

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

Friday 17 May 2019

09:30-12:00

Avenue de Cortenbergh 168,
1000 Brussels

Welcome from the Chair, Georg Werner

See presentation here:

https://marketac.eu/wp-content/uploads/2019/02/MAC_WG3_17May2019.pdf

Adoption of agenda and minutes last meeting (12.02.19): adopted

Plastics

- **Terms of Reference and dates for the Workshop – discussion**

Terms of reference currently under development. Draft version to be circulated shortly

1) Structure and scope

The **outline** of the workshop is good. But we should not be too general (AIPCE).

We should not spend too much time to explain the state of play. There is bibliography, i.e. a recent study from November 2018 by the European Parliament on plastics and fishing gear, (Good Fish Foundation).

We need a section which sets out clear facts, as there is significant **misinformation** around plastics (EAPo, AIPCE).

We need to set out the **scope** of this workshop. Plastics, micro-plastics, nano-plastics and polystyrene and their effects on the environment should be discussed, on the basis of the latest research (EAPo, AIPCE, CEP, FEAP). But we also need to focus on what the MAC should recommend within its remits. We should not drift out too much of what the MAC's core business is and where it can contribute valuable input (AIPCE).

Potential **issues** to be discussed:



- In **processing** and **packaging**: how can it be ensured that plastic packaging does not end up in the marine environment; i.e. polystyrene: it is used across the whole chain - there are difficulties in the collection and recycling of polystyrene (CEP);
- What industry actors **can do** about the issue (MSC);
- What can be done to **avoid impacts** on fish or shellfish. For example, crustaceans and molluscs are confronted with contamination by nano-plastics, which maybe a cause of death. There is not much knowledge about this. We must discuss about impacts on molluscs. We need to discuss possible solutions, such as filtration. The Water Framework Directive is under review, so this is the moment the MAC issues an opinion (EMPA).

We need to take stock of **existing initiatives**:

- By the industry, by Member States, by EU Institutions, such as collecting ghost fishing gear or fishing for litter (CEP);
- At EU level or at regional level, so maybe there should be a section during the workshop with a **regional** focus, e.g. North Sea, Mediterranean (EAPo).
- Legislative initiatives, i.e. the Marine Strategy Framework Directive (MSC);

2) Messaging

Plastics is a problem that affects everyone in the MAC. Consumers are worried about this issue and the information they receive are often contradictory. We should agree on what **guidelines / messages** to convey to consumers. The products that we produce live within an environment where plastic, micro-plastics and nano-plastics are increasingly to be found and land-based food produced products have exactly the same exposure to plastics, but that is not always the perception of the consumer. Need to be seen as serious and responsible in addressing the issue. The semantics are important: The MAC does not own the problem, it is a wider problem that affects everyone and we want to contribute to the solutions to the problem (CEP).

Recommendations should be drawn for each of these areas. There needs to be the delicate line between showing commitment to do what is in the MAC's control while making clear that this also comes with clear limits and particularly on human health aspects, the MAC does not own these as a fisheries sector, although it is under the spotlight, as plastic is in the oceans – this is very much a public issue and initiatives exist at EU and Member States level (CEP).

3) External actors to be involved

Goal: Various **DGs** of the Commission dealing with this issue, such as DG **ENVI**, but also **AGRI**, who can explain their efforts to reduce plastics. Qualified experts from the UK could be invited (Seafish).

Other ACs are to be contacted to have a coordinated approach (EAPo).



Ecolabels

- **Terms of Reference and dates for the Workshop – discussion**

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1) Context

There is no intention from the Commission to reopen the discussion on ecolabels. It would be very difficult for the Commission to provide for financial support for this workshop if it is too broad, as this would not fit with the Commission's work programme.

2) Scope / objectives

We need to be very **precise** on the scope (EMPA).

What do we want to achieve with this workshop is an essential question: there is a plethora of certification schemes, rating schemes, advisory schemes, benchmarks, and other forms of ecolabels and product sustainability information - we need to get an objective and comprehensive overview of these schemes, to identify the pros and cons of the different schemes and to get better understanding on what they are, why they exist and what their function is, before we are able to deal with specific issues. We should understand to what extent and how different forms of ecolabels help to provide rigorous, transparent, verifiable and reliable sustainability assurance to consumers and supply chain actors as is required by EU regulations. (EAPO, AIPCE, Good Fish Foundation, MSC).

