

## **Working Group 3: EU control and sanitary issues, consumer rules**

### **Minutes**

Thursday, 4 June 2020

10:00-12:30

Interactio online meeting

**Welcome from the Chair, Benoît Thomassen**

**Adoption of draft agenda and minutes of last meeting (30.01.20): adopted**

Click [here](#) to access the Chair & Secretariat's presentation.

The Chair provided an overview of his professional experience.

#### **Consumer Information**

- **Update: written consultation**

The Chair recalled that a written consultation took place earlier in the year and that comments were submitted by FEDEPESCA and AIPCE-CEP. The Chair emphasised that the role of the Focus Group was to gather ideas and to propose a first draft, while, afterwards, the Working Group comments and amends, then the Executive Committee negotiates and votes. If there is consensus on the recommendations, dissenting opinions shall be recorded.

- **Consideration of draft advice**

The Chair proposed to begin with the analysis of the final recommendations in the draft advice, then take the text from the beginning. In the situation of divergent opinions, these could be recorded as clusters (ie. Processors representatives, fishers representatives, aquaculture representatives, NGOs).

Maria Luísa Alvarez (FEDEPESCA) highlighted that “distributors” should also be a cluster.

The Chair outlined that AIPCE-CEP had proposed a redrafting of the second paragraph of chapter 4.

Sean O'Donoghue (Killybegs Fishermen's Organisation) argued that the most relevant page in the document was the final page with recommendations. There seems to be consensus in the final recommendations, while there is a large number of amendments by different organisations in the previous pages. Therefore, they suggested to focus on the final recommendations and then to move it to Executive Committee. The Executive Committee should not need to send all that background information to the European Commission.

The Chair stated that the changes proposed throughout the text were rather small. The document includes many examples, which could be useful for the Commission, in order to provide a better



understanding of the recommendations. The Executive Committee can indeed decide to remove certain parts of the draft advice.

Working Group 3 agreed with the inclusion of an additional final recommendation on origin, as proposed by FEDEPESCA. The WG also agreed with the redrafting proposed by AIPCE-CEP.

The Chair asked FEDEPESCA to send a proposal of text for the recommendation on origin to be checked by the WG at another opportunity.

The Chair disagreed with the AIPCE-CEP's first comment under page 1, since it is quite clear when the document refers to the two topics, particularly following the additions proposed by AIPCE-CEP. The division of the draft advice in two parts would require more time and make the document longer.

The Chair agreed with the changes to the names of the regulations under chapter 1.

Guus Pastoor (Visfederatie) proposed an additional recommendation on controls.

Christine Absil (Good Fish Foundation) supported the inclusion of this recommendation. Enforcement should be at the same level in all Member States. Control authorities should not only focus on health matters, but also on information to consumer.

Katarina Sipic (AIPCE-CEP) explained that, regarding final recommendation b), AIPCE-CEP was aiming for a precision. The reference to a primary ingredient should be for a fish primary ingredient. Plus, a precision on single and mixed species.

Daniel Voces (Europêche) explained that recommendation b) was written based on the Food Law Regulation, but agreed that the suggestion from AIPCE-CEP are clearer.

Maria Luísa Alvarez (FEDEPESCA), in relation to the additional final recommendation on controls, highlighted that, in Spain, many sanitary inspections take place at the retail location. Consumer information is always one of the major points for the inspectors, so FEDEPESCA supports this proposal. The sanctions can also be quite significant.

The Chair proceeded to analyse the drafting proposal from AIPCE-CEP under chapter 1 referring to "the original Commission's proposal".

Katarina Sipic (AIPCE-CEP) argued that the original Commission's proposal was not the CMO Regulation. The advice should refer to the regulation in effect, as decided by the co-legislators. They offered to submit a rephrasing, if the remaining members believed that this paragraph should be maintained.

The Chair argued that it was important to maintain the paragraph, because it demonstrates that the Commission already tried to take the problem into account and made an effort to change it. The Chair agreed with receiving a redraft from AIPCE-CEP.



Katrin Poulsen (WWF) agreed with the Chair. The first part of the paragraph was discussed at length in the Focus Group and it is important to have a background understanding. The Focus Group worked on the development of a neutral statement.

Katarina Sipic (AIPCE-CEP) recognised the importance of the first part of the paragraph. They will be putting forward a rephrased paragraph.

Working Group 3 agreed with the additional paragraph proposed by AIPCE-CEP under chapter 1 on the level playing field.

