

# Danmarks Sportsfiskerforbund



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Udvalget for Fødevarer, Landbrug og  
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FLF alm. del - Bilag 170  
Offentligt

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## Vedrørende erhvervsfiskeriet efter laks i Østersøen

Danmarks Sportsfiskerforbund har den 1. december 2006 modtaget Fødevareministerens kommentar til forbundets henvendelse til Fødevareudvalget af 22. oktober 2006 vedrørende erhvervsfiskeriet efter laks i Østersøen (FLF alm. del. bilag 49).

Forbundet har i den forbindelse noteret sig, at det er Danmarks Fiskeriundersøgelses (DFU) vurdering, at man ikke under ét kan klassificere alle bestande af østersølaks som truede. Det fremgår imidlertid også af DFU's notat, at der fortsat er elve i den Botniske Bugt, hvor der ikke er fremgang i laksebestanden.

Det er således fortsat Danmarks Sportsfiskerforbunds opfattelse, at flere af bestandene af østersølaks er sårbare, og at erhvervsfiskeriet efter østersølaks derfor bør indstilles i en situation, hvor en stor del af fangsten på grund af for højt indhold af dioxin og PCB skal destrueres eller anvendes til minkfoder. Danmark bør i den forbindelse gå foran i forhold til de øvrige EU-lande med henblik på et generelt stop for erhvervsfiskeriet efter østersølaks.

Det skal bemærkes, at repræsentanter for sportsfiskerorganisationer i Sverige, Finland, Rusland, Estland, Letland, Litauen og Tyskland i november 2006 har afholdt en konference om fiskeriet i Østersøen med fokus på bæredygtig forvaltning af fiskebestandene og værdierne i det rekreative fiskeri. I en udtalelse fra konferencen karakteriseres de danske regler, vedrørende erhvervsfiskeriet efter østersølaks, som absurde. Udtalelsen, der velægges til orientering, er fremsendt til Østersølandenes regeringer, herunder den danske, samt til EU-kommissionen.

Fødevareministerens kommentar til forbundets henvendelse af 22. oktober 2006, rejser samtidig en række spørgsmål med hensyn til, hvorvidt der overhovedet er en effektiv kontrol med fiskeriet og omsætningen af laks, der overskrider grænseværdierne for dioxin og PCB. Af DFU's notat fremgår således, at de danske erhvervsmæssige landinger af laks i 2005 kun udgjorde 39.491 stk. i forhold til den samlede danske kvote på 93.512 stk. Ifølge Bornholms Tidende, den 29. december 2006, er der i 2006 tilsvarende kun landet 30.160 stk. laks.

Det er selvfølgelig positivt, hvis det reelt er udtryk for en reduktion i fangsterne, men det virker umiddelbart påfaldende, at laksefangsterne er reduceret med op mod 2/3, efter at



kompensationen for destruktions af de store laks er ophørt. Det vil efter forbundets opfattelse være relevant at få belyst, hvad forklaringen er på denne udvikling.

Det fremgår endvidere af DFU's notat, at det ved henvendelse til FSØ, der indhandler hovedparten af laks landet på Bornholm, er oplyst, at der ikke hidtil i 2006 er destrueret store laks. Det er endvidere oplyst, at laks, der på grund af størrelse ikke må omsættes, bliver indfrosset og anvendt til eget forbrug, idet der må udtages 20 store laks pr. båd pr. måned. Der er ifølge det oplyste senest anvendt store laks til minkfoder indtil 31. marts 2005, mens fiskerne modtog kompensation.

Det fremgår ikke af DFU's notat, om de laks, der på den måde udtages til eget forbrug, medregnes i kvoten. Samtidig er der ganske betydelig usikkerhed med hensyn til, om der er en effektiv kontrol med, at de store dioxinholdige laks ikke omsættes til konsum. EU's Food and Veterinary Office (FVO) var således på kontrolbesøg på Bornholm i perioden fra den 23. til den 27. januar 2006 som led i kontrol med landenes overholdelse af EU's bestemmelser vedrørende dioxiner og PCB i fisk fra Østersøen.

FVO har i den forbindelse påtalt nogle ganske alvorlige huller i det danske kontrolsystem i forhold til kontrollen med omsætningen af store østersølags. Ved kontrolbesøget hos en engroshandel på Bornholm har FVO således konstateret, at laks mellem 4,4 og 6 kg er videresolgt på det danske marked og til en virksomhed i et andet EU-land, uden at laksene forinden har gennemgået en dybdetrimning. Dette er i direkte strid med den danske lovgivning.

Dernæst har FVO ved en stikprøve konstateret, at en enkelt erhvervsfisker over en periode på tre måneder har indfrosset store laks på over 6 kg i en samlet mængde på 3.507 kg - angiveligt til eget forbrug. Foreløbige data fra den samme fiskers seneste fangster indikerer, at der yderligere er indfrosset 1.200 kg laks over 6 kg. Det vil med andre ord sige, at den pågældende fisker på kontroltidspunktet havde et lager på 4,7 tons laks til eget forbrug.

FVO har samtidig konstateret, at den pågældende fisker i lighed med flere andre fiskere har en tilladelse fra Fiskeridirektoratet til engroshandel med fisk fra egen fangst. Ifølge FVO's rapport er der fra Fødevarestyrelsens side ingen kontrol med de fiskere, der har tilladelse fra Fiskeridirektoratet til engroshandel med fisk fra egen fangst. Der er med andre ord reelt ingen kontrol med, at laks over 6 kg ikke omsættes til konsum.

Efter Danmarks Sportsfiskerforbunds opfattelse tegner FVO's kontrolbesøg et ganske kritisk billede af hele kontrolsystemet i forhold til det danske erhvervsfiskeri efter laks i Østersøen. Forbundet er selvfølgelig opmærksom på, at de danske myndigheder som konsekvens af FVO's kontrolbesøg har taget visse initiativer til en øget kontrol med forholdene. Spørgsmålet er imidlertid, hvor effektivt det virker, når FSØ så sent som i november 2006 oplyser til DFU, at laks over 6 kg fortsat indfryses af fiskerne, angiveligt til eget forbrug.

