

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

Draft Minutes

Friday, 27 January 2023 (09:00 – 12:30 CET)

NH Brussels EU Berlaymont

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 (20.09.22): adopted

Action points of the last meeting

- **State-of-play of the decision made during the last meeting – information**
- **Biodiversity in Areas Beyond National Jurisdiction:**
 - Topic to be addressed, from a trade perspective, by Working Group 2, in the context of the new Focus Group on Trade, while keeping track of developments in LDAC
 - Topics moved to Working Group 2
- **Product Environmental Footprint Category Rules:**
 - Focus Group on PEFCR for Marine Fish to be temporarily suspended until new developments, such as the second public consultation on the draft PEFCR
 - Under the draft agenda of the next meeting, invitation to be sent to DG ENV for an exchange of views
 - MARE A4 suggested not to include the exchange, since the PEFCR was put on hold
- **Sustainable Food System Framework:**
 - Secretariat to informally consult the intervening members about the redrafting of point 1) of section 4 of the draft advice
 - Remaining sections of the draft advice to be considered under a written procedure under Working Group 3
 - Advice adopted: 13 December 2022
- **Empowering the Consumer for the Green Transition:**
 - Secretariat to informally consult the intervening members about the redrafting of footnote 14 of the draft advice
 - Following the redrafting of footnote 14, draft advice to be put forward to the Executive Committee for potential approval via urgent written procedure
 - Advice adopted: 7 October 2022



Animal Welfare

- **Update on revision of EU legislation by Denis Simonin (SANTE G3)**

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

The Chair recalled that, on 30 March 2022, advice was adopted on the topic of animal welfare, which covered several issues, such as coherence with other initiatives affecting labelling and consumer information, support to EU fish farmers in the move towards high animal welfare standards, undertaking of studies to understand fish welfare and impact of existing labelling schemes, avoidance of complex control arrangements for imports and administrative burden, and respect for WTO rules. Concerning labelling, the agreed position was for common minimum requirements for all animal claims made on the EU market.

Denis Simonin (DG SANTE) delivered a presentation on current reflections on a possible EU animal welfare label. The initiative to consider animal welfare labelling is part of the Farm to Fork Strategy, adopted in May 2020. In June 2021, conclusions on the topic were presented to the EU Animal Welfare Platform, which represents different stakeholders on animal welfare. In July 2021, the Commission published an Inception Impact Assessment, which describes the different policy options for a legislative revision and labelling. In March 2022, a study on animal welfare labelling was published, which maps the different labelling systems with animal welfare claims, while also accounting for consumer behaviour. The second subgroup of the EU Animal Welfare Platform held eight meetings to discuss the labelling options. The impact assessment study is ongoing.

Mr Simonin provided an overview of the main problems identified by the external study. On consumers coverage, there is a fragmented landscape. There are countries with many mechanisms, while 16 Member States do not have mechanisms related to animal welfare. Due to the variety of mechanisms, it becomes difficult for consumers to compare and understand these. There are also allegations of “greenwashing” in the market. The transparency and competitiveness criteria are quite uneven. Labelling initiatives are based on national models, since many are private-oriented or development by national governments. These national labels fragment the internal market. There is no fair competition with non-EU imports, since there are no EU standards.

Mr Simonin explained the different policy options available. First, regulating animal welfare claims. Under the Food Information to Consumers Regulation, claims must be justified, but this option cannot solve all identified problems. Second, EU label limited to cage/non-cage systems, either compulsory or voluntary. This option did not receive much interest from stakeholders because it would be difficult to apply to all sectors, for example fish. Third, EU label with key welfare criteria, which could be compulsory or voluntary, single or multi-tier, and with a whole scope or upgraded only. Such an option could be applicable to all products or only to “premium” products.

Mr Simonin highlighted that the legislation to be put forward on the matter will be a framework legislation, which will cover general objectives and principles, rules on how to adopt specific standards, rules on traceability, registration and controls, rules on logo and terms, and rules on



imports. This framework legislation will not set species-specific standards. At a later time, there will be challenges related to the development of standards.

Mr Simonin provided an explanation on the concept of mandatory labelling. All products on the market, included imported, must be labelled. Producers are not required to change their production standards. There can be different levels (multi-tier). The label can be descriptive or judgemental. An example of a descriptive label, the marking of eggs describes the production system (organic, free range, barn, cage). As an example of a judgemental label, the EU energy labelling for household appliances provides a rating from A+++ to D. The Commission representative also explained the concept of voluntary labelling. Only products adhering to the scheme are labelled. There can be one (single tier) or more levels (multi-tier). The label can be descriptive or judgemental. Examples of single tier include the organic label and the ecolabel. Examples of multi-tier upgraded levels include the Danish scheme. Examples of multi-tier all levels include the Haltungsform.

In relation to the key criteria across species, Mr Simonin provided an overview of the possible approaches. Under the “marketing” approach, there are few and simple criteria, it is descriptive, so non-judgmental and easy to communicate, and only for higher standards. Under the “scientific” approach, there is a comprehensive range of criteria, an evaluation (scoring), and for all products on the market (either voluntary or mandatory). The Commission representative highlighted that the establishment of criteria should consider scientific robustness vs simplicity, commercial added value and expected uptake, costs related to implement and control them, and a dynamic system. A balance between scientific and business approaches is needed.

- **Exchange of views & way forward**

Javier Ojeda (FEAP) underscored the complexity of the matter for aquaculture production due to the uncertainty involved. Fish farmers are responsible for the animals under their control. Fish must be treated in an appropriate manner that respects their welfare. Mr Ojeda highlighted that, as recognised by producers, NGOs, and by the Commission, scientific evidence to understand fish welfare was still missing. Even without animal welfare matters, food labelling is already quite complex, so the impact in the market is unclear. The majority of the fish farmed in the EU is sold packaged and there is no space for additional labelling. In his view, in many cases, the compulsory labelling under the CMO Regulation was not done properly. This means that a correct implementation of additional labelling would be quite difficult. He emphasised the importance the market perspective. In the case of aquatic products of farmed origin, a significant proportion of the products placed in the EU market is imported from third countries. The common market must be maintained, avoiding an uneven-playing-field across Member States and regions.

