rewording to precise this point. We also propose to indicate the factors that have an impact on maturation. Temperature should be maintained between 8 and 12 °C otherwise maturation won't be properly done.

Histamine formation may develop in fish of the susceptible species (e.g. Scombridae, Clupeidae, Engraulidae, Coryfenidae, Pomatomidae, Scombrosidae), if the fish is kept ~~at~~ a too high temperature non refrigerated for a prolonged time.

...

- For fish for cold smoking the salt content in the fish should be more than ~~{3%}~~ {3.5%} salt in the water phase to avoid growth of *Clostridium botulinum*. **Annex 2 of the Standard for Smoked Fish, Smoke-Flavoured Fish and Smoke-Dried Fish should be taken into account.**

- The brine should be kept cooled and the temperature should be monitored, ~~in particular if the brine is recycled for pickle injection.~~

Brine should preferably be prepared immediately before use.

Brine should preferably not be re-used. If the brine needs to be recycled, a treatment should be applied to eliminate microbiological hazards, as filtration for example.

Comments :

The monitoring of brine is necessary for every salting process.

The brine can be a source of contamination for fish in case of low hygiene practices.

5) 12.1.4 Drying

Technical Guidance:

- The drying process should ensure that the fish loses an adequate amount of water to be stable during the ~~hot~~ smoking process.

- Care must be taken to avoid excessive loss of moisture leading to poor (dry) texture.

- **In case of smoking by regenerated smoke, two drying steps could be applied : one before smoking as usual and another after smoking.**

- **Sometimes drying is not applied or for a very short time because of species (fatty fish with high concentration of lipids).**

Comments :

Drying step is more specific of cold-smoking process.

Drying is not a systematic step in smoking process. It can also be performed twice in the same process especially for atomization.

6) 12.1.5 Reception of wood or plant material for smoking

- Wood or plant material of species (e.g. ~~eucalyptus~~) resinous) not suitable for smoke production should not be used.

Comments :

Resinous wood should be avoided as they contain more lignin and furthermore more PAH in the corresponding smoked product. This point is already described in the code of practice CAC/RCP 68)

We don't know why eucalyptus should be avoided : is it because of flavouring ? ...

7) 12.1.6 Storage of wood or plant material for smoking

...

Technical guidance:

- Wood or plant material for smoking should be stored in a dry **and protected** place.

8) 12.1.7 Reception and storage of smoke condensate

- Smoke condensate should come from a reputable and reliable source **and may need to be approved by the competent authority.**
- Containers with smoke condensate should be stored in a dry, clean place.
- Containers with smoke condensate should be labelled adequately as such.

Comments :

Liquid smoke and smoke flavouring are subject to toxicological evaluation at European level and subject to authorisation.

9) 12.1.8 Regeneration of smoke

...

Technical guidance:

- **Regeneration of smoke should be done according to the instruction of the manufacturer and using appropriate equipment.**
- **The diameter of the spray nozzle tip must be chosen to regenerate a smoke having a particle size close to that obtained with a conventional generator smoke (friction, smouldering, thermostated plates)**
- **The settings of the flow of liquid smoke and compressed air should ensure adequate regeneration of smoke in desired amount**
- **After each stop, a cleaning should be done to maintain regenerated smoke characteristics**

Comments :

We propose to add technical recommendations in order to precise aerodynamics points. time/temperature settings depend on these elements.

10) 12.1.9 Smoke generation from wood and other plant material

- The amount of smoke entering the chamber should be controlled in line with the instructions of the manufacturer.
- Smoke generation is created by smouldering (pyrolysis **at around 300 to 450°C, see code of practices CAC/RCP 68-2009**) and care should be taken to ensure that there is no flame development **including by adjusting airflow.**

Comments :

We propose to recall the temperature of pyrolysis as it is indicated in the Code of Practice for the Reduction of Contamination of Food with Polycyclic Aromatic Hydrocarbons (PAH) from Smoking and Direct Drying Processes (page 5).CAC/RCP 68-2009

11) 12.1.10 Hot smoking

...

