



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,  
MARE/C.5/PV/il/ Ares (2021)

Dear Mr Brouckaert,

Thank you for your email received on 08 October 2021 (Ref Ares (2021) 6149782) regarding a Joint Advice issued by the Market Advisory Council (MAC), North Sea Advisory Council (NSAC) and North Western Waters Advisory Council (NWWAC) on the production and marketing of the brown crab (*Cancer pagurus*) in the EU.

I acknowledge the brief but still detailed overview provided on the brown crab fisheries (either targeted or bycatch), fleets, gears, catches and technical measures in some EU countries (Denmark, France, Germany, Ireland, Netherlands and Poland), as well as on a significant decreasing trend in the catches recently reported for some fishing areas.

Moreover, it is highly appreciated that this Joint Advice recommends the continuation and strengthening of the scientific monitoring of brown crab stock status in order to avoid resource overexploitation, promote good practices in this fishing sector, develop innovative projects and prospect potential new markets, as well as to try improving the animal welfare standards in terms of the handling, transport and storage of brown crabs. All these recommendations are kindly welcomed and fully supported by the Commission, whose initiatives and efforts always pursue fisheries sustainability, duly balanced with seafood market innovation, stability and predictability along the supply chain.

Regarding the exports of brown crab to the People's Republic of China, an increasingly important market for this shellfish species, it is recognised that this crab brown meat (hepatopancreas) tends to accumulate higher concentrations of cadmium than crab white meat (legs and claws)<sup>1,2</sup>, frequently above the maximum level set for cadmium (0.50

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<sup>1</sup> Bolam, T.; Bersuder, P. (2013). A survey of cadmium in brown crabmeat and brown crabmeat products: follow-on study on cadmium in crab hepatopancreas and other edible organs. Project C5700B Final Report. Centre for Environment, Fisheries & Aquaculture Sciences (Cefas), 15 p.

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mg/kg wet weight) in crustaceans (excluding brown meat of crab) in Commission Regulation (EC) No 1881/2006<sup>3</sup>. Although in most EU Member States only the crab legs and claws are eaten, in some countries brown meat is also eaten by consumers, which prompted the Commission to release an information note to raise awareness and provide consumer advice to limit the consumption of such seafood products<sup>4</sup>.

In addition, I am aware of the issue of China's different protocol for analysing cadmium levels in brown crab. Whereas in the EU only samples of white meat are analysed (muscle meat from appendages in brachyuran crabs such as *Cancer pagurus*) as duly clarified in the Commission Regulation (EU) No 420/2011<sup>5</sup>, in China samples comprise equal portions of white and brown meat.

Although the present Joint Advice suggests the Commission to liaise with relevant counterparts regarding the ongoing revision of the procedures for analysing cadmium levels in crustacean species, I reiterate the previous reply provided by DG MARE informing that this subject is handled by DG TRADE (Commission Reply to the Market Advisory Council: Ref. Ares(2020)736138 - 05/02/2020).

The Joint Advice also notes the issue of different regulatory measures between the EU Member States and Asian destinations for brown crab exports, specifically new sanitary requirements for health certificates in connection with mitigation measures against the coronavirus pandemic (COVID-19), notified by China to the World Trade Organization (WTO), which might induce further uncertainty, add administrative burden and increase costs for EU operators in this sector. It is worth emphasising that, just like with other issues related to trade, exports, customs and taxation, DG MARE works in close cooperation with other services of the Commission on these subjects (e.g. DG TRADE and DG TAXUD), aiming to anticipate and follow eventual changes that might affect EU operators, facilitate trade and alleviate administrative burden.

In addition, regarding the impact caused by the COVID-19 pandemic on EU seafood producers and traders, the European Market Observatory for Fisheries and Aquaculture Products (EUMOFA) provides a monthly overview on COVID-19 response measures taken by each country and publishes biweekly updated reports of the variation in volumes and prices of some species most likely affected by the COVID-19 pandemic<sup>6</sup>.

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(<https://www.food.gov.uk/sites/default/files/media/document/research-follow-on-report-cadmium-crab.pdf>).