Mr Ojeda expressed concern about a potential application of a precautionary principle to animal welfare labelling. The diversification of aquaculture is one the key aims to achieve a sustainable aquaculture, as outlined in the strategic guidelines for a sustainable and competitive EU aquaculture. Diversification implies, in many cases, domestication of new species. In the context of scientific research, there are rules for animal welfare, which must be considered. He added that, due to the described complexity, his organisation did not have a clear position on the labelling options.



Patrick Murphy (IS&WFPO) recalled his recent experience applying for organic labelling. The data requirements, covering the entire production process, are quite extensive. Mr Murphy wondered about the level of input that the Commission would have in these certifications. He asked information about the impact of animal welfare labelling on organic certification, plus the level of documentation required.

Bruno Guillaumie (EMPA) agreed with Mr Ojeda on the general framework. In case of a mandatory system for all products, Mr Guillaumie underscored that academic research about molluscs was in the early stages. When defining rules, the Commission must account for the lack of knowledge. Scientific research programmes would have to be developed, in order to have sufficient knowledge in the mid-term.

The Chair asked Mr Simonin if the Commission was still planning to adopt the legislative proposal in the third quarter of 2023. The Chair also asked about the policy option that the Commission was leaning towards, particularly whether it was voluntary or mandatory.

Denis Simonin (DG SANTE) thanked Mr Ojeda for the concerns expressed and emphasised that a labelling scheme should not lead to the development of new standards. Mr Simonin recognised that scientific information, including on molluscs, was lacking. The first measures would be on fish products, while molluscs would have to be considered at a much later stage. As for organic production, Mr Simonin recognised that it would be quite complex. Discussions with DG AGRI about organic rules would take place. There was no simple solution for the multiplicity of labels, but there was a clear demand from consumers.

Mr Simonin confirmed that the adoption of the legislative proposal was planned for the third quarter of 2023, but could not confirm the preferred policy option. Based on public deliberations, apart from Germany, in the Council, Member States are not enthusiastic for a mandatory system. The European Parliament adopted a resolution on animal welfare, which included a chapter on labelling that expressed support for a voluntary system. In terms of the different tiers, most of the stakeholders, including the subgroup of the EU Animal Welfare Platform, expressed preference for a multi-tier system, to allow producers to go higher in animal welfare. The aim would not be to establish a new organic label.

Marine Cusa (Oceana) highlighted that, under the initiative on a Sustainable Food System Framework, the Commission was considering a ranking system/label. Ms Cusa asked whether there was a link between the two potential labels and whether the Commission services were coordinating.

Denis Simonin (DG SANTE) emphasised that there was continuous contact between the involved officials, especially as DG SANTE was a lead DG in both files. The aim would be to have a general framework on all sustainability-related matters, including a chapter on animal welfare. The ongoing work on animal welfare labelling could constitute one pillar of the sustainable labelling framework for products of animal origin. Labelling implies a “downstream” side covering traceability of the products, marketing and communication to consumers, but also an “upstream” side covering the production. The upstream side is very specific to each condition (environmental, social, animal



welfare), which has implication in the level of technicity of the standards. Internal discussions on the sustainable food system framework, including on a potential multi-tier approach, was still ongoing.

Patrick Murphy (IS&WFPO) wanted to know, considering that there was a system for organic labelling, whether there would be additional requirements for labelling, including the new data requirements. Mr Murphy emphasised that, in the past years, EU producers must meet an increasing number of requirements, even though consumers are not aware of these. He wanted to know how the new system would interact with existing systems.

Denis Simonin (DG SANTE) responded that animal welfare was a recent issue for producers. Consumers need simplified systems, which does mean more complexity for producers. There are several competing systems. Mr Simonin recognised that there was an impact on investments and operations. An integrated system would be useful, which shows the relevance of sustainability labelling under the Sustainable Food System Framework. Additional time will be required to reach consensus. In the case of organic production, the level of requirements is not the same for all species.

Javier Ojeda (FEAP) urged the Commission to be cautious when comparing voluntary environmental labels with potential voluntary animal welfare labels. Environmental labels exist in the context of a complex regulatory framework. The EU has a significant quantity of environmental legislation. In the case of animal welfare, legislation is not very comprehensive or detailed.

Maria Luisa Álvarez Blanco (FEDEPESCA) expressed agreement with improving the available systems, but highlighted that, at present, there is a situation of high inflation and high prices. Every month, prices of fisheries products increased. Consumers do not understand the justifications for these increases. Producers must meet certain requirements, including salary obligations. In the view of consumers, someone in the value chain is benefiting from the price increases. Due to this, consumers are increasingly choosing products that do not necessarily comply with the appropriate criteria. Ms Álvarez emphasised that consumers consider the price to be a priority, which means that they are less demanding with other aspects. The increase in food prices is translating into less healthy food choices.

Denis Simonin (DG SANTE) responded that labelling will not require a change in standards, so the production costs will not change. Mr Simonin drew attention to a recent study by EuroCommerce about consumer behaviour. According to the study, there is a polarisation of the market. On the one hand, there are consumers with lower income that look for cheaper and discount products. On the other hand, there is an increasing demand for premium products. From the Commission's side, the aim is for producers to be able to enter the labelling system without significant efforts, while also providing consumers with a good compromise between the price and the level of quality. He highlighted that the current economic situation was unusual, while legislation is prepared with a long-term perspective.

The Chair, taking into account the lack of official developments since the previous advice, proposed, as way forward, to continue monitor developments on the initiative.



Food Security

- **Presentation about launch of study on “mapping the risks and vulnerabilities in the EU food supply chain” by Daniele Bertolozzi, Ecorys**

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

The Chair recalled that, the previous year, the Commission published a communication on safeguarding food security and reinforcing the resilience of food systems. Ecorys was hired to carry out a study on mapping and assessing risks and vulnerabilities in the EU food supply chain, and with the ultimate purpose of informing policymaking and support future studies.

Daniele Bertolozzi (Ecorys) informed that the study had been commissioned by the Joint Research Centre, but that there was coordination with DG MARE, DG AGRI, and DG SANTE. The study was initiated in October 2022 and will conclude in August 2023. In terms of context, all food systems are affected by risks and vulnerabilities, which may affect their capacity of supplying food in the market, including in terms of quantity, accessibility of the prices, and safe and healthy food. Mr Bertolozzi highlighted that COVID-19 pandemic set in motion the need to reflect comprehensively on food crisis preparedness. At the time, there were concerns of food shortages, which did not materialise. Nevertheless, there is a need for preparedness for other potential crises affecting food systems.

