

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

### Minutes

Monday, 23 May 2022 (10:00 – 13:30 CEST)

Zoom / Martin's Brussels EU Hotel (Hybrid)

Interpretation in EN, ES, FR

Welcome from the Chair, Benoît Thomassen

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

Adoption of draft agenda and of the last meeting minutes (29.03.22): adopted

### Action points of the last meeting

- **State-of-play of the decision made during the last meeting – information**
- Sanitary & Hygiene Rules:
  - Following the addition of a paragraph about the consumer perspective, draft advice to be circulated for approval through written procedure
    - Pending
- Food Information to Consumers:
  - Agreed draft advice to be put forward to the Executive Committee for adoption
    - Advice adopted: 30 March 2022
- Animal Welfare:
  - Agreed draft advice to be put forward to the Executive Committee for adoption
    - Advice adopted: 30 March 2022
    - Commission's reply: 5 May 2022
- Food Waste:
  - Agreed draft advice to be put forward to the Executive Committee for adoption
    - Advice adopted: 30 March 2022
- Product Environmental Footprint Category Rules for Marine Fish Products:
  - Draft advice, based on the agreed political messages, to be circulated to the Working Group through written procedure
  - Following the provision of data by EAPO, additional meeting between the Focus Group and the Technical Secretariat to take place, in order to discuss practical examples of the PEF method
  - Following the additional meeting, draft advice on the technical aspects to be prepared
    - Draft advice on political messages circulated: 10 – 18 May 2022
    - Additional meeting and draft advice on technical aspects: Pending



## Sustainable Corporate Governance

- **Presentation of the legislative proposal by Commission representative**

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

Alexandra Kuxova (DG GROW) emphasised that defending European values is a priority for the European Commission, not only in the EU but in all its international actions. The EU has committed to deliver on the Sustainable Development Goals, the Paris Agreement, and the European Green Deal. Besides the EU and Member States' engagement, companies are key to implement the Union's sustainability objectives, especially those acting globally. Nevertheless, only 1/3 of companies have some kind of supply chain due diligence in place based on the voluntary due diligence frameworks (OECD MNE guidelines, the UN Guiding principles), and the Non-Financial Reporting Directive. The uptake of due diligence is not mainstreamed, and the progress is uneven among different sizes, sectors, and regions. Some Member States have stepped up action and presented national laws, but there is a risk of fragmentation in the Single Market.

The Commission's Work Programme for 2020 included the the Sustainable Corporate Due Diligence initiative. The legislative proposal was published on 23 February 2022. It aims to foster a culture of no harm through sustainable and responsible corporate behaviour and to anchor human rights and environmental considerations in companies' operations and corporate governance. It sets out a harmonised coherent and proportionate EU approach on corporate sustainable due diligence. The proposal is a horizontal instrument which builds on existing voluntary framework and complements the sustainability reporting obligation of EU companies. There are other sectorial instruments on due diligence in place or in development, such as the Conflict Mineral Regulation, the Timber Regulation, proposals for a Regulation on batteries, the proposal for a Regulation on Deforestation, and the future proposal for a regulation banning forced labour products from EU markets, which should be adopted in September 2022.

In terms of personal scope, the proposal covers large EU companies and non-EU companies with significant EU turnover. The aim is to cover companies with the economic capacity to implement due diligence obligations. It will be more ambitious than national laws. There are two groups of companies based on a double criterion of size and risk profile. SMEs are outside the scope, but, as part of the value chain of large companies, there will be an indirect impact on them. The proposal includes protection measures for SMEs. The initiative affects 13000 companies in the EU, which represent more than half of the EU's turnover and 4000 non-EU companies. The proposal also covers some smaller companies in three high impact sectors chosen based on existing classifications of high emissions sectors, but also studies on forced labour and child labour, national studies from Germany and the Netherlands, EU Staff Working Document on Decent Work and where there were already some existing OECD guidelines. These are garment and footwear, agriculture (including fisheries and aquaculture), and minerals.

In terms of material scope, it covers human rights impacts and environmental impacts. The proposal outlines exact adverse impacts that companies have to focus on, while referring to international conventions. All human rights are covered. On the environmental impacts, 12 violations of



internationally recognised objectives and prohibitions are covered. As for obligations, the six-step approach of OECD if followed. Companies should embed due diligence in their corporate strategies, including identification, prevention, and mitigation of impacts in their operations, subsidiaries and value chains. Companies have to report and monitor progress. It will be for “established business relationships”, which is not fully defined yet and can vary from sector to sector. To address the risk-based approach, the Commission outlined a toolbox of appropriate measures (contractual cascading, investment, training, financial support, collaboration to create leverage, corrective/preventive action plan, disengagement) from which companies can choose and adapt to particular situation. Certain sanctions are linked to this. There are duties for directors, such as setting and overseeing due diligence processes and integrating due diligence in the corporate strategy and into the corporate strategy, and reporting to the board. There is a special obligation on climate change: group 1 (larger companies) have to adopt a plan to ensure that their business strategy is compatible with the commitments of the Paris Agreement.