Technical guidance

- Time and temperature of the smoking process should be monitored to achieve the desired colour, taste and texture, **depending on hydrodynamics conditions**
The temperature in the centre of the product has to reach **[65°C]** for complete coagulation of proteins **and [72°C] in the thermal centre for at least 2 minutes for effective control of Listeria.** ~~Other~~ Any

time/temperature combinations ~~which has the same effect~~ **to control *Listeria monocytogenes*** can be used.

- To achieve the above the heated air and the smoke should be evenly distributed in the smoking chamber.

Comments :

Hydrodynamics : same idea as in point 12.1.8.

72°C could lead to an overcooking. For seafood, *Listeria* can be usually reduced by a factor of 10 at 60°C in 2 to 4 minutes.

- **Ensure that the smoking chamber and the pipes between the smoke generator and the smoking unit are cleaned regularly to prevent the accumulation of PAHs.**

12) 12.1.11 Cold smoking

...

Technical guidance:

- In the cold smoking process the temperature of the products is kept below the coagulation temperature ~~for~~ **of the proteins of the flesh of** the fish, usually under 30°C, but can vary between 27°C and 38°C.
- Time and temperature of the smoking process, **and if possible hygrometry,** should be monitored to achieve the desired colour, taste and texture, **depending on hydrodynamic conditions (in particular in the case of smoking by regenerated smoke).**

...

- The salt content in the water phase must be above [3 %] to assure effective control of growth of *Clostridium botulinum*. **Annex 2 of the Standard for Smoked Fish, Smoke-Flavoured Fish and Smoke-Dried Fish should be taken into account.**

13) New sub-section: 12.1.12bis Cold Stiffening

- **Most cold smoked fish products are sold as packages of sliced filets of different sizes or as whole filets. Before slicing the smoked filets may be stiffened by cold at about at -7°C to -14°C to stabilise the fish flesh before slicing.**
- **The temperature of stiffening by cold should be the highest temperature allowing slicing**
- **The duration in which smoked filet is stiffened by cold should be minimized. Smoked filet stiffened by cold should be sliced as rapidly as possible.**

Comments :

We propose to add and describe the technical step “stiffening by cold” as it is usually performed in some smoke fish processing plants.

This step can contribute to reduce the growth of *Listeria*.

14) 12.1.13 Slicing

potential defects : physical contamination, poor slice, slice **desintegration (“délitement” en français)**

- The smoked fillets may be cold tempered **or stiffened by cold** to stabilise the fish flesh for mechanical slicing.
- maintain a flow of products **adjusted** to avoid undue accumulation of products along the processing line.

- The slicer and the conveyer belts should be kept clean ~~by frequent and planned cleaning~~ during the process
- The slicer and the conveyer belts should be cleaned and disinfected after each prolonged stop.

Comments :

It is difficult to clean slicers and conveyers during the production.

15) 12.1.14 Packing

- Smoked products may be chilled or frozen prior to packaging.
- Packaging material should be clean, sound, durable and sufficient for intended use and of food grade material.
- Condensation of water on the surface of the smoked product should be avoided.
- The quality of the package seals should be checked
- In case of modified atmosphere packaging, the composition of the inert gas should be checked regularly
- As soon as the smoked fish is packed, it should be kept at the adequate temperature in a storage chamber and should not left in the packing room.

16) 12.1.15 Cooling or freezing

Refer also to Sections 8.3.1 and 12.1.12 (error of numbering)

17) 12.2 SMOKE-FLAVOURED FISH

- Only approved smoke flavours from reputable manufacturing sources should be used. They may need to be approved by the competent authority.

Same comment as in 12.1.7

18) 12.3.1 Smoke drying

- Pyrolysis temperature and exposure duration should be controlled to limit the risk of generation of undesirable compounds like PAHs

Comments :

PAHs represent a significant risk linked to process of smoke-dried fish if proper control measures are not implemented.

19) 12.3.2 Cooling

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Technical guidance:

- When smoke drying is finished the fish should be ~~allowed to~~ cooled up to ambient temperature.