Mr Bertolozzi provided an overview of the context of the study. The Farm to Fork Strategy took into account the need for preparedness, including with the action to develop a contingency plan, which was published in November 2021. In that context, there was the decision to establish the European Food Security Crisis Preparedness and Response Mechanism, which is composed of stakeholders. The mechanism aims to provide advice to the Commission in the building of a strategy for preparedness and response. The stakeholders meet regularly to develop recommendations to the Commission. As part of the contingency plan, the Commission is required to map the risks and vulnerabilities, including structural issues, of the EU food supply chain and its critical infrastructures among others through a dedicated study.

Mr Bertolozzi outlined the three specific objectives pursued by the study. First, identify potential risks and vulnerabilities affecting EU food supply and security across sectors, stages of the supply chain, and Member States, and define risk typologies. Second, characterise the identified risks based on origin, impact, likelihood, exposure, duration, vulnerability and correlations, and identify determinant factors of vulnerability, across different sectors, stages of the supply chain, and Member States. Third, prioritise risks and vulnerabilities and cast light on noteworthy threats to EU food supply and security, at aggregated level as well as disaggregated levels of the food supply chain (i.e., by sectors, stages of the supply chain, and Member States).

Mr Bertolozzi also outlined the geographical scope of the study, which will cover the EU27, including a focus on the Outermost Regions, remote regions, and food categories import-dependent Member States. As for the sectoral scope of the study, all food categories are covered, which means that fishery and aquaculture products and their preparations, including fats and oils, are covered. The different stages of the supply chain are also accounted for.



Mr Bertolozzi explained the risk assessment steps, including the crisis management cycle. Risk assessment follows three steps: risk identification, risk analysis, and risk evaluation. The scope of the study is limited to risk identification and risk analysis. On the analysis of risks and vulnerabilities, there will be an analysis of origin of risks, potential impact, likelihood of risks, time horizon and duration of risks, patterns and systematic nature of risks, exposure and vulnerability of food supply chains, including structural factors of vulnerability. Based on the described information, there will be a prioritisation of risks, including identification of noteworthy threats to EU food supply and security.

Mr Bertolozzi also explained the tasks and final outputs of the study, which include a systematic literature review, stakeholder interviews, an online consultation, and analysis. The systematic literature review was ongoing, and the stakeholder interviews had just been initiated. The final outputs will be a structured database of risks and vulnerabilities in the EU food supply chain, plus an analytical report on risks and vulnerabilities in the EU food supply chain. He also provided an overview of the work plan and corresponding timeline.

- **Exchange of views**

The Chair asked Mr Bertolozzi about the purpose of the presentation, particularly if it was to find relevant stakeholders to interview.

Daniele Bertolozzi (Ecorys) confirmed that was the case. In order to have a comprehensive list of risks, it was important to gather as many perspectives as possible. There should be different actors from different stages of the supply chain participating.

Guus Pastoor (Visfederatie) stated that the exercise was quite useful, but also quite complex. Mr Pastoor wondered about the approach, particularly the connection of the scope of the study with risk evaluation. As an example, EU production of fisheries and aquaculture products is small compared to market demand, which could mean a vulnerability due to imports. The behaviour of the operator will determine the risk, for example if the operator follows the just-in-time principle or the operators maintain higher levels of stocks. The potential risk could be defined, but the risk might be compensated by certain operational behaviours.

Daniele Bertolozzi (Ecorys) stated that the study aimed to identify the behaviour of operators in the supply chain in the context of risks and vulnerabilities. Vulnerabilities are properties of a system that are contingent to risk, which include behaviours. The study will not draft strategies, but the behaviour of the actors will be considered as well as the effect. The knowledge of the study will be a starting point to improve the available strategies.

Bruno Guillaumie (EMPA), regarding the risk assessment and analysis, wanted to know if, in the terms of reference, there were guidelines from the Commission about the prioritisation of the risks. Mr Guillaumie wanted to know if food sovereignty, imports and exports, food security, food quality, and food safety were considered as priorities. He also wanted to know if the database would be publicly available, since such a database could be useful for stakeholders.



Sean O'Donoghue (KFO), on the identification of the risks, wondered if macro-risks, particularly geopolitical risks, would be addressed.

Javier Ojeda (FEAP) stated that, from a conceptual perspective, the exercise was interesting, but that, from a practical perspective, there did not seem to be much added value. In Europe, a food crisis similar to those in Ethiopia or in the Sahel was unlikely. The speed of the crisis would also have an impact. Mr Ojeda highlighted that a food crisis was already taking place in Europe, since food security was being disturbed. When there is a food crisis, only parts of the society suffer. He called for more support in the ongoing food crisis, instead of so much focus on theoretical ones.

Patrick Murphy (IS&WFPO) wondered about the prioritisation of risks in the food supply, particularly processed vs fresh products. For a producer, a change in production means a three-year process. Mr Murphy wondered how the nutritional elements of the choices were considered.

Daniel Voces (Europêche) expressed satisfaction with the recognition, following the COVID-19 pandemic, of the importance of food security. In the context of the pandemic, there was a very significant delay in the recognition of fishers as essential workers, even though it was one of the main petitions from the sector. There were issues regarding the mobility across borders, plus on equipment, disposable masks, safety on board, access to vaccines. There was mobility for the maritime transport sector, but not for the fishing sector.

Mr Voces drew attention to problems related to low prices due to the closure of the HORECA channels, plus the delay in the provision of aid for income foregone. He expressed concern that the overriding priority of the Commission was the environment, forgetting the lessons learnt on food security. In the fisheries and aquaculture sector, more than 70% of the consumed products were imported. He agreed with Mr Ojeda on the value of the study and with Mr O'Donoghue on the importance of considering geopolitical risks, since, for example, there was 100% dependence from China on medical equipment. In a situation of food crisis, many exporting countries will likely redirect their production towards their population.

