



WORKING GROUP 3 – EU CONTROL AND SANITARY ISSUES, CONSUMER RULES

Benoît Thomassen

Chair

Online (Zoom)

Tuesday, 30 March 2021

AGENDA (CET TIME ZONE)

- 09:30 Welcome from the Chair, Benoît Thomassen
- 09:35 Adoption of the agenda and of the last meeting's minutes (27.01.21)
- 09:40 Voluntary Sustainability Claims on Seafood Products
- 11:30 Plant-based imitation seafood
- 12:10 Health and Environmental Value of Seafood
- 12:40 Dioxins and Dioxin-like Polychlorinated Biphenyls (BCPs) in Fish Oil
- 12:50 AOB
- 12:55 Summary of actions points

13:00 End of the meeting

ACTION POINTS (27 JANUARY 2021)

Food Information to Consumers:

- Chair and Secretariat to develop a draft advice, based on the answers to the Secretariat's questionnaire and previously adopted advice
- Draft advice to be considered under urgent written procedure
 - Advice adopted on 23 February 2021

Voluntary Sustainability Claims on Seafood Products:

- Members to have one week to propose additional questions for the questionnaire
- New version of the questionnaire to be circulated for two weeks
- Secretariat to compile answers and prepare drafting suggestions
- Dedicated meeting to take place in March
 - Opportunity to provide additional questions: 3 – 11 February 2021
 - Secretariat's Questionnaire (2nd version): 22 February – 9 March 2021
 - 2h agenda item on questionnaire results & drafting suggestions

ACTION POINTS (27 JANUARY 2021)

Food Contact Materials:

- Chair and Secretariat to develop a draft advice, based on the contributions submitted by FEDEPESCA and AIPCE-CEP
- Draft advice to be considered under urgent written procedure
 - Advice adopted on 17 February 2021

Plant-based imitation seafood:

- Paulien Prent (Visfederatie) to prepare first draft
- Draft to be considered at an upcoming meeting
 - Draft circulated on 15 March 2021
 - Agenda item scheduled for draft consideration

VOLUNTARY SUSTAINABILITY CLAIMS ON SEAFOOD PRODUCTS

- **Presentation of the results of the recirculation of the Secretariat's questionnaire**
- **Consideration of drafting suggestions**
- **Exchange of views**
- **Way forward**

MAC Secretariat's Questionnaire (2nd version)

- **Period:** 22 February – 9 March 2021
- **Replies:** MSC, EAPO & Européche, FEDEPESCA, Conxemar, ClientEarth, ADEPALE
- **Drafting suggestions:** Prepared by Chair & Secretariat (16 March 2021)

1. THERE IS A PROLIFERATION OF SUSTAINABILITY CLAIMS AND CERTIFICATION SCHEMES FOR SEAFOOD PRODUCTS IN THE EU MARKET?

- MSC: Proliferation of unsubstantiated (unverifiable, unreliable) claims is what should be tackled. The focus should be on ensuring sustainability claims are credible and robust.
- EAPO & Européche: There is indeed a large number of sustainability claims and certification schemes for seafood products on the EU market. MSC is the most used. Its control of the certification field and the limited competition risks leading to a monopolistic situation.
- FEDEPESCA: Yes, there are too many sustainability claims and certification schemes. Consumers do not understand claims and ecolabels and the small actor like small fish shops cannot afford to pay those ecolabels cost.
- Conxemar: There is no proliferation. There is a monopoly on wild fish by MSC. Particularly in Nordic countries, but increasingly in all EU countries.
- ClientEarth: Proliferation of unsubstantiated 1st party claims. Need for more alignment in the nature of claims made. Claims should be backed by credible certification schemes. Public actors can act as guardians, sanctioning unsubstantiated claims.
- ADEPALE: There are many, in order to meet the different needs and demands of operators and consumers. Legally, fisheries products should be sustainable. Additional claims fall under the scope of market competition. There should be minimum criteria by international standardisation tools ISO or CEN.