The Chair proceeded to analyse the first comment submitted by AIPCE-CEP under chapter 2. The Chair argued against changing the structure of the text, because it would be too difficult at that stage.

The Chair proceeded to analyse the second comment submitted by AIPCE-CEP under chapter 2 on “the focus on origin”. The Chair argued that the studies mentioned in the advice all demonstrate that origin is the first concern for consumers, so it is logical to focus on origin first.

Katarina Sipic (AIPCE-CEP) agreed that it would be logical to refer to origin. Nevertheless, the way the paragraph is drafted makes it seem that origin is the only problem in the level playing field. There are other factors relevant for the level playing field. The document continues to focus mostly on origin. Taking into account the time dedicated to the advice, it is understandable that the advice will not be drastically changed to cover other issues in detail.

Katrin Poulsen (WWF) agreed that the document did focus more on origin matters. In order to avoid extending the document and the process, they proposed to highlight, at the beginning of the document, that the MAC mainly focused on origin, but that there are other issues as well. The document is quite long, because everything is underpinned with examples, reports and surveys.

Daniel Voces (Europêche) stated that, in the beginning of the exercise, the Focus Group focused more on origin, but that the scope was expanded to other issues, such as fishing gear, date of catch, scientific name, trade name, among others. They supported the additional sentence suggested by WWF.

Christine Absil (Good Fish Foundation) highlighted that companies, such as hotel chains, also request information on the catch area, in order to make a sustainable choice. The document is missing references to options for a sustainable choice. Instead of country of origin, it would sometimes be better to refer to catch areas, since it is more specific.

Roberto Alonso (ANFACO-CECOPESCA) argued that several of the scientific studies referred to in the advice had a very small sample or too focused in a specific geographical area. They expressed hope that the Commission will take that into account. The Focus Groups should discuss more the weight of the scientific studies. They disagreed with the comments from the Good Fish Foundation that the catch area could be per se an indication of sustainability. They wondered, if the European fleet





fished in one of the supposed unsustainable catch areas, that would make the product unsustainable. Products must comply with the regulations in force and the sustainability requirements in the supply chain.

The Chair emphasised that the core of the document is to provide the information to the consumers, so that the consumers can make a choice. There are guides from the industry that associate catches from certain areas and time periods.

Christine Absil (Good Fish Foundation) argued that consumers need that information, in order to investigate if a product is sustainable or not, combined with catching method. At the moment, information on sustainability is provided by private ecolabels. Therefore, basic information should be provided to the consumers.

Katrin Poulsen (WWF) stated that, if there are issues with scientific studies, it would be quite serious, therefore, ANFACO-CECOPESCA should identify the problematic references.

Aurelio Bilbao (Federación de Confradías de Pescadores de Bizkaia) underscored that consumers must be informed, which requires information on origin and other factors. It is up to the consumers to make the decision with the information.

Roberto Alonso (ANFACO-CECOPESCA) emphasised that origin can be quite a complex issue, particularly the interpretation when considering the Customs Code for processed products. It indicates that products that comply with EU legislation are, by definition, sustainable, as well as whether raw material is imported under such legislation. Private certifications should not be required for a product to be considered sustainable, since there are precise controls on imported products. Processed products are sustainable. Even though it might seem simple and easy to require information on origin, an appropriate impact assessment should be carried out for certain products.

The Chair argued that there are products in the EU market that are not sustainable. This does not mean that a product produced in the EU is automatically sustainable. The objective of the advice is to argue for more information to consumer, so that consumers can make an informed choice.

The Chair informed that there would be another WG3 meeting in the Summer focused on the draft advice on consumer information, in order to conclude the advice.

Silvia Gil (FEDEPESCA) emphasised that, according to the scientific studies, origin is one of the most relevant issues for the consumers. They recognised that applying it in the legislation and in practice will be difficult. Nevertheless, it is a positive first step to recognise that there should be information on origin. As for sustainability, the discussion should not focus on private ecolabels. The most important is for consumers to understand that there are controls by EU authorities. Private ecolabels can be problematic for small enterprises that are not able to afford these.

Vanya Vulperhost (Oceana) recognised that it can be difficult to provide information on origin and that the market should not only rely on ecolabels for sustainability. The MAC should reflect on how to provide these nuances. Information on catch area for fresh products is already required, which is



probably why the document focuses more on origin. They mentioned that not all products caught in the EU is sustainable, providing the Mediterranean Sea as an example of unsustainable fisheries.