Nicolás Fernández Muñoz (OPP72) emphasised that, besides the COVID-19 pandemic, the crisis from the war in Ukraine must be considered. Many European citizens face difficulties in eating three times per day and that cannot access nutritional foods, including fishery products. Mr Fernández, referencing an intervention of Mr Simonin under the previous agenda item, expressed concern about the development of a phobia towards low income people. There are people that cannot afford nutritional food. He underscored the importance of food security, but added that, if accessibility is lacking, people will go for less nutritious products. In the future, there could be a health crisis. He also emphasised the role of the MAC, when drafting advice to the Commission, to consider the food security of EU citizens.

Yobana Bermúdez (Conxemar), regarding potential comparisons with other sectors, stressed that the fisheries sector was quite particular. Sometimes, EU studies focus on specific Member States where only certain species are consumed. For countries with a higher degree of variety, the consumption was different. Ms Bermúdez wondered how the standards would be set, considering the diversity of markets, especially if it would consider species and countries.



Roberto Carlos Alonso Baptista (ANFACO-CECOPECA) argued that there was a food competitiveness problem. Thanks to technology advances, there was availability of food and space. Nevertheless, due to economic priorities, operators were leaving the sector. Mr Alonso agreed with previous interventions that there was a risk of loss of diet variety. Fish consumption is continuously decreasing, and the younger generations consume less fish. The globalisation of the food sector must be considered. In the context of trade, one of the main risks is the Commission's ability to audit third countries and to deal with the authorities of third countries. He underscored the importance of the processing sector for food security, particularly the capacity to preserve food.

Daniele Bertolozzi (Ecorys) thanked the members for the interventions, which assisted in the identification of risks and vulnerabilities, such as the importance of the processing sector and geopolitical dependencies.

On the potential food security problems due to the lack of accessibility, Mr Bertolozzi stated that it was not an issue of quantity. There is a first dimension: food is accessible if the food supply chain is able to provide food at an affordable price. There is a second dimension: the economic context that allows consumers to buy food, such as salaries. The study was focused on the food supply chain's perspective.

On the prioritisation, Mr Bertolozzi informed that there would not be a prioritisation of food categories. The prioritisation would be within the different stages of the supply chain from an EU-level perspective. Risks that affect many operators across the EU will be identified.

On the database of risks, Mr Bertolozzi agreed that it would be useful for operators. It provides a knowledge basis for the European Food Security Crisis Preparedness and Response Mechanism. When coordinating with the Commission, the possibility of making the database public was also discussed, depending on the quality and usefulness of the final product.

On the difficulties to identify macro-risks, Mr Bertolozzi recognised that it was already a difficulty in the identification of risks. The study would have an analysis of macro-drivers, including geopolitical ones, while trying to understanding the risks emerging from the different drivers.

On the practical usefulness of the study, Mr Bertolozzi argued that the undertaking of a study on potential risks was not an impediment to the provision support to face the ongoing crisis. The study tries to assist in future crises. There were lessons learnt from the ongoing crisis, but it is about preparation for potential future crises.

On the specificities of the fisheries and aquaculture production, Mr Bertolozzi commented that indeed it was quite different from agricultural production. DG MARE was part of the steering committee of the project, encouraging a better focus on the sector. He informed that there would not be a standardisation across sectors. The analysis would be in the scope of whitening each supply chain, including for the fisheries and aquaculture supply chain.

Laurène Jolly (DG MARE) clarified that, from the Commission's perspective, food security covered availability, but also accessibility, including affordability and nutritional foods. Fisheries and



aquaculture products have an important role to play as an important source of proteins and stability. Ms Jolly expressed understanding for the frustration about an additional study on the topic, but argued that knowledge was needed to take action. The Commission representative drew attention to a recent Staff Working Document about drivers in food security, which also covered fisheries and aquaculture products. These documents will contribute to the analysis for an upcoming initiative, which demonstrated the importance of food security for the Commission. She agreed that the fisheries and aquaculture products supply chain had particularities, which showed the importance of being consulted. It is an occasion for stakeholders to provide broad views on risks, allowing for the development of a comprehensive toolbox.

The Chair encouraged members to contact the consultant directly for bilateral interviews in the context of the study.

Food Contact Materials

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

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

Bastiaan Schupp (DG SANTE) explained that food contact materials are regulated by Regulation (EC) No 1935/2004, which are applicable to all food contact materials. The main aim is to ensure a high level of protection of human health, while also ensuring the effective functioning of the internal market. There are also specific measures on plastics and recycling of plastics. The regulation provides for general rules and procedures, the role of EFSA, definitions, labelling, traceability, inspection and control. Users of food contact materials merely had to be aware of limitations. Besides Regulation (EC) No 1935/2004, there are also several regulations for specific materials, substances, and good practices.

From a perspective of fisheries and aquaculture supply chains and food contact materials, Mr Schupp explained that food contact materials are all materials that are intended or may foreseeably come into contact with food. “Food” is defined in the general food law (Regulation (EC) No 178/2002). Under the present interpretation agreed with competent authorities, fish becomes food from the moment that it is killed for that purpose. Anything in contact with fish from the moment they have been killed, including the equipment intending for killing the fish, is a food contact material. Fishing nets are usually intended to catch live fish (not to kill them), so nets are not a food contact material – Mr Schupp however highlighted that this is the present interpretation agreed with Member States, but the applicable legislation can potentially be interpreted differently as well. Food contact legislation is very relevant to the fisheries and aquaculture supply chain. The operators of the supply chain are however mostly food contact materials users, not producers, while most rules focus at production of food contact materials.

Mr Schupp drew attention to the ongoing revision of the Food Contact Materials Regulation. The MAC provided advice based on the Commission’s Roadmap. The revision process had initiated in 2023. Prior to the revision process, there was an evaluation of the regulation, which culminated in a Staff Working Document published on 9 June 2022. Overall, the current regulation functions as expected,



but to a certain extent. It partly fulfils its objectives, in particular for plastics food contact materials for which specific EU rules apply. There is EU added value and it also remains relevant for all stakeholders. The evaluation provides the basis for the revision.

Mr Schupp summarised the identified problems. There is no full harmonisation, since rules are missing, for example for metals, alloys, paper, and rubbers. The regulation is considered complex, resource intensive, plus there is a lack of prioritisation and focus on the final product. In the supply chain, there is not sufficient transparency. Operators might not know the exact composition of their products. Mr Schupp provided an overview of the Commission's commitments in the context of the Circular Economy Action Plan, the Farm to Fork Strategy, and the Chemicals Strategy for Sustainability.