Ms Kuxova provided an overview of the obligations for the companies and their directors in the different groups, the complaint mechanism and administrative supervision (sanctions), and the Corporate Sustainable Due Diligence Toolbox. As for the timeline, the legislative proposal was adopted on 23 February 2022. A public consultation was ongoing. Interinstitutional negotiations have already started. Once the Directive is adopted, Member States would have two years to implement.

- **Exchange of views & way forward**

Pierre Commère (ADEPALE) asked whether the legislative proposal would be considered under co-decision procedure and asked for more information on the expected timeline.

Alexandra Kuxova (DG GROW) responded that the European Parliament adopted a resolution expressing support for the objective of the proposal. There will be interinstitutional negotiations focused on improving the text. There was significant support for the objectives of the directive, but negotiations are expected to last three to six months.

Patrick Murphy (IS&WFPO) wanted to know if the different pay rates of fishers, including share vs contract fishers, in EU and non-EU waters were considered, in order to ensure a level-playing-field.

Alexandra Kuxova (DG GROW) responded that fair wages are part of the adverse impacts on which EU and non-EU companies must do due diligence upon.

Patrick Murphy (IS&WFPO) wanted to know how the concept of “established business relationship” would be defined.

Alexandra Kuxova (DG GROW) responded that the concept was to ensure proportionality of requirements and limit the number of value chains company has to look at. The concept has raised many questions so far as it was not possible to quantify the duration, intensity in the definition. Ms Kuxova exemplified that lasting business relationships in the textile sector were not the same as in the raw material sectors. As such, the options would be the development of guidelines, removal from the legislative text, or further specification of the definition in the Directive.



Christine Absil (Good Fish) welcomed the legislative proposal. Ms Absil wanted to know whether the Commission undertook an impact assessment on the different sector. She wanted to know which companies would be affected in the fisheries and aquaculture sector, highlighting that companies in the sector are usually quite small.

Alexandra Kuxova (DG GROW) responded that no particular impact assessment was carried out. There were only estimations available.

Sean Parramore (EJF), taking into account the 13000 companies mentioned, requested more details on the companies that would be covered, including the percentage of EU turnover covered. Mr Parramore also requested more information on the enforcement mechanism, particularly the involvement of national authorities and the European Network of Supervisory Authorities.

Alexandra Kuxova (DG GROW) responded that it was not possible to say the concrete number of fisheries and aquaculture companies covered. 52% of the EU turnover would be covered. In relation to the enforcement mechanism and the setting-up of a network, it is not planned that the Commission would receive complaints directly, but could be modified by the co-legislators. The Commission is aiming for maintaining discussion and collaboration with the Member States. The aim is to ensure a certain harmonisation in the enforcement.

Guus Pastoor (Visfederatie) highlighted that, in the Netherlands, due diligence rules were already implemented. It was rather difficult for small companies to grasp the concept in its entirety and to implement it. In practice, the only way is for small companies to rely on certification schemes. At the same time, it is difficult to find a reliable certification scheme. Mr Pastoor wanted to know if there would be specific supporting programmes for small companies.

Alexandra Kuxova (DG GROW) explained that SMEs are protected by several provisions in the text. There will be a dedicated package of supporting measures for SMEs. Based on the voluntary framework, the voluntary guidelines on Business and Human Rights for SMEs were developed, available in all EU official languages that could be further updated. Member States have been asked to provide support to SMEs. Member States are aware of the complexities.

The Chair asked members for their views on the way forward, for example drafting of advice or monitoring of legislative developments.

Sean O'Donoghue (KFO) argued that, since the legislative proposal was already under consideration by the Council and the Parliament, advice from the MAC would have limited influence. Mr O'Donoghue suggested to monitor legislative developments.

Alexandra Kuxova (DG GROW) highlighted that the feedback period, under the Commission's "Have your say" webpage, on the legislative proposal would conclude on 23 May 2022.

The Chair agreed with Mr O'Donoghue.

José Manuel Beltran (OPP-07-LUGO) wanted to know if foreign companies active in the EU market and competing with EU companies would be expected to meet these objectives too.



Alexandra Kuxova (DG GROW) responded that companies from producing countries would have to follow the same due diligence rules as EU companies with the exception of the “director’s duties”. These companies will also be covered by the support measures.

Sean Parramore (EJF) asked for more information on the initiative on forced labour.

Alexandra Kuxova (DG GROW) responded that the mentioned initiative was foreseen to be developed as a regulation. In the near future, a call for evidence would be published. The proposal should build on the due diligence and allow for withdrawal of the products linked to forced labour.