Nicolás Fernández (OPP72) emphasised the importance of being transparent in information to consumers throughout the supply chain. Sustainability should not be automatically connected to ecolabels. There is a significant part of the fleet that will not be able to afford an ecolabel, even though their fisheries are sustainable.

Juan Manuel Trujillo Castillo (ETF) stated that the information provided to the consumer should reflect sustainability criteria. These should include the three pillars of sustainability: environmental, social, and economic. There should be more transparency and more information provided. The labels in the products should include a guarantee from the competent authorities of the Member States. It should not be delegated into private companies.

Fragkiskos Nikolian (European Commission) highlighted that the indication of the catch and production area is a requirement under Article 38 of the CMO Regulation. Mandatory information on production method and the catch area are mandatory under Article 35.

### **Nutritional Labelling, particularly “nutriscores”**

- **Presentations by EuroCommerce and ADEPALE/Visfederatie**

Click [here](#) to access EuroCommerce’s presentation and [here](#) to access Visfederatie’s presentation.

Els Bedert (EuroCommerce) provided an overview of nutritional labelling, particularly “nutriscores”, including background, general criteria, the current situation, the governing and calculation, expectations from the EU institutions, and the connection to the Farm to Fork strategy.

Paulien Prent (Visfederatie) provided an overview of the nutri-score calculation method, the favourable nutrients for fish products, discrepancies, and suggested adaptations. They suggested the development of an advice by the MAC on this topic.

Arnault Chaperon (FEAP) agreed with the proposal to request an adaption of the nutri-score labelling.

Sean O’Donoghue (Killybegs Fishermen’s Organisation) agreed with putting forward a recommendation on nutri-score labelling.

Els Bedert (EuroCommerce) stated that the MAC should consider if it is an advice on nutri-score or a broader advice on front-of-pack labelling. The governance of the nutri-score system is currently under review, in order to make the panel more international. Any form front-of-pack scheme should be clearer between health claims and the fat levels in the food products.

Paulien Prent (Visfederatie) agreed with the previous comment. The scientific committee of the nutri-score scheme currently is composed of only 4 countries (Germany, Belgium, France, Spain).



The Chair proposed to ask the Executive Committee for their view on the development of this advice. The Chair mentioned that for some products, such as dairy, the algorithm is slightly different, so perhaps, the MAC could suggest an algorithm for fish. A presentation on this topic at the next meeting could be an option. The Chair proposed for EuroCommerce and ADEPALE/Visfederatie to draft a first draft advice.

Paulien Prent (Visfederatie) and Els Bedert (EuroCommerce) agreed to draft the a first text.

### **Labelling of vegetarian and vegan products that imitate seafood products**

- **Presentation by Visfederatie/AIPCE**

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

Paulien Prent (Visfederatie) provided an overview of products that imitate seafood products. They emphasised that they are not against these products, but that there were questions on labelling requirements to be addressed. There are issues connected to misleading consumers, common trade names, scientific names, and suggestion of animal protein. They suggested the development of an advice to the European Commission by the MAC.

Vanya Vulperhost (Oceana) expressed appreciation for the approach of the Focus Group on Consumer Information, which focused their work on scientific advice. In terms of labelling confusion for consumers, it would be important to see if there is scientific evidence to confirm it. They agreed that it would be important to have a state-of-play. At the same, it is important to avoid assumptions, since substitute products can have a positive environmental impact, particularly when compared with meat products.

Pim Visser (VisNed) agreed with the suggestion of Visfederatie. The correct naming of the product should also be considered. They exemplified that there are products spelling “chicken” as “chiken”. The advice should focus on the correct use of the names on the products.

Christine Absil (Good Fish Foundation) agreed with Oceana about the importance of scientific evidence. They considered that the products presented by Visfederatie were obviously vegan alternatives. If the MAC decides to put forward an advice, they suggested to assess other products that can mislead. For example, surimi products presented as shrimp products.

Arnault Chaperon (FEAP) agreed with the development of an advice by the MAC. They argued that there is some abuse of the legislative requirements, exemplifying that, beyond the surimi products, there are also issues of sturgeon caviar packages with processed products inside.

Guus Pastoor (Visfederatie) highlighted that there are rules for commercial names for seafood products. These names vary across the different Member States and are registered. These specific rules are not applicable to non-fish products. They argued that this should be the main issue to be





addressed.