**Codex Committee on Fish and Fishery Products
(31st Session)**

Tromsø, Norway

(11-16 April 2011)

**European Union comments on the Proposed Draft Code of Practice on the
Processing of Scallop Meat**

(Agenda item 8)

*Mixed competence
Member States vote*

Background

Extract from the report of the 30th session of CCFFP:

<p>PROPOSED DRAFT CODE OF PRACTICE ON THE PROCESSING OF SCALLOP MEAT (Agenda Item 8)¹¹</p> <p>99. The Committee recalled that its last session had briefly discussed the scope of the Code and had agreed that an electronic working group chaired by Canada would redraft the text for further comments and consideration at the next session.</p> <p>100. The Delegation of Canada indicated that the code had been revised to take into account the Proposed Draft Standard for Quick Frozen Scallop Adductor Muscle Meat, as discussed at the 29th Session. The Committee noted that in view of the changes that were still under consideration in the corresponding standard, the present version of the Code may not correspond to the revised version of the Standard, that was discussed prior to the Code in the present session (see Agenda Item 9).</p> <p>101. The Committee recognised that it would be difficult to revise the Code as long as there was no conclusion on the products to included in the standard and agreed to return to the Code only when the scope of the Standard had been sufficiently clarified.</p> <p>Status of the Proposed Draft Code of Practice on the Processing of Scallop Meat</p> <p>102. The Committee agreed to retain the Proposed Draft Code of Practice at Step 4 pending further progress on the development of the Proposed Draft Standard for Quick Frozen Scallop Adductor Muscle Meat.</p>
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EU position (agreed for CCFFP30)

The European Union and its Member States (EUMS) wish to commend Canada and the members of the electronic working group for the progress made.

The EUMS wish to underline that if the scope of the Code of Practice was enlarged to cover processed products and in particular those with added water, the Code would need to be split

in two distinct parts in order to be able to identify without ambiguity the processes applied to the two categories of products.

- Title: the EUMS propose to remove the square brackets to include products with roe.
- Section X: the EUMS propose to remove the square brackets to include products with roe.
- Section X.2.1.1 Marine Biotoxins: The EUMS propose to add a footnote to this paragraph as follows : JM Frémy and al ("Occurrence of paralytic phycotoxins in scallops from Asia ", Science des Aliments, 13 (1993) 751-759)
- Section X.3 Processing Operations. The EUMS are of the opinion that sub-sections X.3.1 and X.3.2 are not necessary and may even lead to confusion. Certain of the steps detailed in these two sub-sections can take place on board a long haul vessel but also on board short haul vessels or even inside a land based establishment. An approach step-by-step would be more logical. The ECMS therefore propose to delete the titles of sub-section X.3.1 and X.3.2 and to renumber consequently the various steps.

The EUMS also propose to clarify the first sentence of section X.3 as follows: "**There are two types of scallop fishings** ~~may be either~~ : short haul or long haul, ~~and is~~ differentiated by the time at sea and the distance of the fish ground from the land based processing facility."

- Sub-section X.3.1.5: The EUMS favour the second proposal for the last bullet point: "*If the container is not impermeable, it should be necessary to put an impervious film between the ice and the container to avoid water uptake*".
- Section X.3.2: The titles of sub-sections X.3.2.1, X.3.2.2 and X.3.2.3 should be clarified as follows:
 - X.3.2.1 Scallop Reception **in the Processing Plant** (Processing Step 7)
 - X.3.2.2 Chilled Storage **in the Processing Plant** (Processing Step 8)
 - X.3.2.3 Washing **in the Processing Plant** (Processing Step 9)

**Codex Committee on Fish and Fishery Products
(31st Session)**

Tromsø, Norway

(11-16 April 2011)

**European Union comments on Proposed Draft List of Methods for
Determination of Biotoxins in the Standard for Raw and Live Bivalve
Molluscs**

(Agenda item 10)

*European Union competence
European Union vote*

The European Union (EU) wishes to congratulate Canada for leading the work carried out by the electronic working group.