### Empowering the Consumer for the Green Transition

- **Presentation of the legislative proposal by Commission representative**

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

Jeroen Van Laer (DG JUST) explained that this initiative was first mentioned, in December 2019, under the European Green Deal. The European Green Deal highlighted that consumer policy will help empower consumers to make informed choices and play an active role in the ecological transition. The initiative is also part of the Circular Economy Action Plan and the New Consumer Agenda. Two main problems for consumers were identified: 1) lack of reliable and relevant information at the point of sale and 2) certain commercial practices leading to consumer mistrust and confusion. The first problem is divided into durability information and repair information. The second problem is divided into early obsolescence of products and greenwashing.

The objectives of the initiatives are to unlock opportunities for the circular and green economy by empowering consumers, including through better consumer protection against commercial practices not compatible with Green Deal objectives, ensuring consumers can make informed choices via better information, and more effective enforcement of consumer law provisions of the green transition. In order to achieve these objectives, a legislative proposal was adopted on 30 March 2022, as part of a wider circular economy package. The proposal suggests targeted amendments of the Consumer Rights Directive and of the Unfair Commercial Practices Directive.

Currently, the Consumer Rights Directive merely requires traders to provide consumers with information on the main characteristics of the goods. The amendments would introduce more specific requirements on durability information and reparability features. The Unfair Commercial Practices Directive already tackles misleading practices, such as greenwashing and early obsolescence. The amendments would introduce more specific rules to effectively address these issues. The proposal wants to ensure a horizontal “safety net” approach (*lex generalis*). There can still be more detailed product specific or technical rules (*lex specialis*).

Kilian McDonagh-Dit (DG JUST) provided an overview of the targeted amendments to the Unfair Commercial Practices Directive in relation to greenwashing. Under Article 6.1, the list of main product characteristics about which a trader is not to mislead a consumer would be expanded to include environmental or social impact, reparability, and durability. Under Article 6.2, two new practices



would be added as practices that can be considered misleading after a case-by-case assessment: making an environmental claim related to future environmental performance without clear commitments and a monitoring system, and advertising benefits for consumers that are considered as a common practice in the relevant market. Under Article 7, the practice of providing a product comparison service, including digitally, without informing the consumer about the method used for comparison could be considered misleading after a case-by-case assessment.

Mr McDonagh-Dit explained that new items would be added to the blacklist of misleading commercial practices under Annex I of the Unfair Commercial Practices Directive, namely: displaying a sustainability label not based on third-party certification or established by public authorities; making generic environmental claims without recognised excellent environmental performance, established in accordance with EU law; making environmental claims which seem to concern the entire product when they actually concern only a specific aspect, such as packaging; and presenting requirements imposed by law as a distinctive feature of the trader's offer.

The initiative on Empowering the Consumers for the Green Transition is linked with other initiatives. On 30 March 2022, a proposal for a Ecodesign Regulation for Sustainable Products was also published. The proposal introduces more detailed performance and information requirements for certain product categories through future delegated acts. The Right to Repair initiative, which focus on encouraging repair of goods after purchase, is expected to be published in Q3 2022. The Green Claims initiative, which will introduce more detailed technical requirements to substantiate environmental claims (linked to environmental life-cycle assessments of products) is also foreseen for Q3 2022. There is also the Sustainable Consumption pledge, an ongoing non-legislative initiative, that provides an opportunity for companies to take a voluntary pledge to support sustainable consumption, beyond what is required by law.

- **Exchange of views & way forward**

Sean O'Donoghue (KFO) requested more information about the proposal for a Ecodesign Regulation for Sustainable Products, particularly whether seafood products would be covered.

Jeroen Van Laer (DG JUST) responded that food and feed products were not covered by the Ecodesign Regulation for Sustainable Products. The current regulation only covers energy products. Under the legislative proposal, the scope would be expanded to other products, such as textiles and furniture. Food and feed products would continue to be outside of the scope.

The Chair asked members for their views on the way forward, for example drafting of advice or monitoring of legislative developments.

Christine Absil (Good Fish) stated that the development of advice could be useful. Several connected topics were already addressed by the MAC, such as the PEF method. Taking in account the wide number of initiatives being undertaken by the Commission, Ms Absil highlighted that it was rather difficult to keep track of all the initiatives and to know which ones cover seafood. The Commission should take into account the specificities of the fisheries and aquaculture sector. The MAC should contribute to ensure that producers and consumers can find sustainable seafood products.



Sean O'Donoghue (KFO) agreed with Ms Absil about the difficulty in keeping track of the Commission's initiatives. Mr O'Donoghue suggested the development of a document outlining the initiatives that cover the fisheries and aquaculture sector.

Jeroen Van Laer (DG JUST) clarified that seafood was not covered by the Ecodesign Regulation for Sustainable Products initiative, but it was covered by the Empowering the Consumer for the Green Transition initiative. This initiative will amend the Unfair Commercial Practices Directive, in order to facilitate the fight against greenwashing, which covers the seafood sector. Mr Van Laer drew attention to the practices prohibited under Annex I of the Unfair Commercial Practices Directive. As an example, sustainability labels on seafood products would have to be based on third-party certification or established by public authorities. He highlighted that the prohibition of presenting requirements imposed by law as a distinctive feature of the trader's offer was also relevant for the seafood industry. In a hypothetical example, if all seafood products were required to be caught from sustainable waters, then it would not be possible to market this as a distinctive feature of the product.