Aurelio Bilbao (Federación de Confradías de Pescadores de Bizkaia) agreed with the development of an advice by the MAC. There might be an usurpation of the nutritional prestige of seafood products by the vegetables sector. In Spain, there are companies that present themselves as the first vegetable tuna in Europe. These situations should not be allowed.

Pim Visser (VisNed) disagreed with taking a “legalistic” approach in the advice. All aspects should be taken into consideration, including caviar.

Paulien Prent (Visfederatie) suggested to take first the plant vs seafood labelling issue, in order to avoid a discussion as elaborate as the one on consumer information. The MAC should aim for a shorter advice with a quicker timeline.

Pim Visser (VisNed) agreed with the development of a short and quick advice, but that the MAC should still consider the entire market and other mislabelling.

Guus Pastoor (Visfederatie) suggested to maintain the advice simple. The other discussions should have been part of the consumer information advice or in a separate paper on commercial names.

The Chair suggested that Paulien Prent (Visfederatie) would write a first draft, plus that the Executive Committee could analyse if there should be a Focus Group, plus if other products, such as surimi and caviar could be covered by the consumer information advice.

The Chair provided an overview of the draft Terms of Reference.

## Plastics

- **Exchange of views on other Advisory Council’s initiatives**

Click [here](#) to access the Secretariat’s presentation (p. 8)

The Secretary General explained that the NWWAC and the NSAC are the ACs most advanced on the topic of plastics. There are other ACs interested in developing advices on this topic, but their timeline was delayed due to the COVID-19 pandemic. The NWWAC and the NSAC are covering the topic from different perspectives when compared to the MAC. The NWWAC has prepared a first draft by their Focus Group and have invited other ACs to endorse it. The NSAC also has a Focus Group.

- **Way forward: potential preparation of MAC advice based on 2019 Workshop report**

The Secretary General recalled that the MAC co-organised a workshop on plastics in 2019. The MAC has a commitment to produce an advice to the European Commission on plastics. The Commission



has emphasised to the Secretariat that, if the MAC organises meetings and workshops, there should be advice afterwards. Therefore, members should consider if they want to start drafting an advice, plus if it should be at Working Group or Focus Group level. Plus, if members would like to have an additional WG3 meeting with specific topics that were not covered by the workshop. Members should also consider if they want to endorse the NWWAC's advice. There are several ACs that will endorse it.

Emiel Brouckaert (EAPO) on behalf of the NWWAC explained that there is a NWWAC Focus Group on Plastics, which is working directly under the NWWAC's Executive Committee. There was agreement to share the work with the other AC Secretariats. The draft directive covers the legislative background, the joint MAC-NWWAC workshop, the NWWAC-BSAC-NSAC-PELAC workshop on fishing gear, the plastics directive, the fishing for litter scheme. BSAC, SWWAC, CC-RUP ACs have expressed interest in working on the draft and will be joining the next meeting of the NWWAC's FG on 18 June. The advice will be on the agenda of the 8 July Executive Committee meeting.

The Chair proposed for the Secretary General to attend the meeting of the NWWAC's FG.

Pim Visser (VisNed) on behalf of the NSAC explained that a draft advice has been circulated within their FG until 19 June. It will be mentioned in the next Executive Committee on 11 June. The draft will have three stages: FG, WG, and Executive Committee through written procedure. It should be concluded by mid-July. No additional meetings of the FGs are foreseen, since they are confident that it can be concluded by written procedure. It focuses particularly on the circularity of fishing gear.

Sean O'Donoghue (Killybegs Fishermen's Organisation) stated that the MAC should endorse the work of the other ACs. At the same time, the MAC should aim to produce recommendations based on the workshop. They recalled that the Executive Committee agreed to have more WG meetings and less FGs. They highlighted the importance of communicating information on plastics by the MAC. The MAC is suited to follow-up on the issue of plastic packaging.

The Chair proposed to put it forward to the Executive Committee to decide on how to move forward on the plastics advice.

## Ecolabels and Certification Schemes

- **Update: Workshop preparation**

Click [here](#) to access the Secretariat's presentation (p. 9 & 10)

The Secretary General recalled that the Terms of Reference were adopted in March 2020 and highlighted the main issues identified by DG MARE. The Secretariat had initiated the organisation of the workshop for May, but it was postponed due to the COVID-19 pandemic. In terms of way forward, it could be organised as webinar sessions or wait for physical meetings. The Secretary General presented a first draft of agenda for a potential webinar series.