2. SUSTAINABILITY CLAIMS AND CERTIFICATION SCHEMES HAVE A NEGATIVE OR A POSITIVE ECONOMIC IMPACT IN THE EU MARKET?

- MSC: MSC fishery clients report numerous benefits that can easily offset the price of certification, including price premiums, reputational benefits, market benefits (access or market share maintenance); communication opportunities media visibility, increased trust with public and NGOs. Positive market incentives can deliver fisheries sustainability.
- EAPO & Européche: Very hard to assess the economic impact on the EU market. Voluntary standards do not provide clear cost-benefit analysis for fish producers. Very high associated costs. Not necessarily rewarded with higher prices. Used as market barrier by big retail companies. Positive reputational effect, but that communicates pre-existing situation.
- FEDEPESCA: High economic cost and management time. Not always rewarded with higher prices. Market barrier. Very high costs for small firms and producers. consumers might think it is a better option, under sustainable reasons, to choose a certificated product in a big supermarket instead of buying a local product bought in a local small shop.
- Conxemar: Negative. MSC's high costs pass to consumers. Price increases & sales decrease. When all suppliers are required to use it, competitive advantage disappears. Market barrier due to costs. Positive reputational effect only for that received advertising message.
- ClientEarth: Unsubstantiated claims can reduce the credibility of businesses. There are costs, but also price increase. It can be condition to enter market. Can be market barrier, but there are efforts to increase access of small-scale fisheries. Positive reputation, when backed.
- ADEPALE: Determined by market dynamics. There is economic interest. There are associated costs, which fall on the consumer. Profit is not necessarily direct, since dynamics of image and market access can be more complex. There are positive effects on reputation and brand.

3. SUSTAINABILITY CLAIMS AND CERTIFICATION SCHEMES HAVE A NEGATIVE OR A POSITIVE ENVIRONMENTAL IMPACT?

- MSC: Ecolabel ensures consumer confidence that products with this sustainability claim are performing a high level. Incentive for continued improvement. Public policy schemes can work in compliment to independent third-party verification schemes. Year on year increase in sales of labelled MSC product, with demand for independent, verified seafood increasing by consumers and retailers.
- EAPO & Européche: Positive environmental impact as they promote good environmental practices. Products can achieve similar environmental sustainability without certification. Certification schemes criteria are usually stricter than the EU legislation. EU fisheries management is sustainable and allowed huge improvements in stock status in past 20 years. Push for certification comes from big retail companies. Unclear how it matched demand from majority of consumers.
- FEDEPESCA: Products with claims are not more environmentally sustainable than others. Certification is not stricter than EU legislation. If companies follow EU legislation, there is no reason to pay for private certification and prove a commitment to sustainability. Consumers and retailers do not know what they are purchasing exactly. Need to determine what an ecological fish should be.
- Conxemar: There can be positive impact due to awareness raising and promoting governmental action.
- ClientEarth: Certification schemes are drivers of an “engage and improve” theory of change. Supply chain actors invest and improve fisheries. Drive for positive change. Claims should be backed by a certification scheme that audits to a standard. Credible schemes go beyond minimum legal requirements. Can help retailers and consumers, if recognisable and trustworthy.
- ADEPALE: Under CFP, legal products should be considered sustainable. Claims present additional requirements, but there is no benchmark or minimum criteria. Criteria should be based on additional requirements. It should help consumers with complementary criteria.