Kopi af FVO's rapport fra kontrolbesøget den 23.-27. januar 2006 vedlægges.

Med venlig hilsen

Verner W. Hansen  
Forbundsformand

## Statement from the Conference: The Baltic Sea in focus

Every year, millions of people in the countries around the Baltic Sea fish for recreational purposes (see note 1). Among large groups of people, sportfishing promote physical activity and contact with nature.

Recreational angling also turnover large amounts of money (see note 2) and is according to us the largest fisheries industry. Fishing with a rod and hook is compared to traditional commercial fishing a more sustainable way of using fish stocks. Anglers are often involved in environmental conservation, and often lead the national work with protection and preservation of the aquatic environment.

**In the administration of the fisheries in the Baltic far too little consideration has been taken to the interests of recreational angling and environmental conservation. The conference has come to the following conclusions:**

- The over exploitation of the fish stocks in the Baltic Sea must come to an end! The total allowable catch shall be set in accordance with the scientific advice and the precautionary approach.
- The illegal fishing in the Baltic Sea must be stopped! An increased international control is necessary.
- Powerful actions must be taken against the eutrophication of the Baltic Sea.
- The freshwaters are an important environment for reproduction of many species in the Baltic and have to be protected. No further exploitation of streams is acceptable.
- The organisations of the recreational anglers must be given increased influence on the fisheries administration.
- All species should be allowed to spawn at least once. The Danish rules concerning commercial salmon fishing is absurd and must be changed!
- The opportunities of recreational fishing in the Baltic region have to be preserved for present and future generations.

Our network has a common intention to work towards these targets. We are a group of representatives from angling associations around the Baltic. As a take-off for the future we have held a meeting in Visby, Sweden, 7-8 of November 2006.



Endrik Tõnsberg, Estonia



Alvis Birkovs, Latvia



Marcus Wikström, Finland



Juha Ojajarvi, Finland



Stefan Nyström, Sweden



Stefan Spahn, Germany



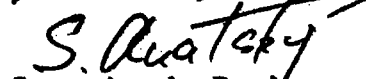
Tomas Kolcsinskas, Lithuania



Dr. Thomas Meinelt, Germany



Janne Rautanen, Finland



Sergey Anatsky, Russia



Joel Norlin, Sweden



Nils Ljunggren, Sweden

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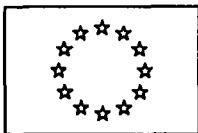
**Notes:****1. Number of anglers in some countries bordering the Baltic Sea**

Sweden	≈ 3 000 000
Finland	≈ 2 000 000
Estonia	≈ 30 000
Latvia	≈ 200 000
Lithuania	≈ 150 000
Germany	≈ 2 000 000

**2. The economic value of recreational angling in some countries bordering the Baltic Sea**

Sweden	≈ 0,43 billion euro
Finland	≈ 0,3 billion euro
Germany	≈ 6,4 billion euro

These are oral data that have come up during the Conference.



**EUROPEAN COMMISSION**

HEALTH & CONSUMER PROTECTION DIRECTORATE-GENERAL

Directorate F - Food and Veterinary Office

DG(SANCO)/8004/2006 – MR Final

**FINAL REPORT OF A MISSION  
CARRIED OUT IN DENMARK  
FROM 23 TO 27 JANUARY 2006  
CONCERNING THE EVALUATION OF CONTROLS ON  
DIOXINS AND OTHER ORGANOCHLORINATED CONTAMINANTS  
IN BALTIC SEA FISH**

**FYO**

14/06/06 - 39910

## EXECUTIVE SUMMARY

This report describes the outcome of a mission carried out by the Food and Veterinary Office (FVO) in Denmark, from 23 to 27 January 2006.

The mission was part of a series of FVO missions to the eight Member States bordering the Baltic Sea, examining controls on organochlorinated contaminants (particularly polychlorinated dioxins, furans and biphenyls) in Baltic Sea fish. The present mission focussed on the effectiveness of national measures put in place by the Danish competent authorities to ensure compliance with Commission Regulation (EC) No 466/2001 establishing maximum (Community) levels for polychlorinated dioxins and furans in fish within their own territory.

In Denmark, the two competent authorities involved in the control on Baltic Sea fish are cooperating in an effective manner. Comprehensive dioxin monitoring programmes have been conducted regularly on Baltic Sea fish and the results have been applied when drafting national legislation. Thus, in addition to the EU legislation there is national legislation implementing strong restrictions on the catch and marketing of Baltic Sea herring and on the marketing of Baltic Sea salmon, but there are no restrictions in place for the limited volumes of Baltic Sea sprats caught for human consumption. The official control system is transparent and covers most relevant areas. However, some important gaps in the control system exist. There is no system in place to control the use of the larger salmon weighing > 6 kg, representing a substantial part of the total catch, and the 4.4 – 6 kg salmon is currently placed on the market un-trimmed, i.e. likely to contain dioxin levels exceeding the Community ML. Furthermore, the likely adverse effect of smoking on dioxin levels in salmon has not been considered. Seen in context, this means that the sprats and a proportion of the salmon placed on the market in Denmark may have dioxin levels exceeding the Community ML.

The report makes a number of recommendations to the Danish competent authorities, aimed at rectifying the shortcomings identified and further enhancing the implementing and control measures in place.

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## ABBREVIATIONS & SPECIAL TERMS USED IN THE REPORT

CA	Competent Authority
CCA	Central Competent Authority
DDT	dichloro-diphenyl-trichloroethane
DFVF	Danish Institute for Food and Veterinary Research ( <i>Danmarks Fødevareforskning</i> )
DG SANCO	Health & Consumer Protection Directorate-General
DVFA	Danish Veterinary and Food Administration ( <i>Fødevarestyrelsen</i> )
EC	European Community
EEC	European Economic Community
EU	European Union
FD	Danish Directorate of Fisheries ( <i>Fiskeridirektoratet</i> )
FVO	Food and Veterinary Office
ICES	International Council for the Exploration of the Sea
MinFF	Ministry of Family and Consumer Affairs ( <i>Ministeriet for Familie- og Forbrugeranliggender</i> )
MinFLF	Danish Ministry for Food, Agriculture and Fisheries ( <i>Ministeriet for Fødevarer, Landbrug og Fiskeri</i> )
ML	Maximum Level
PCBs	Polychlorinated Biphenyls
RVFCA	Regional Veterinary Food Control Agency
TWI	Tolerable weekly intake

## CONVENTIONS USED IN THE REPORT

Bullet points marked thus ➤ indicate findings made by the mission team on the basis of observations on the spot or assessment of information received.