Katrin Poulsen (WWF) stated that it was a very important topic to discuss. They asked the Commission for context and timeline, particularly taking into account the Farm to Fork strategy.

Sean O'Donoghue (Killybegs Fishermen's Organisation) supported the organisation of the workshop as a webinar series in the next two months.

Hans Nieuwenhuis (MSC) also requested more information on the Commission's timeline.

Fragkiskos Nikolian (European Commission) replied that DG MARE will be putting forward the initiative on marketing standards. The inception impact assessment was published. There will be a public consultation in the end of August/beginning of September for 12 weeks. Due to the COVID-19 outbreak, the consultation period might be extended. In parallel with the impact assessment, there will be a working group with STECF scientists. The Commission aims to table a proposal in the second quarter of 2021. DG MARE also needs to assess the overplay with other Farm to Fork initiatives. The revision of marketing standards might be only for technicalities, while sustainability could be covered by other initiatives. Nevertheless, the objective aim is to have it under the marketing standards initiative.

## AOB

- **COVID-19 Pandemic**

The Chair asked members if they would like to produce an advice connected to the topics of WG3. There were no interventions on this item.

## Summary of action points

- **Consumer Information:** Organisation of another WG3 meeting during the Summer dedicated to the topic of consumer information.
- **Nutritional Labelling, particularly “nutriscores”:** Els Bedert (EuroCommerce) and Paulien Prent (Visfederatie) will produce a first draft.
- **Labelling of vegetarian and vegan products that imitate seafood products:** Paulien Prent (Visfederatie) will produce a first draft.
- **Plastics:** At a later stage, WG3 will analyse the NWWAC's draft to determine if the MAC should endorse it. The Executive Committee will determine if the MAC should move ahead with its own advice and how.
- **Ecolabels and Certification Schemes:** The MAC will organise a series of workshops.



## List of attendees

Representative	Organisation
Adela Torres	EuroCommerce
Andrew Kuyk	AIPCE-CEP
Anna Boulova	FRUCOM
Arnault Chaperon	FEAP
Aurelio Bilbao	Federación de Confradias de Pescadores de Bizkaia
Benoît Thomassen	FEAP
Carla Valeiras Alvarez	EuroCommerce
Christine Absil	Good Fish Foundation
Cristina Fernández (observer)	United Kingdom (Seafish)
Daniel Voces de Onáindi	Europêche
Daniel Weber	European Fishmeal
Eduardo Míguez	Puerto de Celeiro S.A. – OPP77
Els Bedert	EuroCommerce
Emiel Brouckaert	EAPO
Fragkiskos Nikolian	European Commission
Gaël Lavielle	Les Pêcheurs de Bretagne
Georg Werner	Environmental Justice Foundation
Guillaume Carruel	EAPO
Guus Pastoor	Visfederatie
Hans Nieuwenhuis	Marine Stewardship Council
Haydeé Fernández Granja	CONXEMAR
Jacinto Insunza Dahlander	Federación Nacional de Cofradías de Pescadores
Javier Ojeda	FEAP
Jens Mathiesen	Danish Seafood Association
José Carlos Escalera Aguiar	Federación de Cofradías de Pescadores de Cadiz (FECOPESCA)
Juan Manuel Trujillo Castillo	ETF





Market Advisory Council

Representative	Organisation
Katarina Sipic	CONXEMAR
Katrin Vilhelm Poulsen	WWF
Laurène Jolly	European Commission
María Luisa Álvarez Blanco	FEDEPESCA
Matthias Keller	Bundesverband der deutschen Fischindustrie und des Fischgrosshandels e.V.
Nicolás Fernandez Muñoz	OPP72
Paulien Prent	Visfederatie
Pedro Reis Santos	Market Advisory Council
Pim Visser	VisNed
Purificación del C. Fernández Alvarez	OPPC-3
Quentin Marchais (observer)	ClientEarth
Roberto Carlos Alonso Baptista de Sousa	ANFACO-CECOPECA
Rosalie Tukker	Europêche
Santiago Folgar Gutiérrez	AVOCANO
Sean O'Donoghue	Killybegs Fishermen's Organisation Ltd
Sergio López	OPP LUGO
Silvia Gil	FEDEPESCA
Stavroula Kremmydiotou	Market Advisory Council
Vanya Vulperhorst	Oceana

