

## Joint MAC/NWWAC/NSAC Focus Group on Brown Crab Minutes

Thursday, 21 January 2021

10:00 - 12:30 CET

Zoom online meeting

Welcome from the Chair, Norah Parke

Adoption of agenda and the last meeting's minutes (17.11.20): adopted

Questionnaire on National Information

- Presentation of responses (relevant national legislation, fishing capacity, animal welfare) by the members
- Exchange of views

Responses to Questionnaire: [France \(Lucile Toulhoat\)](#) | [Germany \(Peter Breckling\)](#) | [Ireland \(Norah Parke\)](#) | [Netherlands \(Geert Meun\)](#)

The Chair invited the members to present their responses to the questionnaire on national information, which was circulated ahead of the meeting.

The Chair presented the responses concerning Ireland. On the relevant national legislative framework, the Sea Fisheries and Maritime Jurisdiction Act of 2006 is the most relevant, covering licenses, minimum landing size, fishing effort limitations, landing of crab claws, and limitations for recreational fishing. On the fishing operations, it is estimated that around 350 vessels participate, the majority in the <12m category with seasonal activity and mostly within the 12-mile limit. There are a small number of offshore vivier crabbers. Crab fishing is carried out with pots. There were only two designated ports in Ireland, which posed difficulties for UK-registered vessels, so three additional designated ports were established. On animal welfare, no specific legislation. Crab fisheries are certified by BIM and most crab fishers are members of the Irish Brown Crab FIP.

Lucile Toulhoat (CNPMEM) presented the responses concerning France. On the relevant national legislative framework, there is a system of limited fishing licenses issued only to vessels engaged in targeted fishing of crustaceans and for trap/net gear only. At the regional level, the fishery is also subject to technical measures which differ depending on the fishing zones. On the fishing operations, around 1.500 vessels have the professional license for crustacean fishing, of which about 80% declare brown crab among the target species. Annual production fluctuates around 4.500 tonnes. The state has remained stable with abundance levels considered high for many years but the trend of catches



and yields since 2016 has fallen, akin to a decrease in brown crab recruitment. Size structures do not show any change in recent years, suggesting that the fishing effort has not resulted in overexploitation of the growth of the brown crab stock. On animal welfare, no knowledge of any French study or project on brown crab.

Anaïs Roussel (CRPMEM Hauts-de-France) explained that, in the North of France, there were no studies to confirm the lack of difference in size structures. It requires further investigation.

Geert Meun (VisNed) presented the responses concerning the Netherlands. On the relevant national legislation, at least a “category B” license is required, allowing non-quota catches. Vessels operate only in the North Sea. There are also four licenses for North Western waters, but these have not been used in over a decade. On the fishing operations, there are five vessels, with a total tonnage of 1.550 GT and a total number of pots of approximately 5.000. There is no cap for licensed fishers. Under the Technical Measures Regulation, several beam trawlers land the maximum of 75Kg. On animal welfare, there is no specific legislation. No knowledge of any national studies.

The Chair asked if the five operating vessels were “in-shore vessels”, meaning operating in the 12-mile limit. Taking into account the ratio of 1000 per vessel, the Chair asked for information on the landings, highlighting the growth potential.

Geert Meun (VisNed) replied that the vessels operated partly in the 12-mile limit, but most operate in the eastern part of the North Sea, so Danish and German waters. On the landings, these go directly to buyers, without fish auctions, so he was not able to provide figures.

The MAC Secretary General presented the responses concerning Germany, which were prepared by Peter Breckling (German Fishermen Association). On the relevant national legislation, a specific national legislation on brown crab is not known. On the fishing operators, there is no targeted fishing. In the official German statistics, there is a total of 55 tonne of landings in 2020 and 37 vessels with 13.524 KW / 4.909 BRZ. Mostly small amounts of bycatch. One brown shrimp vessel is starting part-time with pots and scientific trials in offshore windfarms. Around Helgoland, there are very few small vessels working part-time with pots for local consumption. On animal welfare, no knowledge of specific studies on animal welfare aspects.

The Chair highlighted the possibility of having fisheries within windfarms, which could be a positive development, particularly for small vessels, in the context of increasing activities in the sea.

### **Exports to People’s Republic of China**

- **Presentation on the EU’s comments to People’s Republic of China’s WTO notification by Commission representative**



The Chair explained that the largest difficulty for the EU industry exporting brown crab to China is the significant difference between the legislations on contaminants. Brown crab naturally accumulates cadmium during its lifetime. It is a physiological trait, and it is not connected to pollution. When crustaceans grow, they shed the outer shell, due to size increases. New shells are built by extracting minerals from the sweater. Brown crabs also extract cadmium, which is stored in the hepatopancreas. As the brown crab ages, the amount of cadmium stored increases.

In the EU, the regulation used to be that the level could not exceed 0.5mg per Kg measured in all edible parts of the crab. It was very difficult for any country to meet this level. The legislation was eventually changed, since the EU concluded that the average consumer did not eat an amount of crab meat to cause a health risk. In China, the previous cadmium level on all edible parts were maintained. The Chinese population is exposed to various levels of cadmium throughout their lives, including due to construction of residences on former industrial locations and high levels of smoking, and tends to eat all edible parts of the crab. Brown crab exported from the EU to China is sold at a high price. Therefore, the people most likely to consume brown crab are likely not as exposed to other cadmium sources.

