

(English version)

**Question for written answer E-001814/25
to the Commission
Kamila Gasiuk-Pihowicz (PPE)
(6 May 2025)**

Subject: Challenges posed by provisions on the processing and storage of fishery products

Delegated Regulation (EU) 2024/1141 requires producers to complete the processing of fishery products at temperatures between -18°C and 0°C within 96 hours, regardless of the actual microbiological risk profile. This limitation includes the stiffening process, which is generally applied in the fishing industry and is considered microbiologically safe in terms of the growth of *Listeria monocytogenes*.

However, the provisions do not impose similar restrictions on the storage period for finished fish products in retail outlets. These products may be stored at temperatures between +4°C and +7°C over the shelf life specified by the manufacturer, which may be as long as 35 days. Under such conditions, the active growth of bacteria, including *Listeria monocytogenes*, is possible.

In light of the above:

1. What are the grounds for imposing a 96-hour limit on the processing of fishery products at temperatures between -18°C and 0°C, especially for processes that are not conducive to the growth of bacteria, including *Listeria monocytogenes*?
2. Has the Commission compared the microbiological risks associated with the stiffening process and the storage of finished fish products under retail conditions?
3. What is the Commission's assessment of the consistency of food safety rules, given the differences in rules on fish processing and the storage of finished products under retail conditions?

Submitted: 6.5.2025

**Answer given by Mr Várhelyi on behalf of the European Commission
(23 July 2025)**

Annex III of Regulation (EC) No 853/2004⁽¹⁾ *inter alia* provides that, where frozen fishery products need to be at a temperature higher than -18 °C to permit the use of machines that slice or cut fishery products, they may be maintained at such technologically required temperature for a period of time as short as possible and in any case not exceeding 96 hours.

Annex VI Part A 2(a) of Regulation (EU) 1169/2011⁽²⁾ also provides an exemption for labelling products as defrosted for foods for which freezing is a technologically necessary step of the production process. However, storage and transport at these temperatures are not allowed.

96 hours is the maximum time considered necessary for implementing the processing step of the cutting or the slicing of fishery products at temperatures different from the storage temperatures required in points 1 and 2 of Chapter VII of Section VIII of Annex III of Regulation (EC) No 853/2004.

The Commission decided to clarify the Union rules applicable in this context, given that certain companies processing fishery products have been storing fishery products illegally for months, at the temperatures other than those required by EU rules, claiming that it was part of the processing of those products.

The microbiological risk associated with the stiffening process was not relevant for the adoption of Commission Delegated Regulation (EU) 2024/1141⁽³⁾ because it was not the object of that regulation.

Regulation (EC) No 853/2004 does not apply to retail, unless expressly indicated to the contrary. Regulation (EC) No 853/2004, as amended by Delegated Regulation (EU) 2024/1141, is applicable to processing establishments and it was therefore not necessary to assess the rules applicable to retail.

⁽¹⁾ 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 OJ L 139, 30.4.2004, p. 55-205.

⁽²⁾ 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. 18-63.

⁽³⁾ Commission Delegated Regulation (EU) 2024/1141 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 OJ L, 2024/1141, 19.4.2024.