Mr Schupp outlined the main policy themes and pillars of the revision which provide the basis for the impact assessment that is directing the revision work. In the context of safety and sustainability, the objective is to shift the focus of the legislation onto the final materials, to addressing the full characteristics thereof. Future legislation is also to refocus on broader material types (i.e., synthetic, inorganic, natural fibres, active, recycled and composite). The second pillar is to prioritise the risk assessment of substances. It will comprise all substances to which consumers may be exposed regardless of whether intentionally used or not. The Commission considers three tiers based on hazard class. The use of tier 1 substances (the most hazardous) will become restricted, possibly subject to exemptions based on essential use. The second tier will require assessment by public authorities, while the third tier is to allow for the self-assessment of the most benign substances and/or those migrating in low amounts. The third pillar is to support the use of more sustainable food contact materials. Other pillars are to support these three main pillars, with respect to information exchange and enforcement.

Mr Schupp provided an overview of the contributions to the open public consultation, which had closed. There were 610 valid contributions, and the analysis was in progress. Regarding the revision approach, first, there was the definition of the main policy themes and broad initial solutions. Second, refinement of solutions and definition of more detailed policy options. Third, assess feasibility and impact of policy options. Fourth, conclude on preferred policy options. Fifth, work towards a legislative proposal. During 2023, the Commission will seek to consult frequently with stakeholders.

In relation to the recommendations submitted by the MAC in 17 February 2021, Mr Schupp emphasised the interests of fisheries and aquaculture operators and the corresponding supply chain would be taken into account. The Commission seeks full harmonisation of rules on compliance and analytical methods. SMEs will be taken into account, with a focus on food contact material producers, not users. Plus, improvement of the information available to food contact material users, both professionals and consumers. Furthermore, new legislation on plastic recycling was published in September 2022, focusing on safety. He added that given the present challenges it was unlikely that Regulation (EC) No 1935/2004 would remain in its current form, even though it is a serious option.

Mr Schupp informed that the Commission services are considering the introduction of a limit for styrene due to health concerns. EFSA could not rule out a risk for Genotoxicity. At present, there is no limit and significant amounts could be migrating to food. Limit is to be established at 0.04 mg/kg food (40 ppb). Testing primarily in the food. The limit would affect all plastics made with styrene under



Regulation (EU) 10/2011 on plastics. The fishing industry is a high user of polystyrene, particularly expanded one. Large boxes with fresh unprepared fish in ice are unlikely to be affected, because migration of styrene into those fish is unlikely. Conversely, packaging with a high surface to volume ratio in contact with sliced fatty fish may be significantly affected. The limit may also affect some work surfaced and processing equipment. The discussion is ongoing and there is no definite measure yet.

Mr Schupp highlighted that there is a new regulation on recycled plastic, Regulation (EU) 2022/1616. Under the regulation, all recycled plastic is to be produced with suitable recycling technology. At present, there is mechanical PET recycling and recycling from a closed chain (typically of re-usable containers used to transport food, including fish, from food producer to retailers). There are also some forms of chemical recycling permitted, particular if the monomer is recycled. All other forms of recycling are only permitted for development purposes with “novel recycling technologies”. Detailed rules are provided on what plastic may be collected, how it must be recycled, and for which use it is suitable, instructions for use, compliance documentation providing instructions and ensuring traceability and enforceability. When recycling from a closed chain, a recycling scheme is required, managed by a central organisation, in which users and recyclers of plastic particles participate. Fisheries and aquaculture producers may need to participate in such schemes, if they use reusable crates that are being recycled accordingly.

In summary, on the use of food contact materials in the fisheries and aquaculture supply chain, Mr Schupp emphasised that many materials and articles used by the chain are food contact materials, which are subject to Regulation (EC) No 1935/2004. There are possible impacts from the revision of the Food Contact Materials legislation, including new harmonised rules, potential extension of scope, and rules for re-use. Concerning the Recycling Regulation, the Commission representative mentioned that not all plastics can be recycled under the Food Contact Materials legislation. Primarily PET can be recycled. For other plastics, there may be a requirement to participate in a recycling scheme. The introduction of a limit on styrene may have consequences for the supply chain.

The Chair thanked Mr Schupp for the comprehensive presentation, especially for the explicit reference to previous advice from the MAC and for the specific points on the fisheries and aquaculture supply chain.

- **Exchange of views & way forward**

Bruno Guillaumie (EMPA), in relation to the interpretation that fishing nets were not considered a food contact material because the fish is live, wondered about the interpretation for shellfish. Shellfish are sold alive to consumers. Therefore, Mr Guillaumie wanted to know if the legislation on food contact materials was not applicable to shellfish products.

Bastiaan Schupp (DG SANTE) responded that there are varying interpretations and encouraged Mr Guillaumie to consult the General Food Law, since it foresees some cases where live animals transported to consumers are considered “food”.

Pierre Commère (ADEPALE) drew attention to sophisticated packaging coming from complex supply chains, such as cans. The producer of canned food will purchase from a supplier that bought metal



and other materials from other suppliers. In each step of the supply chain, there are large companies are involved, which translates into confidentiality agreements. For the producer that buys cans it is difficult to know the composition of the materials used. Besides confidentiality agreements, competition authorities try to limit exchanges between businesses and professional associations. Mr Commère argued that there was a lack of transparency at the different levels, providing examples from the French competition authority. Due to the lack of legislation requiring transparency, food producers and SMEs cannot know the exact materials in the cans.

Bastiaan Schupp (DG SANTE) recognised that the situation described by Mr Commère was a problem, which was receiving specific attention from the Commission services. Previously, there was an assumption that the information would be transmitted along the supply chain, which did not actually happen. Under the revision, the approach is being changed. The present system does not ensure the transfer of information, which will be addressed through digitalisation. On confidentiality, the Commission is considering the establishment of a parallel system with laboratories, to avoid that proprietary information would need to be shared with customers. However, higher transparency will be required, particularly for the more hazardous substances, which means that the entire supply chain will need more information.

The Chair proposed, as way forward, to continue monitoring developments on the topic.

