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Neil Parish MP
Chair
Environment, Food and Rural Affairs Committee
House of Commons
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Dear Neil,

Thank you for the opportunity to speak to the committee on 25 March. I agreed to follow up a number of points from our session on seafood and meat exports and this letter provides those responses. The Government is fully committed to supporting meat and seafood exports, and I look forward to continuing to work with the committee as we ensure our businesses are supported in their trade with Europe and also to seize new opportunities in the world's fastest growing markets.

Control and Enforcement Against EU Vessels and Monitoring EU Vessel Catch Data
(Response to Q154 - Q155 of the transcript)

Inspections and Surveillance

The Marine Management Organisation (MMO) monitors, controls and enforces fishing regulations in English waters. An additional £32m has been invested to mitigate fisheries risks at the end of the Transition Period. The MMO takes a robust intelligence-led approach to enforcement action against illegal fishing and works with partners including the devolved fisheries administrations, Inshore Fisheries Conservation Authorities and the Joint Maritime Information Centre to ensure a coordinated approach to control and enforcement across UK waters.

Although routine boarding of vessels for inspection while at sea was halted during January and February due to the national lockdown and Covid-19 safety measures, the MMO increased its physical presence at sea and continued to inspect vessels in port. During March, MMO recommenced routine boarding and inspections of vessels at sea. There have been 62 at-sea inspections in March: 21 of these were UK vessels and 41 were EU vessels.

At-sea inspections are just one tool to combat illegal fishing activity. Four offshore vessels continued to patrol the English Exclusive Economic Zone (EEZ) throughout January and February. Other surveillance operations, including aerial and radar surveillance and

electronic monitoring systems, continued as normal to detect and deter illegal activity at sea and enforce where necessary.

Although fisheries is a devolved matter, all UK fisheries authorities work together to share intelligence and information, with coordination of assets when required through the Joint Maritime Security Centre (JMSC). During January and February, 13 EU vessels were identified as fishing illegally within English waters. These incursions were investigated using offshore patrol vessels or aerial surveillance as appropriate and dealt with in line with the UK wide agreed enforcement strategy.

Monitoring of Fisheries Data

While inspections at sea help the MMO gather important data such as incorrect mesh sizes, undersized species and undeclared catch, they are not the means by which the UK acquires data on what is being fished where and when. This information comes from fishing catch, landing and sales records that all fishing vessels and merchants are legally required to supply.

Additionally, it is a legal requirement for all registered fishing vessels over 12m present within the UK EEZ, including EU vessels, to be fitted with a Vessel Monitoring System (VMS) satellite tracking system, this tamperproof device sends live positional data that the UK Fisheries Authorities use to monitor fishing vessel presence within the UK EEZ and evaluate fishing fleet behaviour.

The UK-EU Trade and Cooperation Agreement requires both Parties to share information as is necessary to support the implementation of the Agreement

The European Commission is already supplying records of catches of quota species from the UK EEZ on a monthly basis, supplemented with an ad-hoc supply of International Council for the Exploration of the Sea (ICES)-rectangle level data which is cross checked to provide assurance of the robustness of the EEZ-level data. Defra officials are engaged in ongoing technical conversations with the European Commission to establish rapidly a mechanism to allow sharing of these data to support implementation of the agreement including the requirements in relation to non-quota stocks.

Data for Live Animal and High-Priority Plant Import Checks (*Response to Q192 - Q193 of the transcript*)

Live Animals

Checks on commercial imports of live animals imported from the EU continue to be carried out at destination, as they were previously.

There were a total of 91 post import checks at the point of destination carried out on live animals imported from the EU to England, between 1 January 2021 and 31 March 2021. A breakdown of this data is provided below:

- Consignments of cattle: 68
- Consignments of cats / dogs (for commercial breeders): 21
- Consignments for swine: 2

These visits are conducted by APHA Field Staff, with any sampling carried out by veterinary officers. At each visit a report form (IV17) is completed and returned detailing any further actions or non-compliances. These reports detail the findings of the inspections and any action that needs to be taken.

High-Priority Plants

Since 1 January 2021, EU high-priority plants and plant products have been inspected at place of destination. High-priority plants, include all plants for planting, seed potatoes, and ware potatoes. Between 1 January 2021 to 31 March 2021 a breakdown of data is provided below for import checks at the place of destination for high-priority plants from the EU to England and Wales:

- Consignments declared for EU Imports: 15,460
- Consignments inspected: 3,012

The inspections are carried out by APHA's Plant Health and Seed Inspectors. There were some minor instances of non-compliances such as missing or incomplete phytosanitary certificates and pre-notifications of EU imports. This was to be expected, due to EU trader readiness, and a temporary grace period was introduced from 1 January until the end of February 2021 to allow EU trade to adapt to the new requirements. A stepped and proportionate approach was taken for enforcement to aid EU businesses in becoming compliant with the new import requirements following 1 January 2021.