<sup>2</sup> T.; Bersuder, P.; Burden, R.; Shears, G.; Morris, S.; Warford, L.; Thomas, B.; Nelson, P. (2016). Cadmium levels in food containing crab brown meat: A brief survey from UK retailers. *Journal of Food Composition and Analysis*, 54: 63–69. (<http://dx.doi.org/10.1016/j.jfca.2016.10.005>).

<sup>3</sup> Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuff. (OJ L 364, 20.12.2006, p. 5–24).

<sup>4</sup> [https://ec.europa.eu/food/system/files/2019-03/cs\\_contaminants\\_catalogue\\_cadmium\\_brown-crab-meat-consumption.pdf](https://ec.europa.eu/food/system/files/2019-03/cs_contaminants_catalogue_cadmium_brown-crab-meat-consumption.pdf)

<sup>5</sup> Commission Regulation (EU) No 420/2011 of 29 April 2011 amending Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs. (OJ L 111, 30.04.2011, p. 3–6).

<sup>6</sup> <https://www.eumofa.eu/covid-19>

Moreover, the Commission recalls that the European Maritime, Fisheries and Aquaculture Fund (EMFAF)<sup>7</sup> for 2021-2027 comprises provisions to mitigate certain exceptional circumstances (namely health crises), including a specific compensation scheme for economic losses and additional costs incurred by EU operators of the sector, which can be activated during unexpected events that cause significant disruption of the seafood market. Besides this exceptional measure, the EMFAF can also support actions for strengthening the resilience and improving the capacity of the sector to react to adverse events and manage crises, namely through mutual funds, insurance instruments or other collective schemes.

As mentioned in the present Joint Advice, the Commission acknowledges that Brexit impacted negatively most EU fishers and seafood traders operating in the UK, including those involved in brown crab fisheries and trade, namely by increasing their administrative burden (additional authorisations, more documents and certificates). This Joint Advice also recognises that the Trade and Cooperation Agreement (TCA)<sup>8</sup> between the EU and the UK (applied provisionally as of 1 January 2021 and entered into force on 1 May 2021), aims ultimately to promote transparency, sustainability, stability and predictability to the benefit of all stakeholders. In this context, it is worth mentioning again the key role played by the Commission market tool on the EU fisheries products (EUMOFA)<sup>6</sup> in providing market intelligence to stakeholders, namely by monitoring and analysing the volumes, values and prices of seafood products, including imports and exports between the EU and the UK.

Regarding the subject of the support measures under the Brexit Adjustment Reserve<sup>9</sup> recently published in the Official Journal of the EU (8 October 2021), the Commission recalls that this reserve comprises specific measures and resources for providing support to the economic sector in local and regional coastal communities, including small-scale fisheries, dependent on fishing activities in UK waters. The funds will be allocated considering the importance of fisheries in the UK exclusive economic zone and the relevance of trade with the UK, fully respecting the objectives of the Common Fisheries Policy (CFP) and complying with the State aid rules currently in force.

Finally, this Joint Advice recommends to review the functioning of the newly applicable administrative procedures with the relevant Member States and bilaterally with the UK whenever appropriate, aiming to ensure coherent interpretation and implementation of administrative, logistical, and sanitary requirements, as well as to decrease administrative burden for EU operators. As already mentioned above, I recall that on trade and exports related subjects, DG MARE works in coordination with other pertinent services of the Commission (e.g. DG TRADE and DG TAXUD) and with concerned Member States, in order to address those issues and eventually lessen the administrative burden on the EU operators under TCA.

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<sup>7</sup> Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004. (OJ L 247, 13.07.2021, p. 1–49).

<sup>8</sup> Trade and Cooperation agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part. (OJ L 149, 30.04.2021, p. 10–2539).

<sup>9</sup> Regulation (EU) 2021/1755 of the European Parliament and of the Council of 6 October 2021 establishing the Brexit Adjustment Reserve. (OJ L 357, 8.10.2021, p. 1–26).

I thank you once again for your advice on these important issues and I am looking forward to our continued fruitful cooperation. Should you have any further questions on this reply, please contact Ms Pascale COLSON, coordinator of the Advisory Councils ([Pascale.COLSON@ec.europa.eu](mailto:Pascale.COLSON@ec.europa.eu); +32.2.295.62.73), who will forward them to relevant colleagues.

Yours sincerely,

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