The EU is pleased to submit the following comments regarding the saxitoxin group:

1) The pre-column oxidation method 2005.06 should be retained for the following reasons:

- Although the post column method is now approved official first action, only the pre-column oxidation method AOAC OMA 2005.06 has actually demonstrated its value in implementation (by the United Kingdom) as of March 2011.

- Inclusion of the receptor binding assay for saxitoxins and elimination of AOAC 2005.06 ignore the fact that the RBA for saxitoxins has not yet passed an Interlaboratory study or been AOAC approved.

- It is important to allow enough methodology options for monitoring, including AOAC 2005.06, to avoid making indirect trade barriers. Also, until the superiority of other candidate methods like the post column method has actually been proven in pilot studies it is not always clear even after interlaboratory studies, how rugged and practical they will be in actual use.

2) The mouse bioassay for PSP should be retained at least as Type III method for monitoring because:

- It has been AOAC validated and it is currently used in many countries (including the EU) at level of type II reference method for PSP.

- It is a fast method for screening.

- Although it is important to allow enough methodology options for monitoring, validated and implemented methods currently in use should not be replaced by methods that have not been validated or clearly proved their superiority.

- The only reason to delete the AOAC PSP MBA would be on the basis of a decision not to support animal based assays, because otherwise it is a validated, wide spectrum, quantitative method and can be supported for inclusion.

In order to be able to retain the two above mentioned methods, the Committee could consider to revise the method performance criteria, in particular LODs and LOQs which have been set unreasonably low.

3) The post-column PCOX method AOAC OMA 2011.02 is not ready for type II reference method consideration at this early stage:

- Until it has been proven in pilot studies performed (outside the country of the method authors) in which it has been run in parallel with the mouse bioassay (as has been performed with AOAC 2005.06 in UK). However one could consider that a parallel trial with the MBA is not necessarily required, considering that the method can be validated and demonstrate fitness for purpose based on its performance characteristics and potentially comparison with the AOAC pre-column.

- Until alternative columns (to that stipulated in the method) have been validated at least at SLV level for the method to address column ruggedness problems reported in the method itself. Several labs are struggling with making method 2011.02 work reliably and consistently the HPLC column seems to be the ruggedness issue.

- The post-column method also has limitations and they should be mentioned. Both post column and precolumn methods did not include all PSP toxins or all shellfish matrices, and as happened with the Precolumn AOAC 2005.06, the application of Postcolumn method to *Gymnodinium Catenatum* PSP toxic profiles (frequent in Spain and Portugal) would be questionable.

4) Other comments:

A. The receptor binding assay is not "immunochemical" it does not use antibodies at all, instead it uses rat brain synaptosomes and thus requires, indirectly, sacrifice of animals.

C. Generally, the table does not provide enough type III methods for the saxitoxins, with only receptor binding assay or LC-MS available. So far LC-MS is unproven and the RBA interlab study is not complete or at least evaluated, so using the table as it reads, this effectively eliminates all type III methods at this time.

**Codex Committee on Fish and Fishery Products
(31st Session)**

Tromsø, Norway

(11-16 April 2011)

European Union comments on the Proposed Draft Standard for Abalone

(Agenda item 11)

*Mixed competence
Member States vote*

The European Union and its Member States (EUMS) congratulate South Africa for updating the document in light of the discussion which took place at the 30th session.

The EUMS are of the opinion that this document could be progressed to step 5 subject to some amendments.

1) Section I-2.2 Process Definition

The EUMS suggest some clarification to distinguish between wild abalone which are caught and farmed abalone raised in aquaculture facilities. Instead of referring to the official agency having jurisdiction, it would be in addition preferable to refer to the competent authority, which would cover all cases.

Live abalone are harvested alive from ~~a harvesting area~~ **natural fields** or ~~farm~~ **from aquaculture facilities** approved by the ~~official agency having jurisdiction~~ **competent authority**, to supply abalone for direct human consumption and may be purged in clean sea water and/or drained prior to packaging for direct human consumption or for further processing as in II-2.2.