To date, no major non-compliance issues have been reported on EU plant imports and APHA continues to systematically record the information on EU non-compliances so this can be fed back to EU National Plant Protection Organisations (NPPOs) regularly. Defra will also publish a summary of all import interceptions, including pests and diseases, on the Plant Health Portal in due course.

Correspondence with European Commission on Live Bivalve Mollusc Export Regulations *(Response to Q206 - Q208 of the transcript)*

In September 2019, the UK Chief Veterinary Officer (CVO) wrote to the European Commission to seek their view on which certificate the UK should use for the export of undepurated live bivalve molluscs (LBMs) from Class B aquaculture production businesses after EU Exit.

The UK CVO set out Defra's interpretation, that the most appropriate certificate for LBMs sent to the EU for purification is the model animal health certificate for the import into the

European Union of aquaculture animals for farming, relaying, put and take fisheries and open ornamental facilities; (Commission Regulation (EC) No 1251/2008, Annex IV, Part A) as this offers the greatest assurances. We offered to continue to provide the registration document for intra community movements for LBMs for purification for the purposes of traceability.

On 27 September 2019, Bernard Van Goethem (European Commission Director for Crisis preparedness in food, animals and plants), responded by saying “LBMs exported to the EU for purification, can be certified with the model set out in Part A of Annex IV to Commission Regulation (EC) No 1251/2008. As regards the registration document for intra community movements for LBMs for purification, it can accompany the consignments, but it would not serve any purpose as it is applicable only in intra Union trade.”

Therefore, the correspondence between the UK CVO and the Commission in September 2019 confirmed Defra’s understanding of the legislation. This was that Class B LBMs intended for purification are not defined as “food” and, thus, would travel under the aquaculture certificate. The definition of “food” under Regulation 178/2002 excludes live animals “unless they are prepared for placing on the market for human consumption.” LBMs that have yet to undergo depuration are not prepared for this purpose, because depuration is an essential preparation for placing on the market as food.

The correspondence between the UK CVO and the Commission has been published in the Library of the House and is available there for your information.

In August 2020, the EU issued a draft of the proposed new Export Health Certificate which made explicit to us that the export of Class B LBMs, from both aquaculture and the wild, for depuration, was permitted. This EHC was put into law on 16 December 2020 by Regulation 2020/2236 and would apply from 21 April 2021.

The notes to this Export Health Certificate state that it is to be used for the entry into the Union of consignments of live aquatic animals intended for all other aquaculture establishments including purification centres and relaying areas.

The Commission has recently amended this certificate to remove text that explicitly stated that the 2020/2236 HC should be used for consignments intended for aquaculture establishments, including purification centres and relaying areas, thus effectively banning the imports.

We therefore conclude that our interpretation of the Health Certificate put into law on 16 December 2020 by Regulation 2020/2236 was correct, namely that it would permit the trade of aquatic animals from Class B production areas intended for purification in the EU. It appears to us that the EU have changed their legislation to try to justify the unreasonable position that they have taken.

Testing for Classification of Shellfish Harvesting Areas (*Response to Q212 - Q214 of the transcript*)

The classification of harvesting areas for shellfish (such as bivalve molluscs) is based on *E.coli* levels in samples of flesh from shellfish collected from the harvesting area. The reference Most Probable Number (MPN) method is currently in use in UK Official Control Laboratories, however the Impedance Method has also been approved for use in the UK and the EU as an alternative. The Impedance Method has not been taken up by UK Official Control Laboratories and the Food Standards Agency (FSA) (which leads in this area of food law) is not aware of any commercial laboratories within the UK using this method. The Impedance Method offers various advantages and disadvantages over the MPN method, with one of the advantages being it is more rapid (once samples arrive at the laboratory it can take five to ten hours versus two days for the MPN method). Some notable disadvantages include a higher limit of detection, and higher initial costs for equipment.

Currently, if food business operators wish to use the Impedance Method, they would need to approach laboratories to provide this service on a commercial basis, however the FSA is willing to provide advice in order to assist with the uptake of this method working with industry, Local Authorities and laboratories.



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