4. OPINION ON CONSUMER UNDERSTANDING AND ATTITUDES IN RELATION TO SUSTAINABILITY CLAIMS AND CERTIFICATION SCHEMES?

- MSC: MSC undertakes largest global sustainable seafood research amongst consumer to test awareness, recognition, understanding and trust. Increasingly high awareness and recognition. High trust. Trust levels of different institutions, including national governments, perform lower.
- EAPO & Européche: Consumers trust some claims more than others. Consumers do change their behaviour if they recognise and trust a label. Recognition is needed to observe a significant behavioural change.
- FEDEPESCA: Consumers do not trust claims and certification schemes. Consumers sometimes change behaviour. There are barriers impacting behavioural change. It is necessary to help consumers understand environmental issues linked with seafood, a simplification of the information, for example through one European label on sustainability, and incentives to change consumer behaviour.
- Conxemar: Reports by consultancies are focused on MSC. Consumers that identify MSC with sustainability do request it. No barrier to consumer behavioural changes.
- ClientEarth: Generally, consumers do not understand the schemes and the differences between them. Consumers understand labels, but depends on the labels. Consumers trust 3rd party labels more. Consumer education might be needed. Surveys suggest that certification influences consumer choices. There are doubts whether stated intentions correlate with action.
- ADEPALE: Demand for labels requires trust. Not always understood, due to multiplicity and absence of minimum requirements. Consumers might change behaviour due to claims. Labels in high demand are more likely to change consumer behaviour. Minimum criteria would be useful to allow comparison between labels.

5. SUSTAINABILITY CLAIMS AND CERTIFICATION SCHEMES IN THE EU MARKET ARE CREDIBLE, ACCESSIBLE, AND CONTINUOUSLY IMPROVING?

- MSC: Somewhat. The best way to ensure the robustness of sustainability logos moving forward is through the introduction of minimum horizontal requirements for such labels, as DG JUST is exploring. Tackling unsubstantiated claims would increase market uptake of credible certifications. Credible sustainability schemes already put focus on monitoring and evaluating their impacts.
- EAPO & Européche: Claims and certification schemes are credible. Not all accessible to all fisheries because of costs associated and sometimes non-achievable criteria. Credibility can be verified (FAO guidelines, third parties, scientific partnerships). Coverage can be increased by reducing costs for primary producers. Issues of equal access to the market due to “continuous improvement”.
- FEDEPESCA: No. For verifiable and controlled credibility, European schemes. EU can place sustainability requirements to move global seafood towards sustainability. There is evidence that developing world FIPs stagnate when market access is granted. Failure of improvement is not only on the hands of the fishers, but also of the market. Key challenge is to avoid “coordination failures” between the different standards and codes.
- Conxemar: Few GSSI certifications. Credible, but not accessible. Auditors are used to verify compliance with FAO guidelines and other criteria. MSC certification is expanding from richest countries to globally. Countries and EU should be the ones certifying sustainability according to FAO criteria. E.g., Alaska, Iceland, Japan.
- ClientEarth: Voluntary claims can improve in clarity, consistency and accuracy by establishing common definitions and principles for claims. Certification schemes should continue to be peer reviewed, with representation from multiple sectors. There should be sufficient support and investment in small-scale, artisanal, and Global South fisheries. Rigorous and scientifically-led standards. Recognise GSSI definition, constantly raise the bar, remain 3rd party, independently audited, cover all production stages, follow ISO guidelines, accredited to ISO auditors, following FAO guidelines and ISEAL credibility principles.
- ADEPALE: Minimum criteria is crucial. Should be established at higher level than EU market. International standardisation through ISO or, failing that, CEN.

6. ROLE OF GLOBAL MULTI-STAKEHOLDER INITIATIVES?

- MSC: ISEAL Alliance fulfils such a role for credible, collaborative, and transparent sustainability systems. Global Seafood Sustainability Initiative promotes sector-wide collaboration to drive forward more sustainable seafood for everyone. Compliance with FAO's Code for Responsible Fishing.
- EAPO & Europêche: Initiatives can help coordinate the multiple claims from multiple labels. Important to avoid monopolistic situation. Should provide guidelines and best practice codes and standards. Should not only take into account the role of the buyers, but also of the primary producers.
- FEDEPESCA: Public initiatives should harmonise and/or coordinate. These should provide oversight and conditionality for codes and standards. Disagrees with moving towards tailor-made sustainability claims for buyers based on their sustainability risk-profiles.
- Conxemar: Disagrees that there are multiple labels. For oversight and conditionality, EU should have its own certification and subcontract auditors, in order to ensure respect for FAO guidelines.
- ClientEarth: Claims made by businesses should correlate to the criteria in the certification standards. Organisations, like Sustainable Seafood Coalition, have worked on harmonised claims. Certification standards should seek harmonised benchmark, like GSSI. Tailor-made sustainability claims can confuse consumers and weaken commitments.
- ADEPALE: FAO's intergovernmental framework should be supplemented by normative framework with broad stakeholder consultation to establish minimum environmental criteria (ISO). With ISO standards, claims and certification schemes can be accredited by 3rd parties.