Strategic Guidelines for Sustainable and Competitive EU Aquaculture

- **Exchange of views about EU-wide campaign with Lana Bezinović Šostar (MARE A2)**

The Chair recalled that, in May 2021, in the context of the European Green Deal and the Farm to Fork Strategy, the Commission adopted new strategic guidelines for a more sustainable and competitive EU aquaculture. The guidelines aim to help the sector become more competitive and resilient, and to improve its environmental and climate performance. Under the guidelines, the Commission committed to develop tools for a coordinated EU-wide campaign on EU aquaculture to be used at national and regional level, with the support of the Member States and the Aquaculture Advisory Council.

Lana Bezinović Šostar (DG MARE) explained that the strategic guidelines foresee several actions for the Commission, the Member States, and the Aquaculture Advisory Council. One of the actions is for the Commission to develop, with the assistance of communication experts, a toolbox consisting of common messages to be used by Member States in national campaigns on aquaculture. The objective is to bring more attention to the sector and to inform EU citizens about the benefits of aquaculture, such as guaranteeing food supply and employment in rural and coastal communities. It also aims to inform about the commitment of the EU, Member States, and producers to ensure high level quality food and to develop the activity in a manner that respects the environment. The campaign will target EU citizens as consumers and in the context of the local development of the activity.

Ms Bezinović Šostar informed that, the previous year, the Commission committed funds and contracted external experts for the campaign. Work was initiated on the content and visuals. Work is underway on the tools of the campaigns, including ads, social media content, among others. The



Commission established a task force with stakeholders and Member States. The task force is composed of volunteers from three Member States and a representative of the Aquaculture Advisory Council. The task force will be consulted at different milestones of the campaign. At the end of last year, the first meeting of the task force took place, and the communication experts presented the concept and the visuals. Internal discussions are ongoing to consider the feedback. The toolbox is expected to be finalised by Summer 2023, but there could be delays.

Ms Bezinović Šostar recalled that Member States have been reviewing their strategic plans for aquaculture and working on the adoption of their European Maritime Fisheries and Aquaculture Fund programmes. The Commission services encouraged the Member States to account for the rolling out of the communication campaign in their planning. Most Member States reacted positively to the request.

Javier Ojeda (FEAP) mentioned that significant expenditure was required to achieve effective communication, expressing appreciation that the Commission recognises the importance of communication and that it was included in the strategic guidelines. In the case of this specific action, Mr Ojeda stated that a larger budget and some communication by the Commission would have been preferred. Nevertheless, the developed tools would be used in national campaigns.

Mr Ojeda highlighted the tools could be developed with different focuses. Regarding the target of the communication, there should be a focus on younger generations, to achieve long-term benefits. Concerning the visuals developed, the communication should be focused on the activities and not on the products, so that consumers understand the value of aquaculture as a way to place products on the market. Therefore, the campaign should not be explaining species. He drew attention to the bottlenecks faced by the aquaculture industry in terms of administrative requirements, licensing, and social acceptance. The aim should be social acceptance of the activity.

Taking into account the official languages of the EU, Mr Ojeda called on the Commission to ensure that the materials, which will be developed in English, can be easily translated into the different languages. Problems with literal translations should be kept in mind.

Lana Bezinović Šostar (DG MARE) took note of the comments made by Mr Ojeda. The Commission is considering the comments put forward by the members of the task force, which were quite diverse. Regarding the focus on younger generations, the communication materials are being developed to target all generations in an appropriate manner. Analysis have been undertaken to understand the methods of information for each generation. Concerning translation, the materials are being developed in the three working languages of the Commission: English, French, and German. The materials will be available in a digital format, which allows Member States to translate it and to adjust it to the national realities. The Commission will be consulted before the rolling out of the national campaigns by the Member States.

Bruno Guillaumie (EMPA) expressed agreement with Mr Ojeda. The focus should be on social acceptability. The Commission encourages a growth in the aquaculture sector, which requires additional space and social acceptance. Even though there are also some issues of administrative burden, these are being resolved with the Member States. Mr Guillaumie called for messaging



targeting local environmental NGOs. The aquaculture sector exchanges with larger NGOs, but the relationship can be more difficult with very small and local NGOs. The members of these NGOs might not have a proper understanding of aquaculture, which translates to opposition to the establishment of aquaculture farms, for example through court cases against licensing.

Christine Absil (Good Fish) argued that, in terms of messaging, there was also a problem within the fisheries and aquaculture sector. Restaurateurs focus on wild caught products as the superior product, which a message promoted by the catching sector. There is an internal competition between the catching and the farming sector regarding the image portrayed to the consumer.

Lana Bezinović Šostar (DG MARE) expressed agreement with both interventions. The campaign aims to address the focus of consumers on potential negative impacts of aquaculture to the environment. The Commission hopes that there will be an impact at the local level. The involvement of environmental NGOs in the process is under consideration. Ms Bezinović Šostar recognised that there was a perception that wild caught products were superior to aquaculture ones, which a factor that is being taken into account by the Commission.

Guus Pastoor (Visfederatie) highlighted that salmon is one of the most sold products in the EU and that consumers do not have a problem with it being of aquaculture origin. Therefore, consumers were not focused on the production method. Consumers care about species and the story behind them. Mr Pastoor agreed that there needs to be social acceptance. He wondered if wholesalers and retailers were involved in the process, since they are the ones messaging to consumers. If a large supermarket chain does an advertising campaign highlighting the production method, there is powerful free publicity. As such, he wanted to know how the market players were being engaged.

Javier Ojeda (FEAP) underscored that the campaign should not be seen as a promotion campaign for consumption, but as a promotion campaign about aquaculture. The Commission should promote the consumption of aquatic products, but the purpose of the campaign is to encourage the growth of a healthy sector in the EU. The objective of the sector is to produce in the EU what is being imported from third countries.

Lana Bezinović Šostar (DG MARE) emphasised that the campaign should be endorsed by the Member States. The national administrations should be actively promoting the campaign. Ms Bezinović Šostar recognised that, at the local level, citizens are able to block the development of aquaculture activities. The overall aim is to have better informed EU citizens as both consumers and decision-makers. If citizens know that EU aquaculture is sustainable, then they can make more informed choices.

- **Way forward**

Bruno Guillaumie (EMPA) mentioned that the outcomes of the exercise would be presented, in the Summer of 2023, to the Member States in the context of the open method of coordination. The MAC and the AAC should be invited to the session.

Javier Ojeda (FEAP) argued that, at the current stage, there was not much that the MAC could provide. It would be better to wait for the deliverables of the Commission and to follow-up.