## 1. INTRODUCTION

The mission took place in Denmark from 23 to 27 January 2006. The mission team comprised two inspectors from the Food and Veterinary Office (FVO). The mission was undertaken within the FVO's planned mission programme, as part of a series of missions to those Member States bordering (and fishing in) the Baltic Sea. Representatives from the competent authorities (CA) accompanied the inspection team during the whole mission.

An opening meeting was held on 23 January 2006 with representatives from the two Central Competent Authorities (CCA), i.e. Danish Veterinary and Food Administration (DVFA) and the Danish Directorate of Fisheries (FD), and from the Danish Institute for Food and Veterinary Research (DFVF). At this meeting, the objectives of, and itinerary for, the mission were confirmed by the inspection team.

## 2. OBJECTIVES AND SCOPE OF THE MISSION

The objective of the mission was to evaluate the national measures put in place, and their operation, aimed at ensuring compliance with Community legislation on organochlorinated contaminants, in particular, dioxins<sup>1</sup> in fish and fishery products. The present mission focussed on the effectiveness of national measures put in place by the Danish competent authorities to ensure compliance with Commission Regulation (EC) No 466/2001<sup>2</sup> establishing maximum (Community) levels for dioxins in fish within their own territory.

The standards used were Council Directives 91/493/EEC, 96/23/EC and other applicable Community legislation in this field. The mission focused on the role(s) of the CA, the legal and administrative measures in place to give effect to the relevant Community requirements and on the controls exercised on Baltic Sea fish and fishery products. The mission team visited the following sites:

COMPETENT AUTHORITY VISITS	Comments
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<sup>1</sup> The term "dioxins" is used in this report for the sum of polychlorinated dibenzo-*para*-dioxins and polychlorinated dibenzofurans, as defined in Commission Regulation (EC) No 466/2001.

<sup>2</sup> EU legal acts quoted in this report and in the annex refer, where applicable, to the last amended version. A full list of the legal instruments referred to in this report is provided in Annex I.

CA – Central	2	Opening and closing meetings with the CCAs (DVFA and FD) and with DFVF
CA – Regional/Local	2	One meeting with a Regional Veterinary and Food Administration and one meeting with a Regional Danish Directorate of Fisheries office
<b>OTHER SITES</b>		
Establishments	2	One wholesaler dealing with fish from the Baltic Sea. One establishment dealing with fishery products for national consumption and export (including Baltic Sea salmon).
Retail outlet	3	Retail outlets for fish and fishery products, including Baltic Sea fish.

### 3. LEGAL BASIS FOR THE MISSION AND LEGAL REFERENCES

The mission was carried out under the general provisions of Community legislation and, in particular:

- Art. 21 of Council Directive 96/23/EC;
- Art. 45 of Regulation (EC) No. 882/2004 of the European Parliament and of the Council;
- Commission Decision 98/139/EC of 4 February 1998, laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States.

### 4. BACKGROUND

#### 4.1. DIOXINS IN BALTIC SEA FISH

In collaboration with the Member States, the European Commission has been proactive in tackling the problem of dioxin contamination of foodstuffs and animal feedingstuffs. Comprehensive Community legislation has been put in place with the aim of reducing dioxin contamination and consumer exposure to these chemicals. Dioxin contamination in the Baltic region has been recognised for years.

Pursuant to Commission Regulation (EC) No 466/2001 establishing maximum levels (MLs) for the 17 most toxic congeners of polychlorinated dioxins and furans in foodstuffs including, *inter alia*, fish and fishery products, Sweden and Finland have been granted a derogation (Council Regulation (EC) No 2375/2001) allowing marketing of fish from the Baltic region containing concentrations of dioxins exceeding the Community ML. Such fish may only be marketed within the national territories of Sweden and Finland.

Other Member States fishing in the Baltic region are required to comply with Community law and must not place on the market foodstuffs, including *inter alia* fish and fishery products exceeding Community MLs. Member States may export to third countries such foodstuffs, provided that third countries have given their explicit approval to receive products exceeding Community MLs (Article 12, Regulation (EC) No 178/2002).

To date, Community MLs have not been set for the 12 dioxin-like polychlorinated biphenyls (PCBs).

#### **4.2. FISHING ACTIVITIES IN THE BALTIC REGION**

All commercial fishing vessels, irrespective of size, must be registered by the FD. Each fishing vessels must also hold a licence, issued for up to one year, specifying type of fish, catch area, and listing any restrictions on that catch regarding the use of the fish. The total catch of Baltic Sea fish for Denmark in 2004 was approximately 75,390 tonnes comprising *inter alia* herring (8,572 tonnes), sprat (44,317 tonnes), cod (20,688 tonnes), plaice (1,448 tonnes), sole (57 tonnes), and salmon (308 tonnes). Most of the sprat catch is restricted for industrial use only, i.e. preparation of fish meal and fish oil for animal feedingstuffs. However, in 2005, licences were issued for 150 tonnes of sprat for human consumption or to be used as bait. Denmark has no registered establishments for the production of fish oil for human consumption. The FD has registered 700 landing sites for fish, 125 of which receive most of the landed fish. Salmon from the Baltic Sea has only been landed by Danish vessels in the harbours of Bornholm and in Sweden.

#### **4.3. PREVIOUS MISSIONS**

There have been previous FVO missions in Denmark on fisheries products (sanitary conditions related to fishery products and live bivalve molluscs), the most recent in March 2005 (DG SANCO 7559/2005-MR Final), and on the evaluation of the implementation of residues controls, pursuant to Council Directive 96/23/EC, the most recent in April 2004 (DG/SANCO 7266/2004-MR Final). Whilst the monitoring of aquaculture products for residues of *inter alia* organochlorinated contaminants is required under Council Directive 96/23/EC, that aspect was not specifically examined during the latter mission. Both reports have been published on the European Commission's web site <http://europa.eu.int/comm/food/fvo/>.

