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## Executive Director

Ref. BU/DD ct-OC-2024-30786288

Ms Roberta Metsola  
President of the European Parliament  
European Parliament  
60, rue Wiertz  
B-1047 Brussels

e-mail: [president@europarl.europa.eu](mailto:president@europarl.europa.eu)

**Re: Request for a scientific opinion on the specific hygiene requirements for fishery products, namely the impact of stiffening and thawing procedures on the survival and growth of biological hazards,**

*Ref. D 200945 of 14 May 2024*

Dear Honourable President of the European Parliament, dear Ms Metsola,

I would like to thank you for your letter dated 14 May 2024 by means of which you requested the European Food Safety Authority (hereinafter referred to as "EFSA") to prepare a scientific opinion on the impact of different stiffening and thawing procedures of fishery products on the survival and growth of biological hazards.

Having assessed your request, taking into account scientific evidence on the survival of *Listeria monocytogenes* and other possible microbiological hazards at similar storing conditions to the one described in your request, I regret to inform you that EFSA cannot accept your request, pursuant to Article 3(1) of Commission Regulation (EC) No 1304/2003<sup>1</sup>.

First, it is EFSA's understanding that there is no relevant impact on the survival and growth of *Listeria monocytogenes* or other relevant pathogens related to the duration of freezing of fishery products at the temperatures mentioned in the request.

From the perspective of food microbiology and hygiene, freezing of food products is not a lethal treatment. That means that freezing is not able to achieve, during the production process, the necessary reduction in the number of pathogenic microorganisms in a food, in order to obtain a safe product for human consumption. Different studies concerning the Gram-positive bacterium *Listeria monocytogenes* have shown its resistance to freezing. In ice cream, no significant changes in the *Listeria monocytogenes* populations were observed throughout a 90-day storage period at -5, -15, -23, or -33°C (Gougouli et al., 2008). Also in smoked salmon, storage at -20°C for 7 days did not affect *Listeria monocytogenes* numbers (McCarthy, 1997). A study by Miladi et al. (2008) further illustrated that the duration of frozen storage (up to 10 months) did not play a major role on the inactivation of *Listeria monocytogenes*.

Freezing preserves food for extended periods because it prevents *the growth of microorganisms* that cause foodborne illness. It slows or stops the movement of molecules, which causes microbes to enter a dormant stage. There is no microbiological growth in any frozen food product. Microbiological growth can only occur when the temperature is allowed to reach levels above 0°C for a significant period of time.

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<sup>1</sup> Commission Regulation (EC) No 1304/2003 of 11 July 2003 on the procedure applied by the European Food Safety Authority to requests for scientific opinions referred to it, OJ L 185, 24.7.2003, p. 6–8, as amended.

Second, the reduction of risks of microbiological hazards is already covered by established legislation which has defined the conditions of storage of fish products. Regulation (EC) No 853/2004<sup>2</sup> prescribes temperatures around 0°C (melting ice) for fresh products and -18°C for frozen products. The Codex Alimentarius prescribes that fresh fishery products must be kept at melting ice temperatures and frozen fishery products at -18°C<sup>3</sup>.

As a consequence, EFSA is not able to identify any open issue relating to food safety or risks to human health in the storing conditions described in the request.

Finally, EFSA recognises that different freezing temperatures and/or storage times may have an impact on the food quality (organoleptic properties) of fishery products and their labelling. However, the assessment of the impact of the conditions for storing fishery products on the related quality, denomination and labelling ("fresh" or "frozen") is not part of EFSA's mission.

I hope that the above listed scientific and regulatory considerations (pursuant to Article 29(1) of Regulation (EC) No 178/2002<sup>4</sup> in conjunction with Article 3(1) of Commission Regulation (EC) No 1304/2003) provide sufficient clarity on the reasons why EFSA is - this time - not in the position to accept this specific request. I would also like to reaffirm EFSA's strong commitment to continue providing support to the European Parliament, in its broader mission to safeguard public health and ensure food safety across the EU.

Yours sincerely,

 Digitally signed by  
Bernhard Url  
Date: 2024.06.12  
14:57:31 +02'00'

Bernhard Url

Acting Executive Director

CC: Pascal CANFIN (EP),  
Guilhem DE SEZE, Frank VERDONCK, [REDACTED]  
[REDACTED], Dirk DETKEN (EFSA)

<sup>2</sup> 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, as last amended.

<sup>3</sup> See for example the Code of practice for fish and fishery products, available at: <https://www.fao.org/4/a1553e/a1553e00.pdf>.

<sup>4</sup> 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, OJ L 031 1.2.2002, p. 1, as last amended.