2) Section I-5.2

The EUMS support the introduction of maximum levels for marine biotoxins in live abalone and the reference to other biotoxin groups (the fact that data is missing does not demonstrate that marine gastropods are not contaminated) and suggest the following changes:

I-5.2 Abalone from some geographical areas have been found to accumulate **some marine** biotoxins. ~~It is up to the~~ **The competent authority** ~~to~~ **should** determine, **on the basis of a risk assessment**, whether a **significant** risk exists in any geographical areas under its control and if so, put in the necessary mechanisms to ensure abalone meet with the following requirements in the edible part.

Name of biotoxin group	Maximum level / kg of abalone flesh
Saxitoxin (STX) Group	≤ 0.8 milligrams (2HCL) of saxitoxin equivalent
Other biotoxin groups associated with bivalve molluscs (e.g. Okadaic acid group, Domoic acid group, Brevetoxin group and the Azaspiracid group)	There is currently little information to demonstrate that the other biotoxin groups associated with bivalve molluscs are accumulated in abalone. It is however recommended that abalone harvested from waters known or suspected to contain toxic bivalves and/or high concentrations of causative organisms be monitored for presence of the relative biotoxins. Information indicating the necessity to review this section in the standard for abalone should be reported to CCFFP.

The EUMS suggest deleting the last sentence of the right down cell of the table as follows, as this type of wording referring to CCFFP is not appropriate in a final Codex Standard:

~~Information indicating the necessity to review this section in the standard for abalone should be reported to CCFFP.~~

3) Section I-6 HYGIENE AND HANDLING

The EUMS propose to add a new section 6.3 underlining that the presence of foreign material could represent a risk to the consumer as this is normally done in fish and fishery products standards:

I-6.3 The final product shall be free from any foreign material that poses a threat to human health.

4) Section I-8.1 Sampling

The EUMS suggest adding a reference to the General Guidelines on Sampling.

(i) Sampling of lots for examination of the product shall be in accordance with the Codex General Guidelines on Sampling (CAC/GL 50-2004), in particular:

(i) Each sample shall contain a sufficient number of abalone to ensure that the sample is representative of the lot.

(ii) The portion of the abalone to be analysed shall be the edible part. This is generally the whole tissue.

5) Section I-8.4. Determination of Biotoxins

Method AOAC 2005-06 is not validated for all biotoxins

provision	methodology	principle	type
Saxitoxin group	AOAC Official Method 2005.06	LC-FL	H III

	(Paralytic Shellfish Poisoning Toxins in Shellfish) four matrices and 12 toxins		
<u>Saxitoxin group</u>		<u>PCOX</u>	<u>II</u>
<u>Domoic acid group</u>		<u>HPLC-UV</u>	<u>II</u>
<u>Okadaic acid group</u>		<u>LCMS</u>	<u>II</u>
<u>All</u>	<u>AOAC international Mouse Bioassay method</u>		<u>II</u>

6) Section I-9.2 Dead or Damaged Product

The EUMS suggest deleting the second sentence as it is very difficult to check whether the animal "function biologically":

Dead abalone is characterized by lack of muscle movement when touched and/or complete muscle stiffness due to the rigor mortis process setting in after death of the animal. Animals damaged to the extent that ~~they can no longer function biologically;~~ their integrity is affected, are considered to be defective. The product is rejected if more than 5% of the units in the sample are dead or damaged.

7) Section II-2.1 Product Definition

Raw fresh chilled or frozen abalone ~~processed~~ prepared for direct consumption or for further processing are products that were alive immediately prior to the commencement of freezing and/or processing and comply with Section I-2.2 relating to harvesting.

8) Section II-2.2 Process Definition

The chilling process shall be carried out in appropriate equipment in such a way as to ensure the product shall be quickly brought down to the temperature of melting ice (with a maximum tolerance of ~~-2°C~~ 0°C to +4°C).

Comment: A temperature below 0°C is not appropriate for chilling.

9) Section II-4 Food additives

The EUMS are not aware of any technological need that would support the need for antioxidants and would therefore request clarification from South Africa on this point.