### **5. MAIN FINDINGS**

#### **5.1. LEGISLATION**

Fisheries matters are divided between two Ministries: the Ministry of Family and

Consumer Affairs (MinFF) and the Ministry for Food, Agriculture and Fisheries (MinFLF).

A national legal framework implementing the relevant Community legislation on dioxins is in place.

Masters of fishing vessels must keep log books for all vessels  $\geq 8$  meters in length fishing in the Baltic Sea in accordance with Community legislation. In addition, national legislation requires masters owning or co-owning more than one vessel to keep log books on all vessels, irrespective of size.

The obligation to disseminate information about the rules for consumer information on fish (Art 8 of Commission Regulation (EC) No 2065/2001 and Art 4 of Council Regulation (EC) No 104/2000) have been fulfilled by the DVFA through the publication of guidelines, training of inspection staff and provision of information to the industry, establishments and retail outlets.

At present Denmark has not applied for any derogation (similar to that for Sweden and Finland) from Commission Regulation (EC) No 466/2001, which would allow national marketing of fish or fisheries products from the Baltic region with dioxin levels exceeding the Community ML.

Denmark has recently implemented national legislation banning the fishing and marketing of herring for human consumption from International Council for the Exploration of the Sea (ICES) areas 25-32 and introducing restrictions on the sale of salmon from the Baltic Sea (see also 5.4.1).

## **5.2. MONITORING PROGRAMMES FOR ORGANOCHLORINATED CONTAMINANTS (IN FISH)**

### **5.2.1. Dioxins and PCBs**

With regard to Commission Recommendation 2002/201/EC, monitoring of dioxin levels prior to 2005 was done within the framework of several monitoring programmes involving the Plant Directorate (feed), Danish Environmental Protection Agency (environmental issues), the FD (fish), the DVFA (foodstuffs) and the DFVF (foodstuffs). Dioxin analyses have been conducted within the scope of the food monitoring since 2000. Under these programmes, numerous samples have been analysed from *inter alia* salmon, herring, sprat, eel, blue mussels, trout, cod and sole.

Based on the results of these monitoring programmes DVFA has concluded that:

- herring from the eastern Baltic Sea frequently contain dioxin levels exceeding the Community ML;
- the length of Baltic herring cannot safely be used to estimate whether the

dioxin content is less or more than the Community ML;

- salmon from the Baltic Sea frequently contain levels of dioxin exceeding the Community ML;
- there is a clear correlation between content of dioxin and dioxin-like PCBs and the weight class of salmon;

Regarding sprats, results of 49 samples of sprats (including 7 pooled samples) from the eastern Baltic Sea in 2002, showed that 10/17 samples of sprats  $\geq 4$  years old contained levels of dioxins exceeding the Community ML. The lengths of these fish varied from 11.5 to 12.9 cm and the weights varied between 8.9 and 13.6 g per fish (73-112 fish/kg). Eight pooled samples of sprats from the western Baltic Sea were also analysed and the results showed that 2/4 samples of sprats  $\geq 3$  years, weighing 12.8 – 14.4 g, contained levels of dioxin exceeding the Community ML. These dioxin results had recently been obtained from the laboratory and the CA had initiated a process to assess the risks involved and to decide which actions to take. The sprat catch from the Baltic Sea intended for human consumption typically uses only the biggest fish, sized 16.6-20 g (50-60 fish/kg) while the smaller fish are used for bait, which is the other option under the same fishing licence.

A targeted study, partly financed by the EU, has been conducted on the effect of trimming methods on the dioxin content in salmon. The results showed that the dioxin content of the fish was reduced when the skin, fat, fatty tissues and the red muscles were trimmed off and that for fish weighing 4-6 kg the resulting dioxin levels were within the Community ML. From the same pilot study, preliminary results showed that hot smoking of salmon lead to an increase of dioxin levels both in trimmed and untrimmed salmon.

The monitoring programmes also showed that if the sum levels of dioxins and dioxin-like PCBs are evaluated against the new ML for fish proposed by the European Commission, herring and salmon from the Baltic Sea often exceed this ML. For salmon, even the smaller fish (2-4 kg) had sum levels of dioxins and dioxin-like PCBs exceeding the proposed new ML, while for dioxins alone, salmon below 4.4 kg live weight contained levels below the currently applied ML. In addition, sum levels of dioxins and dioxin-like PCBs in eel from Öresund and in trout from Bornholm waters often exceeded the proposed new ML.

From 2005 the monitoring is implemented as centrally organised laboratory projects coordinated by the DVFA including the sampling of farmed fish under Council Directive 96/23/EC. During 2006 three such projects will be implemented as well as a research project aiming at improved analytical techniques. The monitoring is financed by the fishing industry/importers, through fees based on the quantities landed and the quantities entering production plants. The action levels recommended for dioxins in Commission Recommendation 2002/201/EC are applied in this national project. Sampling is targeted at the high risk areas for dioxins, i.e. Danish coastal waters in the Baltic Sea and around the island of Bornholm and most samples are taken from fatty fish (herring and salmon). Commission Recommendation 2004/705/EC sets a recommended target for Denmark of 15 analyses of wild caught fish (4 herring, 4 blue mussels and 7 others) and 5 analyses of farmed fish (4 trout and 1 eel).

Sampling of foodstuffs is performed by the regional DVFA offices (RVFCA), which are also responsible for implementing the monitoring programme and conducting follow-up investigations at regional level. Sampling of fresh fish is delegated to the regional FD offices. The implementation of the monitoring programme is supervised by the DVFA, which is supported by the DFVF in technical issues regarding the analyses.