Mr Van Laer highlighted that there were other connected upcoming initiatives that could be relevant for the fisheries and aquaculture sector, for example the Green Claims initiative, which relates to the environmental footprint of products. This initiative will go further than the Empowering the Consumer for the Green Transition initiative, for example on the type of evidence required. The aim of the Unfair Commercial Practices Directive is to provide a framework.

Patrick Murphy (IS&WFPO), in relation to the Right to Repair initiative, wanted to know if it was a requirement to document or a requirement to repair. Mr Murphy highlighted the relevance for the machinery used in the catching and processing sector.

Jeroen Van Laer (DG JUST) explained that the concept of durability referred to the lifespan of the products. The aim is to improve information on repairability at the point-of-sale. Repairability was not relevant for the fisheries and aquaculture sector. In terms of the machinery, it was about information to be provided from a business to a consumer, for example information that individual consumers see when entering a shop. For fisheries and aquaculture operators, machinery takes place in a business-to-business context.

José Manuel Beltran (OPP-07-LUGO) stated that capturing in sustainable waters does not depend on the individual vessel or company. There are other actors in the sea.

Jeroen Van Laer (DG JUST) clarified that it was merely meant as an example in relation to the blacklist of misleading commercial practices under Annex I of the Unfair Commercial Practices Directive. Mr Van Laer provided another hypothetical example. If a chemical substance was prohibited for a certain product, then traders should not highlight to consumers that their product does not include this chemical substance. The product is merely fulfilling a legal requirement, in line with other products.

Kilian McDonagh-Dit (DG JUST) drew attention to Recital 13, which clarifies that it is about legal requirements applicable to all products in the same category in the EU market.



Jeroen Van Laer (DG JUST) highlighted that, in some cases, EU rules imposed higher standards than rules from third countries. In this case, EU traders would still be able to highlight these higher standards in their products.

Quentin Marchais (ClientEarth) wanted to know how “sustainability labels” were defined, particularly if it covered claims. Mr Marchais also wanted to know if there was a plan to differentiate third-party certifications. There are different third-party certifications in the market with different levels of credibility. In the view of ClientEarth, third-party certifications should be recognised by GSSI.

Jeroen Van Laer (DG JUST) responded that both terms were defined in the legislative proposal. “Sustainability label” is defined as “any voluntary trust mark, quality mark or equivalent, either public or private, that aims to set apart and promote a product, a process or a business with reference to its environmental or social aspects or both. This does not cover any mandatory label required in accordance with Union or national law”. “Certification scheme” is defined as “a third-party verification scheme that is open under transparent, fair and non-discriminatory terms to all traders willing and able to comply with the scheme’s requirements, which certifies that a product complies with certain requirements, and for which the monitoring of compliance is objective, based on international, Union or national standards and procedures and carried out by a party independent from both the scheme owner and the trader”. Mr Van Laer highlighted that consumers do not necessarily understand the difference between a self-declaration and a third-party certification. The Commission’s aim is to ensure a minimum of transparency and credibility.

Mr Van Laer informed that, at Council’s level, under the French Presidency, the proposal was discussed in three Working Party meetings. Discussions are expected to continue under the Czech Presidency. The European Parliament recently appointed a rapporteur. The schedule of adoption will depend on the co-legislators.

Massimo Bellavista (COPA COGECA) requested more information about how products coming from outside the EU would be covered. Consumers should be informed about the difference between EU fishing products and imported products.

Jeroen Van Laer (DG JUST) responded that the requirements were also applicable to imported products. Communications in EU outlets should fulfil the requirements of the two directives.

The Chair, in terms of way forward, stated that it was rather late to influence the Commission, but that it could still be relevant to adopt advice to the Member States. The previously adopted advice on substantiating of green claims and the draft advice on PEFCR could be taken into account.

The Secretary General highlighted that, under the Work Programme of Year 6, there was a commitment to adopt advice on the Empowering the Consumer for the Green Transition initiative, which had not yet been fulfilled.

Guus Pastoor (Visfederatie) requested further clarity on the way forward. Mr Pastoor expressed support for Mr O’Donoghue’s previous suggestion of a document outlining the initiatives that cover the fisheries and aquaculture sector.



The Secretary General suggested the circulation of a questionnaire for members to share their views on the Commission's legislative proposal, for example whether they agreed with the blacklist of misleading commercial practices, to indicate additional practices, to highlight concepts that require clarification. Members could also comment on potential impacts in the fisheries and aquaculture market.