7. ROLE FOR PRIVATE AND PUBLIC INITIATIVES?

- MSC: National authorities should not develop certification schemes or labels. Doubts on developing and monitoring the same level of rigor as independently verified claims. Need for credible labels that are ISEAL/FAO compliant. There can be minimum requirements to control proliferation, which could be introduced at national authority level. Exemption for Type-1 like labels, such as MSC.
- EAPO & Europêche: National authorities and/or the EU can develop (voluntary) certification schemes and labels. Avoiding greenwashing and misleading claims is essential. Through direct state monitoring and control or through credible accreditation processes. Should not be used to restrict schemes to a few bigger initiatives.
- FEDEPESCA: EU should develop a guide that every legal company could follow. Consumer information and knowledge cannot be delegated only in marketing. Public Administration should guarantee that the consumer receives appropriate information.
- Conxemar: EU certification would be less expensive and more credible.
- ClientEarth: Public authorities should not develop certification schemes and labels. Better to use existing expertise. More productive to recognise schemes that meet internationally recognised benchmarks. Highlighting non-credible schemes would also be a useful function. There should be stronger legislation to ensure clarity, accuracy and consistency of voluntary claims.
- ADEPALE: Public certification schemes and labels should remain voluntary and respect the same minimum criteria as private labels. Establishing minimum criteria is key. It will be up to national and EU authorities to verify that criteria is met. CFP guarantees environmental sustainability. Synthesis of the three pillars should be sought via European CEN standardisation.

8. HOW TO ADDRESS THE THREE PILLARS OF SUSTAINABILITY?

- MSC: Obligation for COC certified entities to get additional social auditing (when over and above a certain risk level) to make sure social scope criteria for MSC are met. MSC standards recognise labour conditions in seafood supply chains. Chain of custody standard has a risk-based filter.
- EAPO & Europêche: Socio-economic sustainability is forgotten and not taken into account. New labels and schemes need to address it. These 2 pillars need to be incorporated in the existing schemes. Socio-economic sustainability can be substantiated by looking at the employment standards in place (wages, rest hours,...), respect of the international conventions of the ILO (C188), and other criteria.
- FEDEPESCA: New labels and certification schemes are needed for socio-economic sustainability. Existing labels and schemes should be extended to cover socio-economic sustainability. FAO and EU guides are needed to address socio-economic sustainability.
- Conxemar: FAO introduces and takes into account socio-economic sustainability.
- ClientEarth: 3rd party certification schemes are best suited for environmental sustainability. Different processes are needed to address human rights in seafood supply chains. New labels and certifications schemes are not needed for socio-economic perspective. For human rights, need of more alignment. Socio-economic sustainability cannot be effectively substantiated via certification schemes and labels. Socio-economic sustainability relies on environmental sustainability, in order to provide abundant resources for generations to come.
- ADEPALE: Not necessary to create new labels and certification schemes. Important to establish minimum criteria for labels that have socio-economic dimension. Preferable that existing initiatives take up these questions and that minimum criteria is established through standardisation. ILO rules should be taken into account for labour rules.