The mission team noted that:

- the numbers of dioxin analyses from wild fish and aquaculture products, sampled in 2005 and planned for 2006, both exceed the numbers recommended by Commission Recommendation 2004/705/EC;
- sampling instructions are included in each project plan for the centrally organised projects for dioxins in 2005 and 2006;
- in the region visited, all sampling of herring, sprat and salmon was performed at the landing site by the regional FD officer;
- while pilot studies indicate that smoking may increase dioxin levels in fish, no studies have been performed to monitor the effect on dioxin levels when deep trimmed salmon (4.4-6 kg) and smaller salmon are smoked;
- no results were available for 15 of the 29 samples submitted for dioxin analysis in 2005. However, the CA informed the mission team that the laboratory is required to provide a summary of all results from 2005 by 1 March 2006.

### 5.2.2. Other organochlorinated contaminants

The most recent (1998-2003) of four five-year monitoring programmes for chemical contaminants in foodstuffs, coordinated by the DVFA, comprised analyses of numerous organochlorine pesticides (*inter alia* DDT) and PCB congeners. National MLs of 2 mg/kg for fish/fishery products and 5 mg/kg for fish liver have been established for sum dichloro-diphenyl-trichloroethane (DDT), i.e. the added values of p,p'-DDT and its two metabolites. The highest levels of organochlorines were found in fish from the Baltic Sea, in particular in cod liver and herring.

### 5.3. LABORATORIES

The analyses for the monitoring of dioxins in foodstuffs are performed by the Regional Veterinary and Food Control Laboratory in Ringsted (which is part of the DVFA) and by the DFVF, which has been appointed national reference laboratory for these analyses. Both laboratories, as well as the methods used for dioxin analyses, are accredited to ISO 17025 by the Danish accreditation body, DANAK. The DFVF participated in the drafting of Commission Directives 2002/69/EC and 2002/70/EC and is responsible for controlling that the DVFA laboratory Ringsted is operating to the standards laid down in the EU Directives and stipulated in the national monitoring programmes.

The DVFA has laid down general requirements for target turnaround times of 28 working days from the receipt of the sample by the laboratory for all centrally coordinated laboratory projects.

The mission team observed that:

- both laboratories have participated in international proficiency tests, regularly with satisfactory results. Documentation of corrective actions, when relevant, were available;
- the turnaround times in the control laboratory were regularly longer than the stipulated 28 working days and these delays had been accepted /sanctioned by the DFVF;
- analyses of samples are performed in accordance with Commission Directive 2002/69/EC.



## 5.4. ACTIONS TAKEN TO REDUCE CONSUMER EXPOSURE TO DIOXINS

### 5.4.1. Measures regarding fish from the Baltic Sea

Based on the results from the monitoring programmes, the DVFA issued national legislation banning all fishing for, and sale of, herring for human consumption in ICES areas 25-32 after 1 June 2004. In April 2004 national legislation banned all catch and sale of salmon from the Baltic Sea. During 2004 this legislation was twice replaced by other restrictions on Baltic Sea salmon. In September 2005 a national order came into force banning the placing on the market of salmon for human consumption from ICES areas 24-32, if the whole fish weighs more than 4.4 kg. However, special provisions are included for fish of more than 4.4 kg but less than 6.0 kg, which may be placed on the market for human consumption provided it has been deep trimmed according to instructions drafted by the industry and approved by the DVFA. This national order entered into force in September 2005, while the instructions were approved by the DVFA in January 2006. Fishing licences for sprat may be issued for ICES areas 23-32, i.e. the whole Baltic Sea.

The mission team observed that:

- no herring from the Baltic Sea was present in the establishments and retail outlets visited;
- licences for herring fishing in the Baltic Sea specify *inter alia* the ICES area (24 or 23-24) where the vessels may catch fish;
- the quota for herring from the eastern Baltic Sea, which cannot be landed in Denmark under national legislation, has been traded with other Member States against herring from the western Baltic Sea (Germany) and cod (Estonia);
- the 4.4-6 kg salmon was placed on the market by the wholesaler visited, i.e. sold to establishments, without having been deep trimmed, which is a breach of national law. This was not noted as a non-compliance by the RVFCA inspector in the report of the audit taking place in connection to the visit by the mission team;
- the wholesaler visited, had sold salmon from the Baltic Sea in weight classes 4-5 and 5-6 kg to an establishment in another Member State together with information about the Danish national requirement for deep trimming of salmon in this weight class;
- the recent marketing of salmon to another Member State prior to deep trimming was noted as a non-compliance in the audit report issued by the RVFCA inspector during the visit by the mission team;

- all salmon bigger than 6 kg, is normally frozen in the establishments before being returned to the fisherman for their own use. The first sales notes for one such fisherman were checked by the mission team and the regional FD inspector. During a three month period this fisherman had declared 3,507 kg of salmon over 6 kg to be used for private consumption, which corresponded to 21% of the total catch of 16,674 kg. Preliminary data from the latest catch indicated to the regional FD inspector that an additional 1,200 kg had recently been set aside for private consumption by the same fisherman. Some of these fishermen, including the person mentioned above, hold a licence from the FD for wholesale of fish from their own catch.
- in the region visited, approximately 85 tonnes of sprat is landed annually for human consumption or for use as bait;
- no restrictions have been introduced for the use of sprats from the Baltic Sea for human consumption, in spite of the fact that recent data indicate that these fish could potentially contain dioxin levels exceeding the Community ML.

#### **5.4.2. Environmental measures**

All waste incinerator plants in Denmark were required to install effective dioxin cleaning procedures before the end of 2005. During 2005, special controls of dioxin emissions from private wood burning stoves have been conducted, because wood fires are suspected to cause the increased emission of dioxins into the air in wintertime. There is an ongoing activity to identify further domestic and foreign sources for emission of dioxin into the air and Denmark is active in a number of international coordination groups with the ultimate aim of reducing the dioxin emission and exposure.

#### **5.4.3. Advice to consumers**

Estimations of the daily exposure to dioxins and PCBs from foodstuffs, including fish, were made within the 2000-2004 food monitoring project. It showed that the average Danish consumer was not exposed to sum levels of dioxins and PCBs exceeding the tolerable weekly intake (TWI) mostly due to a low intake of fish. However, those consumers who eat the recommended 200-300 g of fish per week may come close to the TWI if they eat only fatty fish from the Baltic Sea. These consumers are therefore recommended by the DVFA to vary their fish intake with regard to fish species, size of fish and waters of origin. The recommendations are available to the consumers *inter alia* on the DVFA website ([www.foedevarestyrelsen.dk](http://www.foedevarestyrelsen.dk)) and in brochures and newsletters.

