



**2023/3040(DEA)**

14.2.2024

# **DRAFT MOTION FOR A RESOLUTION**

pursuant to Rule 111(3) of the Rules of Procedure

on the Commission delegated regulation of 14 December 2023 amending Annexes II and III to Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards specific hygiene requirements for certain meat, fishery products, dairy products and eggs (C(2023)8519 – 2023/3040(DEA))

**Committee on the Environment, Public Health and Food Safety**

Member responsible: Marek Paweł Balt, Elżbieta Katarzyna Łukacijewska, Anna Zalewska

**European Parliament resolution on the Commission delegated regulation of 14 December 2023 amending Annexes II and III to Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards specific hygiene requirements for certain meat, fishery products, dairy products and eggs (C(2023)8519 – 2023/3040(DEA))**

*The European Parliament,*

- having regard to the Commission delegated regulation of 14 December 2023 amending Annexes II and III to Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards specific hygiene requirements for certain meat, fishery products, dairy products and eggs (C(2023)08519),
  - having regard to Article 290 of the Treaty on the Functioning of the European Union,
  - having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin<sup>1</sup>, and in particular Article 10(1), second subparagraph, points (a), (c), (d), (e) and (f), and Article 11a(6), thereof,
  - having regard to Rule 111(3) of its Rules of Procedure,
  - having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,
- A. whereas in relation to the processing of fishery products, in particular *Salmonidae*, the Member States have developed traditional processing technology, known as ‘stiffening’; whereas stiffening is a production step in smoked salmon processing, which has been well known for decades; whereas it prevents the growth of harmful bacteria, prevents food waste, and ensures compliance with production and health requirements and delivery of a product of consistent quality;
- B. whereas stiffening is used as a part of the production stage, during which the temperature of the processed (smoked or marinated) fish fillet is temporarily decreased to a temperature of -2 to -14 °C to make the process of mechanical slicing easier and efficient; whereas depending on whether mechanical slicing is carried out in the range of higher stiffening temperatures (-2°C / -4°C ) or lower stiffening temperatures (-7°C / -14°C), the slicing process is called respectively either ‘soft slicing’ or ‘hard slicing’;
- C. whereas the Commission delegated regulation introduces a new definition of stiffening, arbitrarily limiting the period allowed for stiffening and subsequent slicing to a maximum duration of 96 hours, while not taking into account different practices and temperatures across the Member States or their impact on food safety;

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<sup>1</sup> OJ L 139, 30.4.2004, p. 55.

- D. whereas the Commission delegated regulation has been adopted without consultations with the European Food Safety Authority (EFSA); whereas such consultation would be extremely valuable for setting a timeframe and strict requirements in the area of secondary legislation that have a significant impact on public health, and would also be in line with the ‘One Health’ approach;
- E. whereas Article 13 of Regulation (EC) No 853/2004 states that the Commission is to consult EFSA on any matter falling within the scope of that Regulation that could have a significant impact on public health and, in particular, before proposing to extend Section III of Annex III to that Regulation to other animal species;
- F. whereas distinct production cycles using varied slicing practices and differing production scales might require different timeframes, while nonetheless having to prove safety for the consumers;
- G. whereas Article 10(1), first subparagraph, of Regulation (EC) No 853/2004 provides that Annexes II and III to that Regulation may be amended by delegated acts, taking into account the relevant risk factors and if justified on the basis of: (a) the experience gained by food business operators and/or competent authorities, in particular on the implementation of HACCP-based systems pursuant to Article 5 of that Regulation; (b) the experience gained by the Commission, in particular on the outcome of its audits; (c) technological developments and their practical consequences, and consumer expectations with regard to food composition; (d) scientific advice, particularly new risk assessments; (e) microbiological and temperature criteria for foodstuffs; and (f) changes in patterns of consumption;
- H. whereas the European Salmon Smokers Association Guide recognises that the length of the stiffening stage appears to impact the lag phase in the *Listeria monocytogenes* growth curve based on the ADRIA research from 1999, according to the AQS programme verified in practice by the composition of alerts reported through the Rapid Alert System for Food and Feed; whereas such practice of stiffening processed salmon at the temperature range of -7°C to -14°C therefore constitutes a potential tool for controlling the danger of *Listeria monocytogenes* in smoked salmon; whereas it is also believed to facilitate the process of slicing, allow for more efficient slicing and production at scale without compromising on safety;
1. Objects to the Commission delegated regulation;
  2. Instructs its President to forward this resolution to the Commission and to notify it that the delegated regulation cannot enter into force;
  3. Considers that implementation of the Commission delegated regulation, without a clear substantive justification based on food safety reasons, can:
    - (a) lead to job losses on a large scale, in particular in the regions traditionally relying on the fishing industry, which could significantly impede the development of the local communities affected and those regions as a whole in the long term;

- (b) adversely affect the competitiveness and sustainability of fish processors in the Union, and negatively impact producers of over 50 % of smoked salmon in Europe, leading to serious shortages in the Union internal market which affect the availability of fish products, thereby increasing prices for final consumers and raising the dependency on imports;
- (c) create disproportionate food waste;
4. Underlines the importance of reliable and transparent information being provided for consumers, with proper labelling, including on the processing of fish products and calls on the Commission to address the issue of labelling in the upcoming revision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council<sup>2</sup>;
  5. Regrets that the Commission has not consulted EFSA on the scientific opinion on stiffening within the timeframe of 96 hours for smoked salmon and calls, in this regard, on the Commission to consult and actively seek advice from EFSA;
  6. Calls on the Commission to enact a procedure so that a new delegated act which ensures that rules and timeframes introduced in it are based upon scientific data, adhere to a non-discriminatory approach, consider the concerns of the European Parliament, and follow EFSA recommendations;
  7. Calls on the Commission to properly address, in its preparations for the new delegated act, the aspect of public health, in particular the risks regarding the rise of *Listeria monocytogenes* in fish depending on the temperature of processing and storage, when setting the timelines and restrictions;
  8. Calls on the Commission to include a review clause in the new delegated act due to the dynamic changes and constant evolution of best practice in the fishing industry;
  9. Instructs its President to forward this resolution to the Council and to the governments and parliaments of the Member States.

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<sup>2</sup> Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).