There is a lot of research done on the **effects of the ecolabels** (the University of Stirling has done research on this) and it is important to know how the **consumer perceives** these schemes. Are there **improvements** in terms of sustainability? What are the related **costs** across the value chain and if there is a **value** for the value chain. And all these relate to **market access**, which is the overarching theme that interests the Commission. And then the Commission's questions should be addressed (AIPCE).

ANFACO recalled that the Commission wants to know whether ecolabels that have been proliferating over the last few years have an **impact on fisheries and on the value chain**. The debate is simple and must be precise and coming from the users' experience: fishermen that are using ecolabels, do they see fisheries improved? Do they consider that they are useful, taking also into account the efforts involved? For processors and retailers: do they use these schemes, what is the effort, and, additionally, do retailers and consumers understand all the existing ecolabels, is this useful or is it a trend? There are very concrete questions that have to be answered.



AIPCE asked to clearly define, in advance, the scope of the workshop in order to avoid the results of the last working groups on Ecolabels at EU level, which gave no useful outcomes. Since then, many schemes appeared due to the need from the market to have a benchmark system. Now there was a benchmark scheme: the Global Seafood Sustainability Initiative (GSSI), which is built on the FAO Code of Conduct. Retailers asked for a benchmark, as the proliferation of certification schemes made the situation very complex and retailers wanted something simple. Specific market access problems should be discussed, together with specific examples / situations.

While Eurocommerce recognised that more facts and data were needed and an informed discussion on the current situation, doubts were also voiced about whether the workshop is the best approach to get this.

3) Overarching theme:

Certifications as a market access requirement. Interest of the Commission in order to receive the MAC's input on this.

4) Specific issues:

- **Distribution of the costs** along the supply chain;
- **Definition of sustainability:** It needs to be carefully considered what is meant by sustainability. There are no indicators or definitions on the three pillars of the concept of sustainability. Precision is thus needed when attempting the difficult tasks of informing the consumer about a sustainability claim. (EMPA, CEP);
- **Who defines what is sustainable?** If the EU does not do it, it is left to the market. And if the market is dominated by one particular accreditation group, this leads to it setting the standards. But then we may lose sight of what the consumer wants, which is the sustainability of the product. The catching sector has developed voluntary systems. But if somebody else is setting the rules, then it is not anymore voluntary and it has a massive impact the price and on the way the sector is doing its business. Who sets the rules / parameters needs to be discussed (EAPQ);
- **The retailers' role:** the monopoly of certain schemes is a critical issue. From a market point of view, retailers in Europe have a big say on what certification scheme is going to be used. It would be useful to have a presentation on why they are looking for a particular certification scheme as opposed to another (EAPQ);



- **Voluntary versus legislative** aspect: do we want to go down to the voluntary approach or to the legislative one? (EAPO);
- **Social** considerations and **human rights** issues (Good Fish Foundation).
- **EU products versus imported products**: Sustainability information would often serve as a “passport” for imported products to avoid respecting strict EU rules, which would constitute an uneven playing field. Therefore, before any certification, should not adherence to the EU production rules by imported products be the basis, FEAP asked;
- **Product environmental footprint** is an issue that FEAP and CEP. The Commission noted sectoral organisations were invited to participate in this work in the past, and future participation is encouraged.

5) Messages

What is of interest to shellfish producers is to convey the message that the mussels sector is carbon neutral and that the oyster industry is a source of nitrogen (EMPA).

6) Speakers

- It is important that **speakers invited are independent and neutral**, not representing one or another scheme (EAPO).
- The **retailers** have to be involved (AIPCE).
- It would be useful to invite, as a speaker, a representative of a consumers’ organisation (Eurocommerce).
- **Scientists** and other **Advisory Councils** could be invited (MSC).

7) The Product Environmental Footprint pilot project

CEP: it would be very helpful to know what are the Commission’s plans for the product environmental footprint initiative, what does it want to achieve and how does this relate with the workshop on ecolabels. This is a business-to-business tool, it is about establishing common methodologies for measuring impacts. There is confusion for the fisheries sector related to this initiative, as the discussion around sustainability in fisheries is related more to overfishing, whereas this initiative includes greenhouse gas emissions, biodiversity etc. But it does not address social issues that consumers are interested in.

