EU Quality Requirements For Vietnam Shrimp

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Abstract: **Vietnam's fisheries industry includes production and export of shrimp, fish and other products (mollusk and cuttlefish), of which shrimp and fish products account for more than 70% in terms of volume and value, of which shrimp section accounts between 40-60% (VASEP, 2019). This paper focused on EU legislation concerning shrimp safety and quality. Firstly, the development of the current EU seafood safety perspective will be described. Then, the regulations and directives of shrimp products imported from the third countries will be analyzed. Lastly, the practices at border inspection posts for veterinary control was presented.**

Keywords: **Legal aspect, EU markets, shrimp, Vietnam**

I. INTRODUCTION

Food safety has become a top priority for the public and the private sector in Europe (Luning et al., 2006). European food legislation has been shaped by a blend of scientific, societal, political and economic forces to establish and maintain a high level of protection of human health (FAO, 2002). This has to be accomplished in such a way that it does not arbitrarily or unjustifiably discriminate against any international trading partner (Van Plaggenhoef et al., 2003).

The development of both public and private food safety standards has been driven by numerous food scandals (Dioxin, BSE, Avian influenza…) that occurred during the last 5 to 10 years (World Bank, 2015). Consumers have become concerned about the safety of the food they consume. Food safety regulations do not only provide health protection, but also protect other consumer interests through providing them with accurate information.

As a result, the EU food industry is challenged to increase food product quality, and consumer trust, eliminate food hazards, and increase traceability of food products throughout the production chain. EU governments are reacting by imposing tighter food safety requirements and the private sector is, increasingly, using food safety standards such as HACCP, SQF, EUREP-GAP, etc. as a competitive variable in commercial strategies (CBI, 2019).

The principle of EU food safety is based on a comprehensive and integrated approach (Knura et al., 2006). This covers the total food chain (from farm to table) across all food sectors to ensure a high level of consumer protection. The farm to table policy is based on the general food law (GFL). Regulation 178/2002 known as the GFL aims to harmonize food safety laws for the EU and is the foundation for a large-scale reformulation of food law in the European Community (EC). The GFL seeks to accomplish there objectives namely (1) to lay down the principles on which modern food legislation should be based in the EU as well as in Member States; (2) to establish the European Food Safety Authority; and (3) to establish procedures for reactions to food safety crises including the so-called Rapid Alert systems. This study described the EU food safety legislation relevant for the shrimp export from Vietnam.

II. THEORETICAL REVIEW

2.1. EU legislations governing fishery products safety and quality

The European Commission's Directorate-General for Health and Consumer Protection (DG SANCO) is responsible for food safety in the EU. The EU import rules for fishery products seek to guarantee that all imports fulfill the same high standards as products from the EU member states with respect to hygiene and consumer safety and quality. The EU bases its system on government-to-government assurance. Hence, imports of fishery products into the EU are subject to official certification, which is based on the recognition of the competent authority (CA) of the non-EU country by the European Commission (EC). This formal recognition of the reliability of the CA is a pre-requisite for the country to be eligible and authorized to export to the EU.

The EU delegates the control of food safety to the CA in each country who in turn ensures that exporting farms, vessels and processors are producing safe food under a system equivalent to that in the EU – the principle of equivalence. National laws are harmonized with those in the EU. EU legislation consists of directives and regulations. A directive can be seen as a number of guidelines that can be transformed by Member States into national law. In the case of directives, there is some space for adaptation to the specific national situations. EU regulations, on the other hand, are literally taken over by Member States.

An EU regulation relevant for the fish chain is the council regulation (EC) No 2406/96 of 26 November 1996. This regulation lays down common marketing standards for fishery products. It includes requirements on freshness, size, and traceability of products from third countries (CBI, 2019) based on the principles of HACCP. HACCP is a preventive system for safety products. This preventive system requires that: (1) fish products are prepared or processed in certified plants and establishments. The certification process requires that the plant meets minimal requirements in terms of layout, design and construction, hygiene and sanitation; (2) the industry takes responsibility in fish safety control and implements HACCP based in-plant quality control programs; (3) a regulatory competent authority is in charge of certifying

fish plants and establishments, approving and monitoring HACCP-based in-plant quality control programs and certifying fish and fishery products before distribution; (4) where necessary, national surveillance programs of the harvesting areas should be in place to control the threats of bio-toxins and other biological and chemical pollutants; and (5) for export, an additional control can be exercised by the importing party and involves an audit of the national control system of the exporting country to ensure that it meets the requirements of the importing country. This should lead to the signing of mutual recognition agreements between trading countries (Source: FAO, 2015).

For shrimp product, HACCP regulation is found in the Council Directive 91/493/EEC of 22 July 1991 that was replaced by Directive 2004/41/EEC. It prescribes health conditions for production and sale of fishery products. It also includes conditions for establishments on land, for handling fishery products on shore, health control, and monitoring of production. Besides these conditions the directive includes requirements on packaging, identification marks, storage and transport. These requirements cover the entire supply chain.