9. WHAT OTHER ISSUES SHOULD BE COVERED BY A POTENTIAL MAC ADVICE ON VOLUNTARY SUSTAINABILITY CLAIMS?

- MSC: N/A
- EAPO & Européche: Voluntary certification schemes should not be made mandatory. From the industry's perspective, voluntary certifications are an opportunity, but they should not set the standard on what a sustainable fishery is, the EU ensures this through the existing EU legislation. Voluntary certifications and ecolabels must be fit for purpose, providing cost benefit analysis to primary producers, and considering the three pillars of sustainability.
- FEDEPESCA: N/A
- Conxemar: It is the responsibility of countries and the EU to address sustainability issues and reach better agreements worldwide, each respecting the criteria of FAO. It should not be left to the hands of rich and powerful NGOs. NGOs have a role to play in informing, but do not sell products.
- ClientEarth: Legal implications of unverified claims. Relationship between claims and seafood ratings. Establishment of harmonised voluntary labelling standards.
- ADEPALE: ISO international standardization (or failing that CEN) to deal with the issue of minimum criteria.

10. IN THE CONTEXT OF VOLUNTARY SUSTAINABILITY CLAIMS, HOW DO YOU DEFINE AND UNDERSTAND THE CONCEPT OF SUSTAINABILITY? (CONXEMAR)

- FEAP: “Voluntary environmental sustainability claims” should be understood as responsible practices that minimize the environmental footprint of any activity, reducing the negative environmental externalities and enhancing any positive environmental externality.
- ClientEarth: Definition will vary between sectors and geographies. Concept of sustainability defined in the Sustainable Seafood Coalition’s Codes of Conduct. Relates to environmental and management status of the fish.
- Europêche: The three pillars should be considered in sustainability claims. EU fishing sector is voluntarily including product specifications that address the three pillars. E.g., OPAGAC/AGAC’s Responsible Tuna Fishing standard.
- EAPO: Sustainability has to be understood as environmental, social and economic sustainability. Different certification and labels should be fit for purpose.
- ADEPALE: CFP guarantees environmental sustainability. Other regulatory bodies frame social and economic sustainability. As far as labor rules are concerned, ILO rules should be taken into account.
- Conxemar: Understood as defined in the Farm to Fork Strategy, as global system that covers environment, nutrition and ethics. The general public understands it more as environmental. The Commission should undertake survey to better understand this. It is a matter of consumer education.

11. TAKING INTO ACCOUNT THE RELEVANCE OF SUSTAINABILITY CERTIFICATION SCHEMES IN THE MARKET, INCLUDING THE INCREASING USE OF CERTIFICATION AT THE REQUEST OF RETAILERS, ARE YOU CONCERNED WITH THE POTENTIAL DEVELOPMENT OF A MONOPOLISTIC SITUATION BY SPECIFIC PRIVATE SCHEMES? (CONXEMAR)

- ClientEarth: Provided that the market continues to recognise all credible, science-based certification schemes, this should not be a concern. GSSI exists to benchmark and recognise credible schemes. Responsible buyers will require certification schemes to gain access to market. More concerning is the proliferation of certification schemes that can duplicate efforts and create “race to the bottom”.
- Europêche: In some Member States, certain schemes are more prominent than other, and this can distort markets. MSC focuses on environmental sustainability, so cannot set the bar for sustainable fisheries in the EU. Private schemes should not EU fisheries effort and create a competitive disadvantage. Private schemes can only be considered to be socially sustainable if they include minimum standards of ILO C188. Social-washing labels should not be recognised.
- EAPO: There are numerous voluntary certifications, but MSC is the most used in Northeast Atlantic. Its control of the certification field and the limited competition risks leading to a monopolistic situation, which can distort markets in a very worrying way. The main concern is that the MSC will be the one setting the bar for sustainable fisheries in the EU. The standard, already, does not recognize enough the EUs efforts in ensuring a sustainable use of marine resources in the EU waters.
- ADEPALE: No. This because remains voluntary and develops in a competitive context.