The mission team observed that:

- the information about fish consumption and dioxins on the DVFA website is clear, comprehensive and easily accessible;
- printouts of the consumer information on dioxins were available in a binder displayed especially for customers in one of the retail outlets visited.

## 5.5. OFFICIAL CONTROL

### 5.5.1. Roles of the Competent Authorities

#### Fishery control

The FD under the MinFLF is the CCA responsible for the management of fishery resources (EU's Common fisheries policy) and for administration and control of fishing activities up to and including the first sale of the fresh fish. The FD may issue permits for the sale of own caught fresh fish by the fishermen. The permits do not allow sale to consumers but covers wholesale to *inter alia* restaurants and have been issued to a limited number of fishermen. The regional FDs perform the controls and are responsible for follow-up of inconsistencies and non-compliances.

#### Food control

The DVFA, under the MinFF, is the CCA responsible for the control of all human foodstuffs. With regard to fish, the DVFA is responsible for the control of all marketing of fresh fish after the first sale and for the control of frozen fish. All sampling and controls are coordinated by DVFA at central level, while the RVFCAs perform the controls in the regions and are responsible for follow-up of non-compliant results.

#### Cooperation between authorities

The cooperation between FD and DVFA regarding dioxins is not formalised with regard to regular meetings, but the procedures for actions and responsibilities in case of non-compliant results have been laid down in the 2003 contingency plan issued by DVFA.

The mission team noted that:

- the contingency plan for dioxins describes the responsibilities of all CAs involved and the actions to be taken if non-compliant findings of dioxin are made in *inter alia* aquaculture products of Danish origin, wild fish from Danish waters, or in animal feed. The plan details procedures for findings of dioxin levels exceeding the MLs and those exceeding the action levels, respectively;
- the areas of responsibilities for the two CAs were clearly defined at regional level, and in the region visited, the inspectors from both CAs exchanged relevant

information on a regular basis.

### 5.5.2. Control system

The FD has set a target to inspect 4000 landings per year out of a total of approximately 150,000 landings. In addition, 900 inspections are made on vessels out at sea. During these inspections controls are made on licences, fish species, amounts and fish sizes and log books are checked against the actual catch / landing. The checks are mostly selected at random but to a certain degree targeted checks are conducted based on previous findings.

Log books include, on each page, a section representing the landing declaration for the catch listed on that log book page. This page is delivered to the regional FD where it is checked for inconsistencies and entered into a centralised FD database. First sale notes are registered by the central FD, or entered directly into the database by the major buyers, and cross-checked against the log book/landing declaration manually by the central FD and automatically in the database. During on-the-spot inspections, landing declarations are controlled by the regional FD against the actual quantities and species of fish unloaded from the ship.

The DVFA has recently laid down new guidelines for audit frequencies at all levels of the food chain. These guidelines and other relevant information with regard to inspections of food establishments are available for all relevant staff on the DVFA intranet. The controls are carried out by the RVFCA inspectors, who are also responsible for follow-up of non-compliant findings.

Standardised inspection forms are used at all levels of inspection by DVFA and FD.

The mission team noted that:

- the set frequencies of inspections were respected and inspection reports were available at all levels visited by the mission team;
- the DVFA does not control the fishermen licensed by the FD to operate as wholesalers of own catch;
- all log books/landing declarations include *inter alia* the statistical rectangle (a subset under the ICES classification) for the catch, which allows for control of the ICES area against the vessel licence, national legislation and the actual movements of the vessel (through the Vessel Monitoring System operated by the FD);
- examples of follow-up and corrective actions, following observed inconsistencies in log books, landing declarations or first sale notes were available at the regional FD visited;

- from 2006 the official controls by DVFA are performed as audits on own control programmes. These audits are normally unannounced;
- the DVFA guidelines for official audits include all relevant establishments and retail types for fish and fishery products and stipulate 1-6 annual inspections, depending on type of establishment, which is similar to the frequencies applied to traditional controls in 2005;
- in *inter alia* fish retail outlets, the owner is required to display the most recent inspection/audit report from the RVFCA in clear view of customers. These reports were correctly displayed in all retail outlets visited;
- all inspection reports by the RVFCA are also made available to the general public on the DVFA website from the day after the inspection took place;
- the DVFA implemented an intensified control campaign regarding the labelling of *inter alia* fish and fish products in 2005, targeting fish retail and processing plants;
- in all establishments and retail outlets visited, own-control systems identifying critical control points were documented and implemented;
- the currently used own control branch code for fish retail does not list as a control point the labelling and traceability of incoming or outgoing products. However, the issue has been raised by the DVFA in an ongoing revision of the branch code. In one combined establishment and retail outlet visited this was added as a specific point in their own control programme.

### 5.5.3. Traceability and consumer information

Traceability of fish is required under both Commission Regulation (EC) No 2065/2001 and Community food law (Regulation (EC) No 178/2002 of the European Parliament and of the Council). The information can be given on a label, package, commercial document or invoice and should be available to consumers at point of sale. Under Article 18 of the Community Food Law, the establishment must be in a position to trace both the purchaser and the supplier and present this information to the CA on demand. All food must be adequately labelled.

The mission team observed that:

- in the report template used by all DVFA inspectors *inter alia* “labelling and information” is a standardised part of the check list for inspections/audits;
- the wholesaler visited, could trace all fish products to the purchaser and back to the fishing area and landing date, but not always to the exact vessel landing the catch;

- the fish retail association has produced a laminated poster to facilitate consumer information in fish retail outlets;
- in one retail outlet visited, no information about the catch area of the fish was visible to the consumer and for certain consignments of farmed salmon, no country of origin was listed. However, most of this information was available in their filed invoices;
- in the other two retail outlets all the required information of trade name, catch area and fishing method were clearly available in view of the customers for all wild caught fish. However, the country of production was frequently missing for farmed fish. Furthermore, in one retail outlet, frozen fish burgers in clear plastic bags without any markings or labels were found in a deep freezer open to consumers;
- the RVFCA inspector present at each visit included recommendations for corrective actions with regard to labelling in the inspection reports produced after the visit together with the mission team.