Sean O'Donoghue (KFO) expressed agreement with the circulation of a questionnaire. The preparation of a document outlining initiatives should also take place.

Guus Pastoor (Visfederatie) agreed with the suggestions, but highlighted that the questionnaire should have a clear seafood market perspective.

Matthias Keller (Bundesverband der deutschen Fischindustrie und des Fischgrosshandels e.V.) stated that it would be relevant to know how each Member State implemented the individual directives.

## EU Geographical Indications and Quality Schemes

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

- **Presentation of the legislative proposal by Commission representative**

Nicole Thissen (DG AGRI) explained that, on 31 March 2022, the Commission adopted a legislative proposal to review the EU Geographical Indications and Quality Schemes system. In the 2019 mission letter to Commissioner Wojciechowski, President von der Leyen called for a strengthening of the system of geographical indications. In 2020, the Commission organised a conference on GIs, which was followed by an evaluation, a public consultation, an impact assessment, and several inter-service consultations. The main aims of the legislative proposal are to strengthen the EU system of GIs, to increase GIs' uptake across the EU, and to shorten the registration time. Since the system functions well, the aim is to improve the system, not to revolutionise. In different Member States, the system is not fully utilised, so more uptake is encouraged. The proposal is structured under four main blocks: 1) general provisions and procedures, 2) protection, controls and enforcement, 3) provisions on GIs of agricultural products and amendments to existing rules, and 4) Traditional Specialities Guaranteed, optional quality terms, and procedural, transitional and final provisions. The proposal foresees a harmonisation of rules across the sectors, including through common provisions for procedures, protection, and controls.

In terms of novelties, Ms Thissen highlighted that the scope will be extended to all products in line with the WTO definition, meaning agricultural products, spirit drinks, and wine, in line with the nomenclature of Common Customs tariffs. Sustainability undertakings by Producer Group (PG) will be introduced on a voluntary basis. Producer of a processed product cannot use the name of the GI ingredient, unless there is agreement from the concerned PG. Producer Groups may be recognised by Member states for each GI originating in the territory. The recognised PGs will be granted additional powers. There will be increased protection regarding online sales, including through specific provisions for country-code-top-level domain name registries. The flexibility on the use of the GI symbols for wines and spirit drinks is confirmed. In line with COM REFIT policy, one of the aims is



also to reduce scrutiny times and in this sense to maintain cooperation with EUIPO. A GI certificate can be issued by national authorities, at the request of the producer. One single committee for GIs will be established.

In relation to Traditional Specialities Guaranteed, Ms Thissen explained that adjustments were envisaged. Simpler concepts have been introduced in order to improve the understanding for producers and consumers. The criteria for the registration no longer requires to have a special character. The procedural rules have also been simplified.

- **Exchange of views & way forward**

Pierre Commère (ADEPALE) highlighted that fisheries and aquaculture products were underrepresented in the EU Geographical Indications system. Mr Commère asked for Ms Thissen's views on the introduction of these products in the schemes.

Nicole Thissen (DG AGRI) responded that fisheries and aquaculture products are covered under the agricultural products category of the system. No specific changes are envisaged for fisheries and aquaculture products.

Angeles Longa Portabales (EMPA) requested more information about the use of GI indications in processed products.

Nicole Thissen (DG AGRI) explained that, at the present, it was not possible to use the GI indication for an ingredient. For example, in the case of champagne sorbet, the GI owner of "Champagne" must provide their agreement to the use by the processed product. Under the revision, 2/3 of the Producer Group would need to provide their agreement.

Angeles Longa Portabales (EMPA) explained that her organisation held a protected designation for mussels. There are processed products, for example canned mussels, for which the mussels under protected designation are the main ingredient.

Nicole Thissen (DG AGRI) responded that, in that case, the producer was the same. Therefore, it was possible to use the protected designation.

Paulien Prent (Visfederatie) requested more information about how sustainability criteria were foreseen under the proposed legislation, particularly taking into account the different definitions of sustainability.

Nicole Thissen (DG AGRI) responded that, currently, some producers already adopt sustainable production practices in their GIs. Other producers might want to adapt to also adopt sustainable practices. The sustainability requirements are voluntary. The aim is to encourage Producer Groups to integrate sustainability. Sustainability practices can be integrated in the GI specifications.

The Chair encouraged members to share their views on the way forward, particularly on the potential development of advice or monitoring of developments. Under the Work Programme, there was no commitment to develop advice on the topic.



The Secretary General asked Mr Commère whether he would like to develop advice on the coverage of fisheries and aquaculture producers under the GIs system.

Pierre Commère (ADEPALE) responded that, under the GIs system, there was no specificity for fisheries and aquaculture products. Therefore, in his view, it was not necessary to develop advice. The system seems to be working generally well.

