

To
Ministry of Agriculture, Livestock and Food Supply –
MAPA
C/O
National Institute of Metrology, Quality and Technology –
INMETRO

Our date: 14.09.2023
Your date:
Our reference 43204
Your reference:

Comments to notification G/TBT/N/BRA/1487

The Norwegian Seafood Federation (NSF) represents the interests of more than 900 member companies. Our member companies cover the entire value chain from fjord to dinner table in the fisheries and aquaculture sectors in Norway except the fishermen (<https://sjomatnorge.no/the-norwegian-seafood-federation/>).

NSF welcomes the notification G/TBT/N/BRA/1487 from Brazil concerning measures within the TBT-agreement and are thankfully for the opportunity to send in comments to the notification.

We have the following observations and comments;

- Article 2, §1

We will note that it is important to clearly differentiate in the text between the requirements concerning frozen raw material preserved in Refrigerated Sea Water (RSW) and the requirements concerning raw material preserved in brine.

- Article 10, point IV

We observe that the proposed maximum limit of 188 mg sodium per 100 g muscle tissue appears as a technical obstacle to international trade thus being non-compliant with article 2.2 of the TBT-agreement. This is substantiated by the fact that the average concentration of NaCl in North Sea Herring and NSS-herring (Norwegian Spring Spawning) cooled in RSW is respectively 0,59 g and 0,54 g/100 g. This equals to 0,236 g Na/100 g and 0,216 g Na/100 g. This clearly indicates that large proportions of batches of herring caught in the North Atlantic will not be in compliance with the notified draft regulation. Article 10 stipulates that fish not complying with point IV (in addition to the other points) will not be allowed to the Brazilian market.

The referred concentrations of NaCl are substantiated in the report on the salt content in herring (herring caught in Norwegian waters) performed by Nofima, a leading institute for applied research within the fields of fisheries, aquaculture, and food research on our

demand. The report enclosed in both English and Portuguese, documents that herring caught in Norwegian waters and stored in RSW on board the ships before freezing on shore has an average content of sodium clearly above the threshold limit.

The report shows in figure 3 that only 20% of the herring will have a content of sodium lower than 0,188 g/100 g.

Based on this and on the point 7 in the notification form stating that the objective of the draft notified regulation, is consumer information and labelling, it is the view of NSA that the draft regulation has a great potential to become a significant and unnecessary barrier to trade if it is adopted without appropriate amendments.

With reference to Article 2.4 of the TBT-agreement, we will point at the standard for salted Atlantic herring and salted sprat, CXS 244-2004. In this standard Codex defines "Very lightly salted fish" as fish with salt content in muscle between 1 g/100 g and 4 g/100 g. There is, to the extent of our knowledge, no defined intervals of concentrations of salt content in natural fish, but it would not be wrong, as an extrapolation of the above referred standard, to say that all fish with a salt content of less than 1 g/100 g should be defined as unsalted fish. A salt content of 1 g/100 g equals to a content of sodium of 0,4 g/100 g. An amendment of the draft limit of sodium content in frozen fish preserved in RSW in article 10, point IV based on this, should be considered. It can be argued that a limit at 400 mg Na/100 g of muscle tissue is in compliance with CXS 244-2004 and thus in compliance with article 2.4 of the TBT-agreement.

Article 11 of the notified draft falls within the definition of Annex A of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS-agreement). With reference to article 1.5 of the TBT-agreement, the TBT-agreement do apply to Article 11. The Article 11 should be notified within the scope of the SPS-agreement.

Kind regards
Norwegian Seafood Federation

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