10) Section II-7.2 Content Declaration

Raw fresh chilled or frozen abalone shall be labelled by weight, count, count per unit weight, or volume as appropriate to the product.
Where the frozen food has been glazed, the declaration of the net weight of the food shall be exclusive of the glaze.

Comments: as for existing standards, it is necessary to define the net weight of frozen products.

11) Section II-7.3 Storage Instructions

The label shall **specify the conditions for storage and/or temperature that will maintain the product safety / viability during transportation, storage and distribution including date of minimum durability and date of shucking.** ~~include terms to indicate that the product shall be stored at a temperature of -18°C or colder for frozen abalone and -2°C to $+4^{\circ}\text{C}$ for chilled abalone.~~

Comments : Temperatures are usually not mentioned in standards especially because they are not specific to abalone; in addition negative temperatures for chilled products are not appropriate. It is therefore proposed to use the same wording as in the bivalve molluscs standard.

**Codex Committee on Fish and Fishery Products
(31st Session)**

Tromsø, Norway

(11-16 April 2011)

**European Union comments on the Proposed Draft Amendment to the
Standard for Quick Frozen Fish Sticks**

(Agenda item 12)

*Mixed competence
Member States vote*

Background

The Codex Standard for Quick Frozen Fish Sticks (Fish Fingers), Fish Portions and Fish Fillets - Breaded or in Batter (CODEX STAN 166 – 1989) defines in section 7.4 (Estimation of fish content) the nitrogen factors to be used for a series of species as follows:

Species	Nitrogen %
<i>White fish:</i>	
Cod	2.66
Minced Cod	2.61
Coley/Saithe	2.69
European Hake	2.64
Haddock	2.72
Ling	2.78
Plaice	2.46
Alaskan Pollack	2.59
Whiting	2.68
<i>White fish mean</i>	2.65

At the 28th session of CCFPP, Thailand proposed to undertake an experiment to determine the Nitrogen factor for tropical fish as the nitrogen factors currently available were only for temperate fish species. The nitrogen factor determined and calculated would be used as a basis for determining fish content in frozen breaded and battered fish and other similar products. The study would also aim at determining factors affecting nitrogen content in Tilapia (*Oreochromis nilotica*). Tilapia was selected as it is one of the most popular fish used for producing fish sticks and breaded and battered fish products.

EU position

The European Union and its Member States (EUMS) congratulate Malaysia and Thailand for the work carried out to evaluate the nitrogen factor for Tilapia.

The EUMS can support the value of 2.88 for Tilapia as proposed by Thailand and Malaysia.

However the EUMS note that this value cannot be used for all tropical species and would therefore encourage other studies to be carried out to determine nitrogen factors for other tropical species used for the preparation of products covered by the Standard.

**Codex Committee on Fish and Fishery Products
(31st Session)**

Tromsø, Norway

(11-16 April 2011)

**European Union comments on the Proposed Food Additive Provisions in
Standards for Fish and Fishery Products**

(Agenda item 13)

*European Union competence
European Union vote*

The European Union (EU) supports the view that Codex commodity standards shall be examined with the objective to remove all food additive provisions and simply refer to the General Standard for Food Additives (GSFA), which would then become the single authoritative reference point for food additives in Codex and eliminate the current confusion where two different sets of provisions can exist for the same product, one in the GSFA and one in the commodity standard. The Codex commodity committees should amend food additives provisions of the commodity standards in such a way that a simple reference to the GSFA is possible. All such amendments have to respect the general principles as formulated in Section 3 of the GSFA Preamble.

The EU fully supports the establishment of an in-session working group during the 31st session of the Committee to:

1. Review the Proposed Procedure for the Development and Review of Additive Provisions in Draft Fish and Fishery Product Standards.
2. Discuss if the CCFFP should perform a systematic standard by standard review of additive provision in adopted standards, or if the existing provisions should be added to the GSFA by default in the absence of proposed changes by CCFFP members.
3. Discuss the commodity committee's role in reviewing individual additives and additive functional classes.
4. Discuss coordination between the CCFFP and CCFA to maintain alignment of the GSFA with Commodity Standards.
5. Develop proposals for the plenary of CCFFP. The plenary will then finalize the proposals and transmit them appropriately.