## **6. CONCLUSIONS**

### **6.1. LEGISLATION**

All the relevant legislation is in place and is implemented, including strict national legislation regarding herring and salmon from the Baltic Sea.

### **6.2. MONITORING PROGRAMMES FOR ORGANOCHLORINATED CONTAMINANTS (IN FISH)**

The relevant competent authorities have conducted several comprehensive monitoring studies on dioxin content in Baltic Sea fish and other foodstuffs. The Danish studies meet and exceed the sampling numbers suggested in Commission Recommendation 2004/705/EC. Based on the results of these studies, strict national legislation has been implemented to prevent the marketing of herring and salmon with dioxin levels exceeding the Community ML. Recent data identifying high dioxin levels in certain age groups of sprats have not yet been addressed through national rules.

### 6.3. LABORATORIES

The laboratories involved in dioxin testing meet the requirements of the Commission Directive 2002/69/EC, which allows the CCA to have confidence in the results obtained. However, the turnaround times observed were sometimes very long, which have caused delays in the implementation of preventive measures to ensure that no fish containing dioxin levels exceeding the Community ML is placed on the market, e.g. with regard to sprats.

### 6.4. ACTIONS TAKEN TO REDUCE CONSUMER EXPOSURE TO DIOXINS AND THE OFFICIAL CONTROL

- (1) Official control: The DVFA and the FD carry out regular checks and these inspections are thorough and transparent. However, there are gaps in the control system with regard to the placing on the national market of salmon weighing 4.4 – 6 kg and the substantial quantities of salmon > 6 kg returned to the fishermen for the private consumption.
- (2) Herring: The national restrictions on the fishing and marketing of herring from ICES areas 25-32 are comprehensively controlled by FD and DVFA, effectively preventing the consumption of such fish in Denmark and the marketing of such fish from Denmark to other countries. Thus the CA fulfils the requirements of Commission Regulation (EC) No 466/2001 with regard to herring.
- (3) Salmon: The differentiation of Baltic Sea salmon into two size groups, one of which is approved for human consumption, is controlled by the FD, while the marketing of salmon from the Baltic Sea is controlled by the DVFA. The current marketing from wholesalers of un-trimmed salmon weighing 4.4-6 kg often containing dioxin levels exceeding the Community ML is in breach of Commission Regulation (EC) No 466/2001 as well as national legislation. The effects of smoking on the dioxin levels in salmon have not been determined. Therefore the CA cannot provide satisfactory guarantees that *inter alia* smoked deep trimmed salmon products, derived from fresh salmon which exceeded the Community ML prior to deep trimming, contain levels below the Community ML when sold to consumers. Furthermore, the control is not satisfactory on the use of the substantial volumes of larger salmon, above 6 kg, which are returned to the fishermen. Some of these fishermen hold permits from the Danish Directorate of Fisheries for the wholesale of own caught fresh fish and are not controlled by the DVFA. Thus, the CA does not fulfil the requirements of Commission Regulation (EC) No 466/2001 with regard to salmon weighing more than 4.4 kg.

- (4) Sprat: There is no control system in place to prevent that Baltic Sea sprat likely to contain dioxin levels exceeding the Community ML is placed on the market, consequently in this respect the CA does not fulfil the requirements of Commission Regulation (EC) No 466/2001. However, the volume of Baltic Sea sprat for human consumption is limited compared to other fish.
- (5) Consumer information/labelling: Comprehensive information about the requirements for consumer information on fish and fish products has been issued from the DVFA to all relevant parties. It has also been the focus of a special inspection campaign in 2005. However, not all retail outlets fulfil the requirements of Article 4 of Council Regulation (EC) No 104/2000 and Article 8 of Commission Regulation (EC) 2065/2001, consequently some consumers may not be able to make an informed choice.
- (6) Dietary recommendations: Facts and recommendations from the DFVA, with regard to dioxins in general and recommended restrictions on consumption of fish from the Baltic Sea by identified risk groups, are comprehensive and easily accessible for the consumers. This is currently a legal requirement only for Sweden and Finland (Article 1 of Commission Regulation (EC) No 466/2001).

## 6.5. OVERALL CONCLUSION

In Denmark, the two competent authorities involved in the control on Baltic Sea fish are cooperating in an effective manner. Comprehensive dioxin monitoring programmes have been conducted regularly on Baltic Sea fish and the results have been applied when drafting national legislation. Thus, in addition to the EU legislation there is national legislation implementing strong restrictions on the catch and marketing of Baltic Sea herring and on the marketing of Baltic Sea salmon, but there are no restrictions in place for the limited volumes of Baltic Sea sprats caught for human consumption. The official control system is transparent and covers most relevant areas. However, some important gaps in the control system exist. There is no system in place to control the use of the larger salmon weighing > 6 kg, representing a substantial part of the total catch, and the 4.4 – 6 kg salmon is currently placed on the market un-trimmed, i.e. likely to contain dioxin levels exceeding the Community ML. Furthermore, the likely adverse effect of smoking on dioxin levels in salmon has not been considered. Seen in context, this means that the sprats and a proportion of the salmon placed on the market in Denmark may have dioxin levels exceeding the Community ML.



## **7. CLOSING MEETING**

A closing meeting was held on 27 January 2006 with representatives of the CAs. At this meeting, the inspection team presented the main findings and initial conclusions of the mission. The CA did not express major disagreement with these.

## **8. RECOMMENDATIONS**

### **To the competent authorities of Denmark**

The competent authorities are invited to provide details of the actions taken and planned, including deadlines for their completion ('action plan'), aimed at addressing the recommendations set out below, within 25 working days of receipt of the translated final mission report.