12. SHOULD THE EUROPEAN PRODUCT ENVIRONMENTAL FOOTPRINT SYSTEM (PEF) BE CONVERTED INTO A TRAFFIC LIGHT CERTIFICATION SCHEME FOR THE ENVIRONMENTAL IMPACT OF FOOD PRODUCTS? *(FEAP)*

- FEAP: Yes. It would provide a sound and balanced approach to this issue.
- ADEPALE: If a system of traffic lights or "scoring" (ECOSCORE...) develops, for ecological or environmental questions, we are not in favour of there being a specific system for fishery and aquaculture products, this should remain in the field of "all food" and be comparable from one food sector to another.
- Conxemar: Disagrees.

13. SHOULD THE ANIMAL WELFARE LABELS CURRENTLY BEING PROMOTED BY THE EUROPEAN PARLIAMENT BE EXTENDED TO AQUATIC PRODUCTS OR EXCLUDED FROM THEM? (FEAP)

- FEAP: If these animal welfare labels become compulsory, they should apply to all aquatic products or to none.
- ADEPALE: We do not know what are these animal welfare issues. On the other hand, the sectors can make efforts, it is on the issue of "well-contracting" and the establishment of good practices. It does not require legislative initiative. On the other hand, this requires operators to put in place procedures to review their practices, and if necessary to improve the situation, continue them with progress initiatives. These elements can be recorded in good practice guides.

14. WHAT ROLE CAN STANDARDISATION PLAY IN ESTABLISHING MINIMUM REQUIREMENTS? (ADEPALE)

- ClientEarth: Proliferation of sustainability claims could be improved by developing the CMO Regulation to require common definition of sustainability and a legal standard to make this claim. Credible certification schemes have developed clear standards. Proliferation of certification schemes should be met with a credible benchmarking system, like GSSI. There were substantial efforts to define and measure environmental sustainability. Same tools are not available for other pillars of sustainability. Significant work needed before international standardisation.
- Europêche: Voluntary certification standards should remain voluntary and never set the standard of what is considered “sustainable fishing”. Consumers may be confused about the criteria and the difference between label standards with the EU mandatory standards.
- EAPO: Does not support voluntary certification schemes be made mandatory. Voluntary certifications are an opportunity, but they should not set the standard on what a sustainable fishery.
- ADEPALE: There should be minimum requirements established through standardisation.
- Conxemar: There should only be one scheme, developed by the EU, and everyone could audit based on it. There should be a EU-level of minimum standards. The criteria should be developed by the EU through consultation.

PLANT-BASED IMITATION SEAFOOD

➤ Presentation of draft proposal

- Paulien Prent, Visfederatie

➤ Consideration of draft proposal

- Draft circulated on 15 March 2021

➤ Way forward

▪ MAC's Work Programme for Year 5 (2020-2021):

- Advice to European Commission on labelling of vegetarian and vegan products that imitate seafood products

HEALTH AND ENVIRONMENTAL VALUE OF SEAFOOD

➤ Presentation of SEAFOODtomorrow project

- Marta Santos, Project Manager, IPMA

➤ Exchange of views

➤ Way forward

▪ MAC's Work Programme for Year 5 (2020-2021):

- Advice to European Commission on the environmental role of seafood in the promotion of sustainable consumption, in the general framework of food systems, as well as its role as a healthy and nutritious protein source, while taking into account the position of other available foodstuffs

DIOXINS AND DIOXIN-LIKE POLYCHLORINATED BIPHENYLS (PCBS) IN FISH OIL

➤ Presentation of proposal to modify EC Regulation

- Matthias Keller, Bundesverband der deutschen Fischindustrie und des Fischgroßhandels e.V.

➤ Exchange of views

➤ Way forward

▪ MAC Letter to DG MARE (22 November 2019)

- Analysis for the presence of PCBs in fish oil batches under Regulation (EC) No 183/2005
- No official reply from DG MARE

AOB, ACTION POINTS, END OF MEETING

- **AOB**
- **Summary of action points**
- **End of meeting**