Guus Pastoor (Visfederatie) agreed with Mr Commère. In relation to sustainability, Mr Pastoor noted that, under the Empower the Consumer for the Green Transition, sustainability claims needed to be substantiated, but the requirements seemed to be different for sustainability requirements under the GI system. It seemed that the POs could make their own sustainability declarations and integrate them in the GI scheme. Mr Pastoor asked Ms Thissen about whether the sustainability claims needed to be substantiated, particularly third-party certification.

Nicole Thissen (DG AGRI) responded there will be sustainability criteria applicable. The Commission will need to recognise the criteria. Mere claims by the POs will not be sufficient.

The Chair suggested for the Working Group to continue monitoring legislative developments.

### Sustainable Food System Framework

- **Presentation of the public consultation by Commission representative**

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

The Secretary General recalled that advice inspired by the Commission's Roadmap was adopted on 15 February 2021. The Commission's reply was received on 11 April 2022. According to the reply, the Commission will consult fisheries and aquaculture stakeholders, take into account the specificities of the sector, and to consider the food waste perspective in the Fisheries Control Regulation and in connection to discards.

Miguel Lizaso (DG MARE) emphasised that the Farm to Fork Strategy, as part of the European Green Deal, recognised the link between a healthy society and a healthy planet. Sustainability is fundamental to ensure long-term security, especially when dealing with natural resources, biodiversity and food production. The Farm to Fork Strategy foreseen 27 initiatives, including the Sustainable Food System initiative, a horizontal framework law to facilitate the transition to sustainability and to ensure that food placed in the EU market increasingly become sustainable. It will affect the entire food system, including fisheries and aquaculture production.

The Sustainable Food System initiative aims to make the EU food system sustainable and to integrate sustainability into all food-related policies. It will lay down general principles and objectives, together with the requirements and responsibilities of all actors in the EU food system, develop sustainability labelling of food products, to set minimum criteria for sustainable public procurement of food, and development governance and monitoring. The Commission plans to adopt a legislative proposal in the fourth quarter of 2023.



In terms of process, the Commission's Roadmap was open for feedback from 28 September to 26 October 2021. There were 230 responses, mainly from business associations, followed by NGOs, and EU citizens. The main countries providing feedback were Belgium, Germany, Italy, Poland, Spain, and the Netherlands. On 28 April 2022, an open public consultation was launched, which will conclude on 21 July 2022. The input will be summarised in a synopsis report. Mr Lizaso provided an overview of the rules for feedback and suggestions, the purpose of the consultation, and the target audience. The concepts of food system, food system actors, food environment, and sustainable food system must be taken into account. Mr Lizaso informed that, at that stage, around 150 replies were received to the open public consultation, mainly from EU citizens, followed by academia. The Commission representative encouraged members to respond to the consultation.

The main questions to be addressed are the views among stakeholders on the sustainability of the EU food systems, the key concerns that stakeholders raise in regard to achieving the objectives, and proposals, suggestions or additional elements that stakeholders may identify that can be put forward. Mr Lizaso emphasised that the open public consultation is part of a broader process supporting the stakeholder consultation activities for the initiative. Key stakeholders are expected to participate in the different phases (open public consultation, targeted surveys and interviews, workshops). The MAC Advice was duly noted and very much appreciated. DG MARE maintains a good discussion with the other relevant DGs (AGRI, SANTE, ENV). The impact assessment is under development. DG MARE hopes to engage fisheries and aquaculture stakeholders as much as possible. In the development of the initiative, DG MARE is highlighting the specific characteristics of fisheries and aquaculture products. Food safety will not be compromised. The three pillars of sustainability will be covered.

- **Exchange of views & way forward**

Pim Visser (VisNed) expressed concern about the weighing of input to public consultations. The Advisory Councils represent a wide range of interests, including industry and other interest groups, and dedicated significant time and effort into the development of input. Nevertheless, input from the Advisory Councils seems to receive the same weight as input from an individual citizen. Mr Visser highlighted that the members from his organisation expect to be represented via the MAC's input, so they do not submit individual contributions to the public consultations. He wanted to know how the Commission was considering the input from the MAC.

Miguel Lizaso (DG MARE) recognised the importance of MAC's contributions. The advice is welcomed and seriously considered. DG MARE's level of interaction with the MAC is much different than with other stakeholders. Mr Lizaso highlighted that individual citizens should also have the opportunity to provide their views on the Commission's initiatives. When analysing the feedback, the Commission does consider who is being represented and the level of representation. Mr Lizaso informed that, besides replying to the questionnaire, the submission of additional documents is also possible. There will be additional steps in the consultations, such as individual interviews and workshops. Individual members of the MAC are being recommended for these activities. The MAC will be continuously informed.

The Chair highlighted that the advice adopted by the MAC was consensus-based, but that members could still submit individual responses to the Commission's [public consultation](#), which he encouraged



members to do. As a way forward, the Chair proposed the development of a questionnaire by the Secretariat, taking into account the Commission's questionnaire, to develop advice. Taking into account the feedback period, the Chair proposed the use of the written procedure. He asked Mr Lizaso whether it was essential to submit feedback in July or whether it could wait for further discussions at the September 2022 meeting.