Commission: the objective is to expand the EU “flower” ecolabel. The participation of the fisheries and aquaculture sector or the retailers has been rather poor (except from FEAP), which was regrettable. Approaches, such as the Life Cycle Analysis better capture all environmental impacts a product may have. For example, a fish which has been caught in a



sustainable way, but then travels around the world and produces a high carbon footprint—Is it sustainable simply because it was caught ‘sustainably’? From a Life Cycle Analysis point of view this might not be the case. But the EU “flower” ecolabel is a mono-dimensional ecolabel: it is exclusively environmental. It would be certainly useful to have an EU scheme that addresses the three pillars of sustainability.

MSC: wished to know more about this initiative and to receive an invitation for any upcoming meeting. He also wanted to know about the project launched by the Commission in 2016 on the presence of voluntary sustainability information on the EU market. This is a factual basis which might be needed for the workshop. The Commission announced that the final document is ready and that it would be published very soon.

8) Conclusions by the Chair:

- ***there is general interest to organize this workshop, but this needs to be precisely framed with the specific requests by the Commission and the members of the MAC;***
- ***we will refine the agenda, also in coordination with the Commission, by end August, to be discussed in the next WG meeting.***

Focus Group on Consumer Information

Georg Werner, Chair of the Focus Group on Consumer Information

➤ Update on first meeting – presentation

The Chair explained that, during the 1st meeting on 16 April 2019, an exchange of views was held to establish the structure of the draft paper. It was decided that it would contain the following sections:

- Legislative framework
- Consumer Information: studies, surveys and information available on consumer behaviour and view on information received
- Labels & clearer information: what work and what would not work in terms of information provided - recommendations and examples from other food products
- Competition aspects of the difference in requirements in terms of information to consumer for fresh products and processed products
- Examples of good practices (esp. new and future solutions (e.g. digital, etc.))
- Proposal / recommendations

A Google Docs file was created for contributions by the members of the FG.



➤ **Way forward – discussion**

ANCIT / Unifood: wished to participate to the FG, but this request was not accepted in the past. The terms of reference of this FG were not clear - they need to be put on paper.

On the substance: fisheries and aquaculture products are covered by the Food Information to Consumer (FIC) Regulation, which is applicable to all food products. The Commission considers that the legislative framework is not sufficient. We are asked to put into the cans information which goes beyond the current legislation, such as the origin, fishing gear, etc. This generates problems to processors, as they have to apply different pieces of legislation which are sometimes conflicting among each other. For example, in the case of the indication of origin: for 030 products, it is mandatory to indicate the FAO area (article 35 of the CMO Regulation). But, according to the recently adopted regulation on the indication of origin of the primary ingredient, to be applied from 1 April 2020, this is not mandatory. This situation creates confusion to processors. There are also problems of differences in the application of articles 35 and 38 of the CMO Regulation among Member States. For example, apart from the indication of the fishing area, some Member States oblige processors to put a pictogram or a map on the can. Finally, certain processing companies already communicate information on a voluntary basis, through internet, social media and other technological tools. But the strict application of article 35 of the CMO does not allow that: it requires that all the information is put on the label of the cans. In practice, this is not possible, as there is no space on a can. So there were also technical problems to solve.

The Commission did not ask for an extension of the CMO labelling rules to processed and prepared food. Of course, if there are issues concerning the labelling of processed and prepared products, these should be discussed by the MAC. But, if problematic situations arise, as seems to be the case for caviar, it would be useful that the MAC examines the current labelling rules in a more holistic manner, in view of the future review of the CMO. The rules of indication of origin under the FIC regulation are more flexible than the ones in the CMO Regulation for a specific reason: since the co-legislators did not impose mandatory rules on processed and prepared fishery and aquaculture products in the CMO Regulation, we had to be more flexible in the FIC Regulation. The implementing act based on the FIC Regulation is about informing consumers when an operator alleges an origin of a product and the main ingredient of that product has a different origin. The purpose is to ensure more transparency regarding the real origin of a product. And there is no contradiction with the CMO rules. The only difference is that more options are given to processed and prepared products under the FIC Regulation, while non-processed products, which are also subject to the FIC, will have to indicate origin/provenance to the level of detail requested by the CMO.