1) Review the Proposed Procedure for the Development and Review of Additive Provisions in Draft Fish and Fishery Product Standards

The EU fully supports the procedure as described in Appendix I of document CX/FFP 11/31/13 developed by the electronic working group co-chaired by the US and the EU. This approach is logical and systematic; it is based on the technological need for a specific additive in a food product and respects the requirements of section 3 of the Preamble of the GSFA:

1. The additive must have an advantage;
2. The additive must not present an appreciable health risk;
3. The additive must not mislead the consumer;
4. The additive must serve a technological objective;
5. The additives technological objectives cannot be practically achieved by existing means.

2) Discuss if the CCFFP should perform a systematic standard by standard review of additive provision in adopted standards, or if the existing provisions should be added to the GSFA by default in the absence of proposed changes by CCFFP members.

In the alignment process it must be taken into consideration that the scope of most GSFA food categories is broader than individual commodity standards and that the GSFA food categories also often include non-standardized foods. Even if the relationship seems to be one-to-one (referring to the relation between commodity standard and GSFA food category) the food additive provisions of the GSFA are often broader and do not fit the definition, quality parameters and technological needs of the commodity standard in question. Therefore, in the alignment process the food additives provisions of the commodity standards should not be unjustifiably broadened, since the purpose of these standards would be then questionable.

The EU is in favour of a system of notes to be incorporated into the GSFA in case the commodity standard requires different permissions compared to the relevant GSFA food category. This system would allow maintaining different food additive provisions for the specific commodity standards while making the GSFA a single reference document for food additives within the Codex Alimentarius.

The EU proposes a process in two steps:

- Align the GSFA with the commodity standards using where necessary footnotes starting by default with current provisions of the commodity standards;
- Any Codex member wishing to amend food additive provisions of the Standards for Fish and Fish Products should submit a justification according to the procedure described in appendix I.

3) Discuss the commodity committee's role in reviewing individual additives and additive functional classes.

Codex commodity committees have the principal responsibility and expertise for technological need in the commodity standards falling under their terms of reference (Section 1.2 of the GSFA and Section II of the Procedural Manual). Taking into account that the technological need for the use of food additives and their maximum use levels may be different among the different commodity standards covered by the same GSFA food category, the commodity committee has a crucial role in proposing the use and maximum use levels considered to be necessary in the different commodity standards.

It is also worth mentioning that some of the food additives, which have different maximum use levels in the different commodity standards falling under the same food category of the GSFA, have numerical ADIs and it is not reasonable from a safety point of view (and also it is not in accordance with the Preamble section 3) to increase the maximum use levels based on the highest value found either in the GSFA or in one of the commodity standards.

4) Discuss coordination between the CCFFP and CCFA to maintain alignment of the GSFA with Commodity Standards.

The Codex Procedural Manual defines precisely the "*Procedures for consideration of the entry and review of food additive provisions in the General Standard for Food Additives*"⁴ where the relations between the commodity committees and the CCFA are detailed in particular concerning the review of the GSFA.

This document is attached for ease of reference:



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⁴ Codex Procedural Manual, 19th EN Edition, pages 43-48

**Codex Committee on Fish and Fishery Products
(31st Session)**

Tromsø, Norway

(11-16 April 2011)

European Union comments on the Model Certificates

(Agenda item 14)

*Mixed competence
European Union vote*

Background

At its latest session, CCFFP considered the request from the CAC to consider the revision of the Model Certificate for Fish and Fishery Products to ensure consistency with the recently adopted Generic Model Certificate (Annex to Guidelines for Design, Production, Issuance and Use of Generic Official Certificate, CAC/GL 38-2001).

It was agreed that the Committee should work in the direction of limiting the number of certificates used in international trade and in that regard, it considered a proposal that the Generic Model Certificate be revised to include specifics related to fish and fishery products allowing then the revocation of the Model Certificate for Fish and Fishery Products.