The Chair proposed, as way forward, to monitor developments on the EU-wide campaign. The Chair commented that, based on Ms Bezinović Šostar's responses, the Commission services appeared to be aligned with the views of the members, so the adoption of advice was not needed.

Sustainable Food System Framework

- **Exchange of views among members about latest developments**

The Secretary General recalled that, previously, two pieces of advice had been adopted on the Sustainable Food System Framework. The first one was adopted on 15 February 2022 and was inspired by the Commission's Inception Impact Assessment, while the second one was adopted on 13 December 2022 and was inspired by the Commission's public consultation. The purpose of the Sustainable Food System Framework would be to have common definitions, general objectives to be pursued vis-à-vis sustainability of the food system in all future EU and national law, general principles targeting policymakers, governance provisions to frame and encourage multilevel engagement, "favourable food environment" provisions, and monitoring and enforcement provisions.

The Secretary General informed that the Commission services were working on the impact assessment. When invited to the meeting, the Commission services were not willing to discuss the impact assessment, as they consider it to be internal work. At the Inter-Advisory Councils meeting of 17 November 2022, a Commission representative delivered a presentation about the policy options under consideration on push measures, sustainability labelling, and sustainable public procurement. The Secretary General encouraged members to express their preferences between the different policy options, in order to have a better understanding of the preferences along the different sectors and interests. It would facilitate a more informed discussion when developing new advice.

Guus Pastoor (Visfederatie) argued that, considering the complexity of the topic, there could be more added value in coming back to the topic with more specific and argued positions, instead of a brief roundtable. Mr Pastoor suggested the gathering of feedback in writing.

The Secretary General stated that the purpose was merely to have some indication of the preferences across the membership. Some of the issues were already addressed in the development of the previous pieces of advice, but there were other issues that remained unaddressed. Since the Commission was undertaking the impact assessment, it was likely not essential to adopt a third piece of advice, but it could be useful to understand the preferred positions.

Sean O'Donoghue (KFO) agreed with Mr Pastoor that, considering the complexity of the topic, it would be difficult to provide clear positions at the meeting. Mr O'Donoghue suggested the circulation of a questionnaire by the Secretariat, which would allow members to reflect more. At the next meeting, there could be an exchange about the different positions.

- **Way forward**

The Chair suggested, as a way forward, to proceed with a circulation of the questionnaire and to schedule an exchange of views under the agenda of the next meeting.



The Secretary General, regarding the timeline, stated that the purpose of the questionnaire would be to better inform internal discussions. As for the Commission's timeline, the impact assessment was ongoing, and the adoption of the legislative proposal was planned for the third quarter of 2023. Therefore, the development, at that stage, of a third piece of advice was not essential.

Bruno Guillaumie (EMPA) wondered about how the Commission would measure the impacts, particularly if there would be results indicators, for example on reduction of imports, on environmental impacts, on carbon footprint, on shifts towards diets with less meat products. Mr Guillaumie wondered also about the Commission's priorities on food safety and food sovereignty. Taking into account the objectives, there will be an influence on the options preferred and pursued.

The Chair suggested the submission of a written question to the Commission. If there was a reply from the Commission, then it could be considered in the questionnaire.

Javier Ojeda (FEAP) agreed with the previous intervention. Mr Ojeda emphasised that the Commission was undertaking a very complex initiative and focusing on the end results, but without being clear on the middle steps. In the view of his organisation, whatever the final option, it must be applicable to all food products placed on the EU market. In terms of decision capacity, his organisation would like to be involved in the development of sustainability indicators and criteria for aquaculture. Regarding labelling, in the case of aquaculture, there are products placed on the market without any packaging, which means that labelling would be quite difficult. Therefore, it was necessary to determine whether the labelling requirements would apply only to packed products. Not all food products are placed in the market in the same manner.

Maria Luisa Álvarez Blanco (FEDEPESCA) expressed full agreement with the interventions of Mr Guillaumie and Mr Ojeda. Ms Álvarez expressed concern that legislative requirements would only be applicable to some products placed on the EU market. The consumer should have access to the same level of information regardless of the origin of the product. There should not be products specific for higher income consumers and products specific for vulnerable consumers.

Marine Cusa (Oceana) recalled the positions of the previously adopted advice. In terms of a ranking system, most members agree that a mandatory system would be most appropriate, particularly with the inclusion of imports. Ms Cusa highlighted that STECF published a report on proposed sustainability indicators and criteria for aquaculture and another report for fisheries, based on the work of Expert Working Groups. The criteria are quite different.

Maria Luisa Álvarez Blanco (FEDEPESCA) asked for a circulation of the mentioned reports ahead of the next meeting.

The Secretary General highlighted that the work on sustainability indicators was initiated in the context of the revision of the marketing standards framework. DG MARE asked STECF to develop proposals on the matter. Since then, according to information provided at an Inter-Advisory Councils meeting, the European Commission changed approach and will instead use the sustainability indicators in the context of the labelling initiative of the Sustainable Food System Framework. The work of the STECF would feed into this.



Bruno Guillaumie (EMPA) stated that the mandate provided by DG MARE to STECF was to incorporate sustainability criteria in the context of agreements with third countries, even though it was expanded later.

The Secretary General stated that the reports were available on the website of the Joint Research Centre and had been circulated at a previous occasion. Nevertheless, the reports would be included as meeting documents under the draft agenda of the next meeting.

AOB

- **Maximum levels of arsenic in certain foods**

Bruno Guillaumie (EMPA) recalled, under Commission Regulation (EU) 2015/1006, the maximum levels of inorganic arsenic in some foodstuffs were regulated. In 2021, the European Food Safety Agency published a scientific opinion on dietary exposure to inorganic, which called for a reduction in the exposure. DG SANTE initiated the work to revise the regulation. His association was informed that a work document had been made public, so EMPA requested information from the French authorities about these developments. According to the French authorities, the Commission requested datasets to assist in the update.

Considering that there should be further developments in the next two months, Mr Guillaumie suggested the scheduling, under the agenda of the next meeting, of an exchange of views with Commission representatives about the conclusions of the scientific opinion. According to sampling by the Dutch Mussels Traders Association, the routine levels of arsenic found in molluscs are quite close to the proposal in the work document of DG SANTE. Data from other Member States still needs to be analysed. He wondered about the relevance of DG SANTE establishing a threshold that is three times higher for rice than for molluscs, especially considering that the quantities of consumed were much higher than molluscs.