In order to ensure the uniform application of this directive and to verify the conditions of production, storage and dispatch of fishery products for export to EU countries, experts from the commission and the EU member states make inspections on the spot. In determining the import conditions of fishery products of the third country, particular emphasis is given to the following parameters: the availability of fishery legislative in the country, the competency of the competent authority, and the assurance of the third country to comply with standards in the EU directive. Based on the inspection results, third countries are categorized as List I or II. List I comprises countries and territories which have been approved to export to the EU following an inspection by the Commission Services. List II comprises those countries which have submitted satisfactory dossiers and pending an inspection by the Commission Services. List II also include some countries that have received inspections but will remain on list II pending the receipt of satisfactory guarantees that certain observed deficiencies have been rectified. In addition, imports from third countries must be accompanied by health certificates, and originate from approved establishments or factory vessels. Approval of establishments by the competent authorities of the third country is a result of compliance with the requirements equivalent to those laid down in the directive and is monitored by an official inspection service of the third country. For identification purposes, the exporting firms are given registration numbers. Thus, imports from the third countries carry an identification mark with the license number of the establishment so that the source of the fishery product can be easily traced.

Practically, for fishery products, in order to assure consumer safety, only countries whose sanitary control system has been approved by competent EU-authorities are allowed to export fishery products to the EU. At the moment, Vietnam is on list I for the harmonized countries and can export into every country in the EU (prerequisite condition).

EU legislation strives for a quality assurance system that is based on the recognition that microbiological hazards exist at various points in the production and processing of fishery products but that, through a rational approach and by applying the necessary measures, it is possible to control them. Its main purpose is to avoid systematic detention, heavy sampling, and laboratory checks at the point of entry in the EU. This has various implications for developing countries such as implementing new regulations which will have to be updated regularly, organizing inspection services, improving production procedures.

2.2 The Role of Food and Veterinary Office in EU

As a commission service, the Food and Veterinary Office (FVO) assures that the fishery products placed in EU markets meet hygienic and sanitation conditions at least equivalent to the requirements laid down in EU legislation (Council Directive 91/494/EEC). It verifies the availability of fishery legislative of the country, the competency of the CA, and the assurance that the third country is in compliance with the standards in the EU directive. The task of the FVO is not to evaluate the performance of processing plans but to assess and report whether relevant authorities in third countries meet their responsibilities in ensuring that legislation is properly implemented in their territories. The FVO will conduct on-site inspections of fishery processors and the fish safety system administered by the third government periodically. During the inspection visits, the FVO will check the control system in place governing the production of fishery products that intended for export to EU and the control of veterinary medicinal products that used to treat shrimp diseases (EU Commission, 2007).

The findings of each inspection carried out under the programs are set out in an inspection report, together with conclusions and recommendations. The CA of the country visited is given the opportunity to comment on the reports at draft stage. The FVO makes recommendations to the country's competent authority to deal with any shortcomings revealed during the inspections. The CA is requested to present an action plan to the FVO on how it intends to address any shortcomings. Together with other Commission services, the FVO evaluates this action plan and monitors its implementation through a number of follow-up activities.

FVO inspection missions are currently undertaken in all exporting countries and they are the basis for establishing confidence between the EU Commission and the CA of the exporting country. All inspection visit reports are publicly available and published on the FVO website.

2.3 EU border control practices

As described by DG SANCO, all fishery products imported from third countries have to be inspected by a border inspection post (BIP). One of the seven approved BIPs in the

Netherlands is Eurofrigo in the Rotterdam. Eurofrigo is an official BIP approved by EU for imported containers with fish, meat, vegetables, fruit and plant products which require border inspection at the port of entrance. Eurofrigo facilitates the Veterinarian Authorities by caring out EU Import Control. With its long experience in handling imported products, Eurofrigo is able to carry out such inspections quickly and cost-effectively for its customers (see http://www.eurofrigo.nl/en/checkpoint). We conducted a survey at this BIP to analyze how import regulations in Rotterdam influence quality assurance of Shrimp products from Vietnam. The structure of the inspection service at the Eurofrigo port consists of two parts the quality assurance office and the laboratories. The quality assurance office performs internal audits on documentary and identity check. The laboratories deal with physical check.

