

Local Authority Delivery Division

Food Standards Scotland
Pilgrim House, Old Ford Road
Aberdeen, AB11 5RL

Enforcement@fss.scot

To: Lead Food Officers

Date: 19 August 2026

FSS/ENF/26/006

Dear Colleague,

Recommendations from the EU audit of GB official controls for fishery products intended for export to the European Union

The EU conducted an audit of GB official controls for fishery products from 29th September to 21st October 2025. Following the audit, the European Commission (the Commission) produced a report of their findings.

Food Standards Scotland (FSS), Food Standards Agency (FSA) and the Department for Environment, Food & Rural Affairs (Defra) have been involved in discussions with the Commission on the implications and required actions.

The audit confirmed that GB's official controls are broadly aligned with EU requirements, but the auditors also identified several areas of concern requiring improvement. All Local Authorities (LAs) are asked to take note of the findings and review their current practices to ensure they are undertaking their duties in accordance with the guidance provided in this letter.

FSS, FSA and Defra all have actions arising from these audits. Further LA communications may follow as a result of Defra action responses. For FSS, the SAFER programme encompasses long term actions required to address the root cause of a number of the delivery related findings of these audits, with its aim being to create a delivery system that is sustainably resourced.

Audit recommendations and actions required, as they relate to LA delivery, are provided in [Annex 1](#).

Please note that audit findings do not necessarily stem from issues identified within Scottish establishments or with official control arrangements in Scotland. However, recommendations are made on a collective basis, thus findings are being brought to the attention of all Competent Authorities, for action as they deem necessary.

Lead Food Officers are asked to review the recommendations and actions detailed in Annex 1, bring these actions to the attention of their team and take appropriate remedial action, where required. A summary table of recommendations has been provided in [Annex 2](#). For clarity, we have amalgamated the recommendations for this audit with the recommendations of the EU poultry and beef audits outlined in enforcement letter [FSS-ENF-2026-004](#). No feedback to FSS on the action taken is expected as a result. The outcomes of all third country audits and the FSS action plans shall be taken into account when developing the annual LA audit plan.

Yours sincerely

Christine Kelleher

Christine Kelleher

Head of Food Law and Local Authority Partnerships

Annex 1

Recommendation 1 – Not applicable to LA delivery of food hygiene official controls.

Recommendation 2

Competent authorities should ensure that official controls of primary production fishing vessels and landing operations are carried out regularly. Findings highlighted that:

- official controls of fishing vessels and landing operations are carried out irregularly.

Action required by LAs

In the immediate term, LAs are reminded of the direction provided in the Food Law Code of Practice, that the inspection frequency for fishing vessels should be set out in your authorities Service Plan. It is appreciated that these are lower risk operations, thus the inspection frequency should be determined on a risk based, intelligence led basis. LAs are asked to ensure their Service Plan reflects this direction.

FSS recognise the need for an update to the Code, to reflect the amended approach taken as a result of EU exit. This will be addressed as part of the current Code review, which seeks to incorporate certain primary production sectors within FLRS, providing a risk-based inspection frequency, that can be reflected within management information systems.

Recommendation 3

Competent authorities should ensure that adequate follow up activities and enforcement measures are in place to ensure that operators comply with the legal requirements. Findings highlighted that:

- some official controls did not adequately detect non-compliance
- in some cases, where non-compliance was detected, it was not adequately enforced. In one establishment, it was noted that the same contraventions were repeatedly raised, with no escalation of enforcement activity
- there was a lack of consistency among LAs approach to written reports. Some noted legal contraventions with no direction provided on how they should be addressed and no deadlines for compliance. In one example a cleaning contravention was observed a month prior, that was observed as unaddressed at the time of the EU audit. A timescale of the 'the next routine inspection' had been provided

Action required by LAs

LAs are reminded of the importance of implementing the enforcement approach outlined within the [Food Law Code of Practice](#), which outlines consideration of a range of enforcement options available to LAs, to enable them to secure compliance via a risk-based approach.

Contraventions noted during official controls should be brought to the attention of the food business operator in writing. Definitive timescales for the completion of corrective actions to ensure compliance should be provided.

LAs should also consider their enforcement policy. This policy should reflect direction provided within the Code and include the criteria for the use of all enforcement options. It should be consistently applied within each authority.

FSS will be publishing online training on Enforcement Sanctions when the new Titus training platform becomes available. LAs are asked to ensure their officers undertake this training when it becomes available.