On the issue of different implementation in the various MS, the Commission needs evidence; yet no information was received, despite repeated requests.

EAPO: the issue of origin is also discussed in the marketing standards context. In the market, one would find processed products where they claim that they contain plaice, although they contain dab. You also have Alaska Pollock, which was frozen, then transported to China to be fileted and the filets enter the EU under tariff free, with an MSC logo and commercialised as plaice. There was thus an issue of confusion on what a can really contains, as commercial names and scientific names are often different and something needed to be done about this, i.e. full transparency is needed. This should be discussed in the FG.

Contaminants

- **Implications for fish, fishery products and fishmeal of lowering the limits for PCBs and dioxins (to be confirmed depending availability of a DG SANTE representative).**

The Chair explained that, following a request by the European Commission, the EFSA expert Panel on Contaminants in the Food Chain (CONTAM) conducted a comprehensive review of the risks to human and animal health from these substances in food and feed. The Panel concluded that dietary exposure to dioxins and dioxin-like PCBs is a health concern. It has set a new tolerable weekly intake [TWI] for dioxins and dioxin-like PCBs in food of 2 picograms per kilogram of body weight. The new TWI is 7 times lower than the previous level. Furthermore, the Panel has ranked fish among the main contributors to average dietary exposure for most age groups in the EU, next to cheese and livestock meat. It also underlined that “these exceedances are a health concern, but the toxicity of the most harmful dioxin-like PCB may be overestimated.” It would support a review of toxicity equivalency factors for both dioxins and dioxinlike PCBs given the new scientific data.

Participants (EAPO, ANFACO, AIPCE, ANFACO) recognised that this is a very serious matter, it could have a wide-ranging impact on the market of fishery and aquaculture products. The MAC should send to the Commission a clear message that this was extremely important for the MAC to receive information on this issue, but also on the heavy metals, particularly cadmium and mercury. The MAC would like to be informed by the Commission (DG SANTE) on the state of play of this dossier during the next meeting on 2-3 September. The MAC also needs to ensure that in DG MARE there is a unit dealing with this kind of issues (e.g.: veterinary) or, at least, a better coordination between DG MARE and DG SANTE (EMPA).



AOB

Caviar labelling - AAC advice

The Chair explained that the WG was asked, by written procedure, to endorse the Aquaculture Advisory Council's (AAC) advice on caviar labelling. Four organisations were in favour of endorsing the AAC's advice, two were supporting the AAC's advice but would like to bring certain modifications and two were not in favour of the AAC's advice.

FEAP explained that it was absurd for a sturgeon producer to sell the fish with all the information about the country of origin and its caviar without information on the country of origin, except from the CITES code, which was not clearly understandable for the consumer.

FEAP said it had asked to put this issue in the agenda and to vote. Taking decisions by written procedure needed to be avoided, namely asking who supports a certain issue and who does not. In such cases, the way the question is formulated already could drive the answer. A debate on this issue was needed and FEAP would like to see this discussed during the next WG meeting.

FEAP understands that changing the labelling rules for processed products might generate problems for the processing industry, but could work out, together with the Commission, a solution which provides for an exception to modify the labelling requirements only for caviar and discuss it during the next WG meeting.

Labelling of caviar is very symbolic for the work of the MAC. It is not acceptable that the MAC does not deliver an opinion on this issue, where, with the exception of processors, there is a strong support for an increased transparency vis-à-vis the consumer. Especially since in a meeting FEAP had recently at the Seafood Expo with 85% of caviar producers worldwide, including European producers, they did not understand the position of the European processing industry on this topic.

This was an important gap for consumer information, so FEAP would like to circulate a paper, with a more specific and constructive proposal, to be discussed and voted on within the MAC.

WWF would be happy to support the AAC paper, which goes in the right direction of improving caviar labelling. WWF had only one remark in that the reference to the CITES code should not be put on the backside of the product.

Chair's conclusion: the issue will be brought for discussion in the next WG meeting.