There is an ongoing public consultation to increase the level of permitted cadmium from 0.5 to 3mg per Kg. The consultation was launched in May 2020. The EU industry became aware around September, so close to the feedback deadline. The Irish authorities submitted a response, following consultations with Irish stakeholders. Ireland agreed with the increase, but believes that the sampling should be half white meat from the claws and half white meat from the body. The white meat from the body can also be affected by the brown meat, meaning that these could still not meet the minimum levels for health certificates. In Ireland, health certificates require compliance with the current minimum level on all edible parts, which can be difficult for live crab. Processed crab seems to have a higher level of compliance, which is likely connected to the typical time of the year for catching, the Autumn, when the crab is fuller.

Marta Moren Abat (DG MARE) expressed willingness to receive written information on the topic. Besides health problems, the situation could create a market distortion. DG MARE has a dialogue with China on fisheries governance and maritime affairs. On fisheries and trade, there is some reluctance from Chinese authorities to discuss, so it might not be the ideal forum. Discussions with DG TRADE on WTO could be the most appropriate.

The Chair drew attention to the comments of the EU to the People's Republic of China's notification under the WTO agreement on the application of sanitary and phytosanitary measures. These comments were discussed at a DG SANTE market access working group. The Chair offered to provide information to the Commission representative on the matter.



- **Presentation on People’s Republic of China’s public consultation and on potential changes to health certificates due to COVID-19 by Norah Parke**

The Chair recalled that, the previous November, China issued an WTO notification that there would be new requirements for health certificates in connection with mitigation measures for the COVID-19 pandemic. These new requirements were supposed to enter into force on 1 January 2021. In the experience of her organisation, Irish fishers attempted the landing of pelagic fish in Norway and were informed that the fish would not enter the supply chain to China, because Ireland did not have a system in place to meet the new requirements. Norway had put forward a proposal to China on how to manage it, which included their entire list of licensed vessels, in order to provide traceability. China decided to not yet apply the new measures. No one seems to be aware of the reasoning behind the new measures or when these would be applied. The Chair asked for information from DG MARE.

Marta Moren Abat (DG MARE) explained that she did not have the information, but that DG SANTE would likely be able to provide information. The representative committed to checking the matter with her DG SANTE colleagues.

- **Exchange of views**

Sarah Horsfall (EMPA) explained that the UK also replied to the Chinese public consultation. In the view of the UK, 3mg per Kg is acceptable, as long as only white meat is tested. Unless it was only white meat, there would still be a fail rate between 5 and 10%. The UK suggested that, if the Chinese authorities decided to test all the meat, then the limit should be increase to 15 mg. No indication was received on the timescale to implement the cadmium level changes.

On the potential changes to health certificates due COVID-19, the industry was notified by the UK government. From their understanding, the changes are not applicable to live crab, but only to processed fish. According to the UK government, there is no timescale, but China imposed the changes to Japan from the end of January. Besides Norway, several other countries agreed on a system with China. Norway is not only providing the vessels list, but also the businesses, vessels, fish market, transport, processing plant, so everyone in the chain of custody.

The Chair expressed concern with the potential negative implications for the Irish industry.

## **International Trade**

- **Presentation on market developments by Richard Curtin, Senior Economist, BIM**
- **Exchange of views**

Click [here](#) to access the presentation.



Richard Curtin (BIM) presented developments on the crab market, including an overview of global crab trade, the “Atlantic” crab trade and the “brown” crab trade.

Sarah Horsfall (EMPA) highlighted that the Netherlands is importing to export. It is not for direct consumption in the Netherlands.

Geert Meun (VisNed) agreed with the previous intervention. The most important market for the Netherlands is China.

Jarosław Zieliński (PSPR) stated that the snow and king crab going through the Netherlands is mostly caught in the Bering Sea and then exported to Asia and the USA.

The Chair emphasised the relevance of the data presented, adding that it was possible to see how situations like a lack of health certificates can be reflected on trade data. The Chair also wondered if the data provided the tools for operators to change their approaches.

Richard Curtin (BIM) responded that trade data can help inform future strategies and assessing potential new markets. When looking at the global crab trade, it is possible to see that South Korea is an interesting market and that the USA is the largest market. Considering the collapse in exports to China, it can highlight alternatives to exporters.

The Chair emphasised that 2020 is an extraordinary year, due to the impact of the COVID-19 pandemic on trade in general.

Sarah Horsfall (EMPA) highlighted that, for the UK, it is mainly about the lack of access to the Chinese market. There is a trade of live crab to Europe, but the prices and volumes are much lower than in the Chinese market. Without the Chinese market, there is a much lower profitability. It is very difficult to predict when there will be access to the Chinese market again. The UK is still exporting some brown crab to China, but it is being checked at the airport for cadmium levels. Considering that it is a live trade and the mortality rates, it is not a very efficient procedure. Very few exporters are willing to risk potential losses. The situation is not looking very positive for the UK industry.