Mr Guillaumie suggested that, based on the proposed exchange of views with Commission representatives, the Working Group could decide on the relevancy of drafting advice.

Yobana Bermúdez (Conxemar) suggested that exposure heavy metals could also be discussed. Drafting of advice on seabed mining could be considered, since there will be an impact on fisheries. Based on the experience with land mining, the problems with residues and heavy metals are known. In the case of arsenic, the different thresholds of exposure must be considered. The lack of legislation on seabed mining must also be considered.

Vanya Vulperhorst (Oceana) informed that, in the past, the LDAC adopted advice about seabed mining. Taking into account recent political developments, the LDAC was considering the



development of new advice. Ms Vulperhorst suggested that the Secretariat could liaise with the LDAC Secretariat to see about potential joint work.

Roberto Carlos Alonso Baptista (ANFACO-CECOPESCA) agreed with Mr Guillaumie's suggestion of scheduling an exchange of views with DG SANTE about maximum levels of arsenic. Mr Alonso informed that ANFACO-CECOPESCA's laboratory had been working on this matter for the past two years. He expressed opposition to the maximum levels proposed by DG SANTE, adding that these were based on limited samples from specific areas of the world. If DG SANTE proceeds with the proposed levels, it would block the trade of fisheries and aquaculture products.

- **Plant-based imitations of fisheries and aquaculture products**

Yobana Bermúdez (Conxemar) recalled that, in 2021, the MAC adopted advice on plant-based imitations of fisheries and aquaculture products. Since then, there were further offensives against fisheries and aquaculture products and production, going beyond tuna products. Ms Bermúdez suggested scheduling an agenda item, under the next meeting, to discuss potential control for plant-based imitations. Her association collected evidence of potentially illegal activities.

Summary of action points

- Animal Welfare:
 - Continue monitoring developments on the revision of the EU legislation
- Food Security:
 - Members to be encouraged to contact the consultant directly for bilateral interviews in the context of the study on risks and vulnerabilities of the EU food supply chain
- Food Contact Materials:
 - Continue monitoring developments on the revision of the EU legislation
- Sustainable Food System Framework:
 - Ahead of the next meeting, Secretariat to circulate a questionnaire to the members on the preferred policy options
 - Under the draft agenda of the next meeting, exchange of views among the members concerning the replies to the questionnaire to be scheduled
- AOB:
 - Under the draft agenda of the next meeting, items on arsenic, heavy metals, and plant-based imitations to be scheduled
 - Secretariat to liaise with the LDAC Secretariat on seabed mining



Attendance List

Representative	Organisation	Role
Alexandre Bonneau	SNCE	Member
Alonso Abreu Lozano	Asociación de Armadores Punta del Moral (OPP80)	Member
Anna Boulova	FRUCOM	Member
Anna Rokicka	Polish Association of Fish Processors (PSPR)	Member
Annie Seng	SNCE	Member
Asmira Sophie Sandermann	European Fishmeal	Member
Bastiaan Schupp	European Commission	Expert
Benoît Thomassen	Federation of European Aquaculture Producers (FEAP)	Chair
Bruno Guillaumie	European Molluscs' Producers Association (EMPA)	Member
Catherine Pons	Federation of European Aquaculture Producers (FEAP)	Member
Christine Absil	Good Fish	Member
Daniel Voces	Europêche	Member
Denis Simonin	European Commission	Expert
Eduardo Míguez López	OPP77 Puerto de Celeiro	Member
Elena Garcia Caballero	Spain	Observer
Emiel Brouckaert	European Association of Fish Producers Organisations (EAPO)	Member
Fabián Ben Conde	Federación Nacional de Cofradías de Pescadores (FNCP)	Member
Francesca Peretti	ClientEarth	Member
Garazi Rodríguez Valle	APROMAR	Member
Georg Werner	Environmental Justice Foundation (EJF)	Member
Guus Pastoor	Visfederatie	Member
Isabel Mariño Prieto	Conxemar	Member
Javier Ojeda	Federation of European Aquaculture Producers (FEAP)	Member
Jean-Marie Robert	Les Pêcheurs de Bretagne	Member
Jens Høj Mathiesen	Danish Seafood Association	Member





Market Advisory Council

Representative	Organisation	Role
Joash Mathew	EU Fish Processors and Traders Association (AIPCE) / European Federation of National Organizations of Importers and Exporters of Fish (CEP)	Member
José Carlos Escalera	Federación de Cofradías de Pescadores de Cadiz (FECOPESCA)	Member
Juan Alfonso Herrero Pascual	EuroCommerce	Member
Juana Maria Parada Guinaldo	OR.PA.GU.	Member
Julien Lamothe	ANOP	Member
Lana Bezinović Šostar	European Commission	Expert
Laurène Jolly	European Commission	Expert
Maria Luisa Álvarez Blanco	Federación de Asociaciones Provinciales de Empresarios Detallistas de Pescados y Productos Congelados (FEDEPESCA)	Member
Marine Cusa	Oceana	Member
Massimo Bellavista	Copa Cogeca	Member
Miguel Lizaso	European Commission	Expert
Nicolás Fernández Muñoz	OPP72	Member
Olivier Hottlet	FRUCOM	Member
Patrick Murphy	Irish South & West Fish Producers Organisation (IS&WFPO)	Member
Paul Thomas	European Association of Fish Producers Organisations (EAPO)	Member
Paulien Prent	Visfederatie	Member
Pedro Reis Santos	Market Advisory Council (MAC)	Secretariat
Pierre Commère	Association Des Entreprises de Produits Alimentaires Élaborés (ADEPALE)	Member
Pim Visser	VisNed	Member
Roberto Carlos Alonso Baptista	ANFACO-CECOPESCA	Member
Rosalie Tukker	Europêche	Member
Sean O'Donoghue	Killybegs Fishermen's Organisation (KFO)	Member
Sergio López García	OPP Puerto de Burela	Member
Tintti Vitikkala	Market Advisory Council	Secretariat





Market Advisory Council

Representative	Organisation	Role
Vanya Vulperhorst	Oceana	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

DRAFT