Miguel Lizaso (DG MARE) responded that the submission of diverging views was also relevant for the public consultation. The public consultation will conclude on 21 July, while other consultations will take place at a later stage.

Sean O'Donoghue (KFO) drew attention to the Commission's reply to the joint ACs letter on consideration of responses to public consultations, which recognised the special role of the Advisory Councils. Mr O'Donoghue argued that the MAC should encourage all members to complete the Commission's questionnaire.

### Product Environmental Footprint Category Rules for Marine Fish Products

- **Update on the work of the Focus Group on PEFCR for Marine Fish Products by Pedro Reis Santos, Secretary General**

The Secretary General recalled that, at the previous meeting, there was agreement to divide the document prepared by the Focus Group into a political document and a technical document. It was agreed that the political document would be circulated via written procedure. The political document was circulated via written procedure from 10 to 18 May 2022. MSC was the only member that submitted comments.

In relation to the technical comment, it was agreed that the Focus Group would request an additional meeting with the Technical Secretariat, in order to be provided with practical examples on how the PEF method affects marine fish products. The Technical Secretariat expressed availability to hold this meeting. The previous week, the Technical Secretariat informally sent a newer version of the PEFCR and a data collection table, as an Excel file.

At the previous meeting, it was also agreed that EAPO would provide data, so that the Technical Secretariat can develop the practical examples. The Secretariat forwarded the new PEFCR and the data collection table to Mr Jean-Marie Robert (Les Pêcheurs de Bretagne / EAPO). The Secretariat is waiting for the data from EAPO.

- **Consideration of draft advice & way forward**

The Secretary General provided an overview of the comments submitted, under the written consultation, by MSC and the amendments suggested by the Secretariat to integrate these.

Christine Absil (Good Fish), in relation to draft recommendation b), requested more information about the MSC's views on the development of a prominent position of the PEF method in the market.



The Secretary General responded that, from his understanding, MSC was highlighting that there are different methods to calculate Life Cycle Assessments. The Commission is using the PEF method, but there are other methods available. If the Commission explicitly mentions the PEF method in the EU's legislation, it will dominate over the other methods available to calculate Life Cycle Assessments.

Sean O'Donoghue (KFO) argued that, taking into account the importance of the points raised by MSC, these should be reflected in the recommendation, instead of only being described in the footnote.

Guus Pastoor (Visfederatie) expressed agreement with Mr O'Donoghue. Mr Pastoor highlighted that, according to the Rules of Procedure, the use of footnotes should be for minority positions, which was not the case.

Sean O'Donoghue (KFO) requested clarification of the sentence "the usefulness of including practical examples in the PEFCR document should also be considered".

The Secretary General responded that the PEFCR are developed as rules for experts. Therefore, the wording in the PEFCR is rather technical and does not include examples. The proposal of the Focus Group was that the Commission, besides developing the PEFCR, should also develop guidance documents and maybe include examples in the PEFCR document.

Sean O'Donoghue (KFO) suggested the use of clearer wording calling for examples, such as "it would be useful to include practical examples in the PEFCR document". In relation to draft recommendation j) on the clarification of long-term planning, Mr O'Donoghue suggested reemphasising that, in the MAC's view, the use of the PEF method should remain voluntary.

Christine Absil (Good Fish) wondered if the voluntary use referred to the PEF method as developed by the Commission or to the information on Life Cycle Analysis. The Commission would likely prefer the use of one Life Cycle Analysis method when communicating on sustainability. Ms Absil expressed support for the mandatory use of a specific method, but that communication on Life Cycle Analysis should remain voluntary. When communicating on sustainability, it should not be mandatory to indicate the environmental footprint. But, if there is communication on sustainability, then it should be mandatory.

The Secretary General suggested the use of previous wording, so it would refer to remaining voluntary when communicating to consumers.

Jean-Marie Robert (Les Pêcheurs de Bretagne) suggested changing the order of the draft recommendations, particularly moving draft recommendation j) on the long-term planning to a higher position, since it referred to the general context.

*The Working Group agreed on the draft text as amended. The Working Group agreed to put forward the draft advice to the Executive Committee for approval.*

## AOB

None.