The Committee noted that the comparison in CRD 3 prepared by Canada provided a good basis for consideration of those matters specific to fish and fishery products to be included in the Generic Model Certificate and agreed that a Circular Letter be issued requesting comments on the list of matters specific to fish and fishery products in the Model Certificate for Fish and Fishery Products that could be incorporated into the Generic Model Certificate for further consideration by the next session of the Committee and possible forwarding to the CCFICS.

EU position

The European Union and its Member States (EUMS) note that the 32nd Session of the Codex Alimentarius Commission has adopted the Generic Model Official Certificate developed by the Codex Committee on Food Import and Export Certification and Inspection Systems (CCFICS). This model certificate is annexed to the Guidelines for Design, Production, Issuance and Use of Generic Official Certificates⁵ revised in 2007.

CCFICS when developing its model certificate took inspiration in the two certificates which were already developed by Codex Committees, namely CCFFP and the Codex Committee on Milk and Milk Products (CCMMP).

⁵ CAC/GL 38-2001

Now that a generic certificate exists and is supposed to cover all types of products, the EUMS are of the opinion that the Generic Model Certificate should be revised to include specifics related to fish and fishery products allowing then the revocation of the Model Certificate for Fish and Fishery Products.

The EUMS therefore propose the following amendments and comments:

1) In order to retain the mention in the certificate of the scientific name of the species in the particular case of fish and fishery products, the EUMS suggest to amend Note 15 of the Annex of document CAC/GL 38-2001 related to the field “Name of the product” in the generic certificate to request the indication, for fish and fishery products, of the common name and the scientific name of the species”, as follows:

CAC/GL 38-2001 – Annex - Explanatory notes on the generic model for an official certificate – Specific:

(...)

15. Identification of food product(s): give the descriptive information specific to the product or products to be certified.

Where appropriate: nature of the food (or description of the commodity), commodity code (HS code), species **both common name(s) and scientific name(s) for fish and fishery product(s)**, intended purpose, producer/manufacturer, approval number of establishments (slaughterhouse, production plant, store (cold store or not)), region or compartment of origin, name of the product, lot identifier, type of packaging, number of packages, net weight per type of product.

2) Attestations:

The EUMS are of the opinion that there would be some merit in retaining the wording of the specific attestations for fish and fishery products.

Note 16 of the generic certificate could therefore be amended accordingly:

16. Attestations: information indicating compliance with the relevant regulation(s) of the importing or exporting countries in accordance with the recommendations, as appropriate, of the Codex Alimentarius Commission.

Attestations should be the minimum required for the products certified to ensure food safety and fair practices in the food trade. Attestations should be applicable to the food products certified.

Non-applicable attestations should be excluded or deleted.

There may be other attestations covering different issues (cf. paragraph 7 of document CAC/GL 38-2001).

In the case of sanitary certification of fish and fishery products, the following attestations should be used:

1) The products described above originate from (an) approved establishment(s) that has been approved by, or otherwise determined to be in good regulatory standing with the competent authority in the exporting country and

2) have been handled, prepared or processed, identified, stored and transported under a competent HACCP and sanitary programme consistently implemented and in accordance with the requirements laid down in Codex Code of Practice for Fish and Fishery Products (CAC/RCP 52-2003).

3) Country of origin:

The EUMS are totally satisfied with the definition of country of origin which is currently in the notes of the generic certificate:

Country of origin: name of the country in which the products were produced, manufactured or packaged.

**Codex Committee on Fish and Fishery Products
(31st Session)**

Tromsø, Norway

(11-16 April 2011)

**European Union comments on the Discussion Paper on the Development of
a Worldwide Standard for Laver**

(Agenda item 15)

*Mixed competence
Member States vote*

The European Union and its Member States (EUMS) welcome the discussion paper prepared by Korea.

The EUMS are not opposed to starting new work on a Codex Standard for Laver Products.

However the EUMS would welcome confirmation that this work would be covered by the Terms of Reference of CCFFP which is normally limited to "*fresh, frozen (including quick frozen) or otherwise processed fish, crustaceans and mollusc*". The EUMS note that the Codex Committee on Processed Fruits and Vegetables could also be responsible of this work or at least consulted and associated in the process.