The Chair drew attention to the importance of working with DG MARE on the topic. EAPO will also be working with DG SANTE through the market access working group.

## **Brexit**

- **Exchange of views on potential supply and access to water issues**



Sarah Horsfall (EMPA) commented that it was known that the situation would be difficult. For Brown Crab, the most difficult issue is the live trade due to perishability of the product. Initially, there were port delays up to 96 hours. There was unpreparedness from the operators and the public administrations, including paperwork mistakes and unfamiliarity with certain documents. The ports have tried to be as flexible as possible, but it still caused significant problems. At the moment, the volumes exported are very low, since there is reluctance to export. The industry is waiting to see how the process develops. Trade is around 15-20% of what it usually is. There are issues that need to be solved at governmental level. There is a delay period between the catch certificate and the export health certificate, issued on the UK side, and then 24h for the data to be imported into TRACES. There are issues that the UK government will need to be discussed with the EU. The UK industry is holding daily meeting with their government.

The Chair stated that she was not surprised with the difficulties, considering the experience before there was frictionless trade in the EU. The Chair expressed confidence that the situation will be eventually solved, but that certain operators will come out damaged. Live crab is a very immediate type of business, so it will be heavily impacted. Even without Brexit, strikes and bad weather were already serious impediments. EU consumers are also affected. The pandemic is keeping the situation balanced, since demand for service industries is already low. Fishers are worried, since they might not be able to move their catches. The fact that different government departments are involved is another difficulty.

Sarah Horsfall (EMPA) drew attention to the large number of documentation, particularly for lorries transporting several species from different companies.

The Chair wondered about the access to waters. The UK Government has issued authorisations for Irish registered vessels to fish in UK waters, but the deadline was eminent. In order to extend the authorisations, a significant amount of data is needed, so there might be a gap. The EU has issues year long licenses to the UK registered vessels.

Sarah Horsfall (EMPA) explained that the UK has a very different process. The EU only requested a list of vessels that will be fishing in EU waters. The UK government licenses individual vessels, so it is more complicated. Nevertheless, they do not expect delays in the licensing process, since it is done by the marine management organisation, which is well prepared for Brexit.

The Chair wondered if all the licensing information needed to be transported at the same time.

Sarah Horsfall (EMPA) responded that she believed it could be done in stages, but offered to check.

Anais Roussel (CRPMEM Hauts-de-France) stated that the French vessels were expecting to receive new authorisations.



Lucile Toulhoat (CNPMEM) stated that French vessels can work in the UK EEZ thanks to provisional authorisations. For access to 6 to 12-miles, a list of vessels has been transmitted to the UK, but provisional authorisations are still pending.

The Chair highlighted that the authorisations will be limited to the landing track records of the 2012-2016 period. It is unclear if the track record will be for the entire fleet or for the vessel.

Lucile Toulhoat (CNPMEM) stated that it was necessary to look at the volumes in the reference period as well as the trends after 2016. The French administration will need to work on this matter.

The Chair commented that, in Ireland, since 2016, new vessels had entered the fleet in the areas covered.

### **Animal Welfare**

- **Presentation on crustacean sentience**
- **Exchange of views**

Sarah Horsfall (EMPA) informed that she had not been able to suggest an expert speaker, due to the heavy workload connected to Brexit and the COVID-19 pandemic. The issue is progressing in the UK. There are ongoing scientific investigations, which are expected to provide reports at the end of January. At the next meeting, it will be possible to invite an expert to inform on developments in the UK. Due to the issuing of health certificates for EU exports, the issue has become even more relevant for veterinarians.

The Chair highlighted the importance of the topic, since it will eventually reach producing EU countries. There are innovative measures in place, such as the use stunning systems by factories before cooking crab. The Chair expressed confidence that the industry would not have problems complying with animal welfare requirements.

### **AOB**

None.



### Summary of action points

- Questionnaires on National Information:
  - Chair to provide overview of the responses
  - Report on stock status, landings and trends for those countries where available
- Exports to People's Republic of China:
  - Provide background information on the cadmium level consultation and on the new health certification requirements to Marta Moren Abat (DG MARE)
- Brexit:
  - Report back on the import and export implications of the new EU-UK relationship
- Next meeting:
  - Update to the FG members around four weeks later
  - To take place around six weeks later



## List of attendees

Representative	Organisation
Anaïs Roussel	CRPMEM Hauts-de-France (NWWAC)
Geert Meun	VisNed (NSAC)
Jarosław Zieliński	PSPR (MAC)
Lucile Toulhoat	CNPMEM (NWWAC)
Marta Moren Abat	European Commission
Michael Andersen	DFPO (NSAC)
Mike Turenhout	Visfederatie (MAC)
Mo Mathies	NWWAC Secretariat
Norah Parke (Chair)	KFO (NWWAC)
Pedro Reis Santos	MAC Secretariat
Peter Breckling	German Fishermen Association (NSAC)
Sarah Horsfall	EMPA (MAC)
Stavroula Kremmydiotou	MAC Secretariat