### Summary of action points

- Sustainable Corporate Governance:
  - Monitor legislative developments
- Empowering the Consumer for the Green Transition:
  - Secretariat to circulate a questionnaire to the members concerning the Commission's legislative proposal, in order to prepare future advice to the Member States
  - Secretariat to prepare background document outlining ongoing Commission initiatives affecting the fisheries and aquaculture sector
- Sustainable Food System Framework:
  - Secretariat to circulate the Commission's public consultation to the members, encouraging the submission of individual responses
  - Secretariat to circulate a questionnaire, based on the Commission's public consultation, to the members, in order to prepare future advice
- Product Environmental Footprint Category Rule for Marine Fish Products:
  - Draft advice to be put forward to the Executive Committee for approval



## Attendance List

Representative	Organisation	Role
Alexandra Kuxova	European Commission	Expert
Angeles Longa	European Molluscs' Producers Association (EMPA)	Member
Anne-France Mattlet	Organización Productores Asociados Grandes Atuneros Congeladores (OPAGAC)	Member
Alexandra Philippe	Market Advisory Council (MAC)	Secretariat
Annelie Rosell	Swedish Pelagic Federation Producer Organisation (SPFPO)	Member
Benoît Thomassen	Federation of European Aquaculture Producers (FEAP)	Chair
Bruno Guillaumie	European Molluscs' Producers Association (EMPA)	Member
Camiel Derichs	Marine Stewardship Council (MSC)	Member
Carlos Ruiz Blanco	ANFACO-CECOPESCA	Member
Catherine Pons	Federation of European Aquaculture Producers (FEAP)	Member
Cécile Fouquet	Aquaculture Advisory Council (AAC)	Observer
Christine Absil	Good Fish	Member
Daniel Voces	Europêche	Member
Daniel Weber	European Fishmeal	Member
Eduardo Míguez	Puerto de Celeiro (OPP77)	Member
Emilia Gargallo González	European Commission	Expert
Esben Sverdrup-Jensen	Danish Pelagic Producers Organisation (DPPO)	Member
Francisco Javier De Las Peñas Rivero	Spain	Observer
Francisco Molina	Federación de Asociaciones Provinciales de Empresarios Detallistas de Pescados y Productos Congelados (FEDEPESCA)	Member
Garazi Rodríguez	Asociación Empresarial de Acuicultura de España (APROMAR)	Member
Guus Pastoor	Visfederatie	Member
Jacopo Pasquero	European Bureau for Conservation and Development (EBCD)	Observer
Jana Hoskova	European Commission	Expert



Representative	Organisation	Role
Jaroslav Zieliński	Polskie Stowarzyszenie Przetworców Ryb (PSPR)	Member
Javier Ojeda	Federation of European Aquaculture Producers (FEAP)	Member
Jean-Marie Robert	Les Pêcheurs de Bretagne	Member
Jens Mathiesen	Danish Seafood Association	Member
Jeroen Van Laer	European Commission	Expert
Joash Mathew	EU Fish Processors and Traders Association (AIPCE) / European Federation of National Organizations of Importers and Exporters of Fish (CEP)	Member
José Basilio Otero Rodríguez	Federación Nacional de Cofradías de Pescadores (FNCP)	Member
José Manuel Beltran	Organización de Productores Pesqueros de Lugo (OPP-07-LUGO)	Member
Juan Manuel Elices López	Spain	Observer
Kilian McDonagh-Dit	European Commission	Expert
Maria Luisa Álvarez Blanco	Federación de Asociaciones Provinciales de Empresarios Detallistas de Pescados y Productos Congelados (FEDEPESCA)	Member
Marilena Papaeti	EuroCommerce	Member
Marine Cusa	Oceana	Member
Martina Zurli	FRUCOM	Member
Massimo Bellavista	Copa Cogeca	Member
Matthias Keller	Bundesverband der deutschen Fischindustrie und des Fischgrosshandels e.V.	Member
Miguel Lizaso	European Commission	Expert
Nicolás Fernández Muñoz	Organización Productores Pesqueros Artesanales Lonja de Conil (OPP72)	Member
Nicole Thissen	European Commission	Expert
Noémie Jegou	Market Advisory Council (MAC)	Secretariat
Norah Parke	Killybegs Fishermen's Organisation (KFO)	Member
Paloma Colmenarejo Fernández	ClientEarth	Member
Patrick Murphy	Irish South & West Fish Producers Organisation (IS&WFPO)	Member
Paulien Prent	Visfederatie	Member



Representative	Organisation	Role
Pedro Luis Casado López	Asociación de Armadores Punta del Moral (OPP80)	Member
Pierre Commère	Association Des Entreprises de Produits ALimentaires Élaborés (ADEPALE)	Member
Pim Visser	VisNed	Member
Poul Melgaard Jensen	Danish Seafood Association	Member
Quentin Marchais	ClientEarth	Member
Rosalie Tukker	Europêche	Member
Roberto Carlos Alonso de Sousa	ANFACO-CECOPECA	Member
Sean O'Donoghue	Killybegs Fishermen's Organisation (KFO)	Member
Sean Parramore	Environmental Justice Foundation (EJF)	Member
Yannis Pelekanakis	Federation of European Aquaculture Producers (FEAP)	Member
Yobana Bermúdez	Asociación Española de Mayoristas, Importadores, Transformadores y Exportadores de Productos de la Pesca y Acuicultura (CONXEMAR)	Member
Zarah Bellefroid	European Association of Fish Producers Organisations (EAPO)	Member