Recommendation 4

Competent authorities should ensure that operators comply with the requirements of Regulation (EC) 2073/2005 regarding sampling and testing of microbiological criteria and shelf-life studies. Findings highlighted that:

- food business operators were generally non-compliant with requirements, and these contraventions were not being raised by LAs
- one part sampling was being conducted by all food business operators, as opposed to the required five-part sampling for Salmonella and Listeria and nine-part sampling for histamine
- in one establishment, product shelf-life was not being established in accordance with the requirements of Article 3 of Regulation (EC) No 2073/2005 and Annex II

Action required by LAs:

Sampling in accordance with Regulation (EC) No 2073/2005

LAs are reminded of the requirements outlined within Annex I of Regulation (EC) No 2073/2005, which stipulates the number of units comprising a sample for each organism of concern.

Article 5 (3) of this legislation allows the food business operator to reduce the number of sampling units based on historical documentation that effective HACCP based procedures are in place. In such cases, LAs should review evidence provided by the food business operator. If the evidence provided is considered inadequate to evidence the basis for a reduction in sampling units, appropriate enforcement action should be taken.

The legislation does not specify minimum requirements for testing of fishery products, nor that their testing must be routine.

Food business operators should determine, as part of their HACCP based assessment, how often they need to conduct sampling against these criteria. The level of sampling will depend on considerations such as the food safety management procedures in place, the risk associated with the product and the nature and size of the business. An appropriately validated HACCP system with routine verification of control parameters such as available water or pH may provide adequate assurance that the criteria are being met.

Shelf-life studies as required by Regulation (EC) No 2073/2005

LAs are also reminded of the requirements outlined within Article 3 and Annex II of Regulation (EC) No 2073/2005 in relation to shelf-life studies. The following support materials are available to food business operators and LAs, to assist in compliance and assessment of these requirements:

- [Safe Smoked Fish Tool](#)
- [FSS Shelf-life Guidance](#)

Please note that FSS and FSA are communicating this recommendation and the associated requirements with industry bodies, to raise awareness within industry and to encourage compliance.

Recommendation 5

The competent authority should ensure that the methods used for official control sampling comply with the requirements of Regulation (EC) No 2073/2005, so that the competent authority is in a position to provide the guarantees required. The findings highlighted that:

- Official sampling for microbiological criteria was not conducted in accordance with Regulation (EC) No 2073/2005, as required by Article 34 of Regulation (EU) 2017/625. Only one sample was taken, whereas the legislation requires five samples for *Listeria monocytogenes* and *Salmonella*, and nine samples for histamine testing

Action required by LAs:

It is appreciated that a lot of the sampling conducted by LAs is surveillance sampling, where a one-part sample is appropriate.

Where sampling is being conducted with a view to taking formal enforcement action or to verify the efficacy of the food business operators' controls, the sampling method should be in accordance with the requirements of Regulation (EC) No 2073/2005, to ensure official control validity.

LAs should ensure their sampling procedure reflects the need for, and correct approach to official control sampling.

Recommendation 6 - Not applicable to LA delivery of food hygiene official controls.

Recommendation 7 - Not applicable to LA delivery of food hygiene official controls.

Annex 2 – Audit recommendation summary table

Audit recommendation	Requirement	Action taken
Fishery Products – Recommendation 2	Ensure Service Plan outlines the frequency of fishing vessel inspections conducted by your authority	
Fishery Products – Recommendation 3	Ensure officers undertake FSS Enforcement Sanctions training, when published	
Beef Audit - Recommendation 1 Poultry Audit – Recommendations 1 and 2 Fishery Products - Recommendation 3	Ensure official controls are effective in ensuring compliance with Annex II of Regulation (EC) No 852/2004	
Beef Audit – Recommendation 3	Ensure an on-site visit is conducted as part of the approval assessment process	
Beef Audit - Recommendation 1 Poultry Audit – Recommendations 1, 2 and 4	Ensure HACCP procedures and approval documentation adequately reflect practices being conducted	

Fishery products audit – Recommendation 4	Ensure sampling methods and shelf-life studies implemented by food businesses are in accordance with requirements of Regulation (EC) No 2073/2005	
Fishery products audit – Recommendation 5	Ensure official control sampling methods used are in line with requirements in Regulation (EC) No 2073/2005, where required	