Each consignment of Shrimp products is subject to a systematic documentary check, identity check, and, as appropriate, a physical check in order to verify whether the imported products comply with health EU community's requirements (Council directive 97/78/EC). The inspections are based on several directives such as EU directive 93/13 (inspectors guidelines); EU directive 97/276 (list of allowed export countries); EU directive 91/493 (health certificate, origin, packaging and labeling) EU directive 97/98 (veterinary checks). The importer must pay the costs of checks. The document and identity checks are compulsory. The physical check is carried out on a sample of a consignment. The frequency of physical checks depends on the risk profile of the shrimp product and also on the results of previous checks (FVO, 2017). The documentary check is carried out on all consignments. It involves checking the health certificate accompanying the fishery products. These include requirements of an approved country, a published list with recognized companies, a health certificate and analyses report that issued by the CA (NAFIQAD). The check is done systematically. Every consignment must have a documentary check to ensure that the notification and the veterinary health documents agree, and that the documents meet the requirements of the appropriate EU. The importer must provide to the inspector the health certificate of shrimp products and the checks will not begin until the certificates or documents are available. A shrimp consignment passes the documentary check if there is a properly filled out and signed health certificate issued by the EU recognized CA in the country of original as NAFIQAD.

The identity check is also carried out on all consignments. It involves checking that the data on the certificate are consistent with the product which has been imported. It checks that the seal and health marks identifying the country and establishment of origin are present and conform to those on the documentation. Moreover, the name of the importer is also checked. Generally, inspectors will check that the export establishment number and country of origin are clearly stamped or written on each box for the identity check.

Table 1 shows the types of consignment checks at the EU borders

Table 1. Consignments checks at EU borders

Consignments that do not arrive in containers	Check on some packages to ensure that the stamps, official marks, and health marks identifying the country and establishment of origin are present and conform to those on the certificate or document
Consignments that arrive in containers with official seals	Documentary and identity checks for all consignments, Some may not need to be opened in order to complete an identity check provided official seals have been used in the country of dispatch and the seal numbers are clearly recorded in official veterinary certification
Consignments that arrive in containers with no official seals	If official seals have not been used, or there is doubt over whether the seal number was recorded by the certifying veterinarian, the container would need to be opened and a check made on the packages therein to ensure that the stamps, health marks and other marks identifying the country and establishment of origin are present and conform to those on the certificate or document

Source: Council directive 97/78/EC

In principle, a physical check is required on all consignment. However, as shrimp products are fully harmonized with the import rules of EU, the physical check is carried out on a percentage of consignments. The percentage varies according to the product and country of origin (see table 2). The purpose of the physical check is to ensure the product still complies with regulatory requirements as certified on the accompanying health certificate (decision 94/360/EC amended by 99/609/EC). It involves taking samples for laboratory testing on a random basis or on the results of past record. The detailed rules for physical checks on products export to the EU were presented in the decision 94/360/EC. Table 2 shows the summary of physical checks at the EU BIPs

Table 2 Summary of physical checks at BIPs

Category I – 20% of consignments of: Fish products in hermetically sealed containers (stable at ambient temperature), fresh/frozen fish, dried/salted fishery products
Category II - 50% of consignments of: Other fishery products other than those in Category I and bivalve molluscs
Category III – minimum 1% - maximum 10% of all consignments of: No fish products in this category

Source: Decision 94/360/EC

Shrimp products are belonging to the category I and they will be checks 20% of consignments. The consignments selected for physical inspection on a random basis. For example, the inspectors consider tossing a coin for group two products or drawing a number 1 – 5 from a hat, or a random number generator on the computer could also be used (BIP manual, 2018). The level of checks is assessing occasionally to ensure that the correct level of checks is applied per category and country. Analyses are performed on these samples in the laboratory. The laboratory staffs check the same veterinary specifications as mentioned in the health certificate and

analyses report that are in line with the NAFIQAD checked in Vietnam (refer to regulation 854/2004/EC).

Once a physical check has been completed the inspectors reseals the container with a BIP seal and release for onward transit. But, if the consignment fails the physical checks for any reason, then the official inspector will serve notice to have the products destroyed or sent back outside of the EC. Where the consignment is sent back to export countries, other Community BIPs are noticed by the EU RASFF (Rapid Alert System for Food and Feed) to prevent illegal re-introduction of the consignment.

III. CONCLUSION

The objective of this paper is to present the EU quality requirements for shrimp export from Vietnam. It is of the utmost important for those actors active in the fish primary production and processing to have a strategic view of legal aspects for fish quality assurance at chain level. It analyzes the relationships between the Food and Veterinary Office (FVO), the Competent Authority (CA) as NAFIQAD, and shrimp processing/export firms. It is found that the FVO developed trust with NAFIQAD and processing/export firms by evaluating quality assurance activities. For instance, the FVO systematically reviews the activities of the NAFIQAD and processing/exporting firms by the carried out the mission to Vietnam and provides corrective actions.

Similarly, the NAFIQAD fulfils its responsibilities to the FVO by regularly inspecting the shrimp processing factories, factory vessels, landing sites, trucks, laboratories. Moreover, the NAFIQAD also keeps the proper document for the inspection by EU commission and provides relevant training of fish quality control to processing firms' staffs. As a result, the FVO, NAFIQAD, and the processing/export firms strengthen their relationships which focus on maintaining safety and quality of shrimp exported to the EU.

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