- (7) To ensure without delay that controls are implemented on sprats and on larger salmon intended for human consumption, to ensure that no fish or fishery products with dioxins levels exceeding the maximum level laid down in Commission Regulation (EC) No 466/2001 are placed on the EU market.
- (8) To ensure that dioxin levels in smoked fish or smoked fishery products placed on the EU market do not exceed the maximum level laid down in Commission Regulation (EC) No 466/2001.

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## **9. ADDENDUM TO MISSION REPORT 8004/2006**

In their comments on the draft report received on 10 April 2006, the Danish Competent Authorities indicated actions which were planned, or had already taken place with regard to both recommendations.

### *With regard to recommendation 1:*

With regard to permits issued by the Danish Directorate of Fisheries to certain fishermen for wholesale of own caught fresh fish, all such activities must be registered with or authorized by the Regional Veterinary Food Control Agency. The food operator is responsible for achieving this registration or authorization. The DFVA will clarify these rules to the industry and notify the RVFCAs of the problem.

Sprats: The first results of dioxin analyses in sprats were reported to the DFVA in week 4, 2006. The fish were analysed as industry fish (with head, tail and gut) which is not fully consistent with the trimmed fish used for human consumption. However, the results indicate that larger sprats for human consumption may exceed the Community dioxin ML. In 2005, 190 tons of sprats were used for human consumption or bait, in unknown proportions. As a follow-up of these results the DFVA has initiated further sampling of large sprats, without heads and guts, in ICES area 25. Results are expected in May 2006. If the samples exceed the Community MLs the DVFA intends to regulate the sale of sprats for human consumption.

Large salmon: The DFVA has taken actions with regard to the weak control of salmon > 6kg: No salmon >6 kg may be moved from wholesalers storing Baltic Sea salmon without the approval of the food authorities. The DFVA has also initiated a dialogue with the industry to design a control program to guarantee that salmon >6kg is not placed on the market. The DVFA is also amending the legislation to allow distribution of the 4.4-6 kg salmon after the first sale, provided the salmon is deep trimmed before reaching the consumer or used as an ingredient.

*With regard to recommendation 2:*

The DFVA has initiated the project "Dioxin and PCB in smoked salmon fillets from the Baltic Sea", (April – October 2006) which will study the effects of cold and warm smoking of deep trimmed salmon (4.4-6 kg) and untrimmed salmon weighing close to 4.4 kg. If the results show that smoked salmon may exceed the Community dioxin ML national rules will be implemented to guarantee that smoking of salmon does not create products in breach of the rules laid down in Commission Regulation (EC) No 466/2001.

## APPLICABLE COMMUNITY STANDARDS:

**Residues and contaminants monitoring and sampling – aquaculture**

Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products, and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC. Official Journal L 125, 23/05/1996 pp. 10 - 32.

Commission Decision 98/179/EC of 23 February 1998 laying down detailed rules on official sampling for the monitoring of certain substances and residues thereof in live animals and animal products. Official Journal L 65, 5.3.98, pp. 31 - 34

**Residues and contaminants monitoring and sampling – wild caught fish**

Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption.

**Monitoring of background levels of dioxins in food**

Commission Recommendation 2004/705/EC of 11 October 2004 on the monitoring of background levels of dioxins and dioxin-like PCBs in foodstuffs. Official Journal L 321, 22/10/2004 pp. 45-52.

**Sampling methods and methods of analysis for dioxins and dioxin-like PCBs in fish**

Commission Directive 2002/69/EC of 26 July 2002 laying down the sampling methods and the methods of analysis for the official control of dioxins and the determination of dioxin-like PCBs in foodstuffs. Official Journal L 209, 06/08/2002 pp. 5 - 14.

**Maximum Limits for contaminants in food**

Commission Regulation (EC) No 466/2001 of 8 March 2001 setting maximum levels for certain contaminants in foodstuffs. Official Journal L 77, 16.3.2001, pp. 1-13.

**Derogation for FI and SE in respect of dioxins in Baltic Sea fish**

Council Regulation (EC) No 2375/2001 of 29 November 2001 amending Commission Regulation (EC) No 466/2001 setting maximum levels for certain contaminants in foodstuffs. Official Journal L321, 06/12/2001 pp. 1 - 5.

**Reduction of the presence of dioxins, furans and PCBs in foodstuffs**

Commission Recommendation of 4 March 2002 on the reduction of the presence of dioxins, furans and PCBs in feedingstuffs and foodstuffs (2002/201/EC). Official Journal L 067, 09/03/2002 pp. 69 - 73.

Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC. Official Journal L 158, 30/04/2004 pp. 7 - 49.

Communication from the Commission to the Council, the European Parliament and the Economic and Social Committee: Community Strategy for Dioxins, Furans and Polychlorinated Biphenyls. COM (2001) 593 Final. Official Journal C322, 17/11/2001 pp 2 - 18.

**Control, inspection and monitoring of fishing activities regarding traceability of fish (CFP)**

Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish. Official Journal L276, 10/10/1983 pp1-18.

Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy. Official Journal L261, 20/10/1993 pp.1-16.

**Common organisation of markets for fishery products including consumer information (CMFP)**

Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products. Official Journal L 017, 21/01/2000 pp.22-52.

Commission Regulation (EC) No 2065/2001 of 22 October 2001 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards informing consumers about fishery and aquaculture products. Official Journal L 278, 23/10/2001 pp.6-8.

Commission Regulation (EC) No 2495/2001 of 19 December 2001 amending Council Regulation (EC) No 2406/96 laying down common marketing standards for certain fishery products. Official Journal L 337, 20/12/2001, pp. 23-24.

**Food Law**

Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. Official Journal L 031, 01/02/2002 pp. 1-24.

**On the spot checks in Member States**

Commission Decision 98/139/EC of 4 February 1998, laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States. Official Journal L 38, 12/02/1998, pp. 10-13.

Regulation (EC) No 882/2004 of the European Parliament and of the Council, of 29 April 2004, on official controls performed to ensure the verification of compliance with the feed and food law, animal health and animal welfare rules. Official Journal L 191, 28.5.2004, pp 1-52.

**Incineration of waste**

Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste. Official Journal L 332, 28/12/2000, pp. 91-111.

**Persistent organic pollutants**

Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC. Official Journal L 158, 30/04/2004, pp. 7-49.