

## Working Group 2: EU Markets

### Draft Minutes

Tuesday, 30 January 2024 (14:30 – 18:00 CET)

Copa Cogeca (Meeting Room A), Rue de Trèves 61, 1040 Brussels

Interpretation in EN, ES, FR

#### Welcome from the Chair, Pierre Commère

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

**Adoption of draft agenda and of the last meeting minutes (29.11.23):** adopted

#### Action points of the last meeting

- **State-of-play of the decisions made during the last meeting - information**
- Trade Agreements & Trade Policy Instruments:
  - Exchange of views with Commission representatives about trade developments to be scheduled for the January 2024 meeting
  - Secretariat to circulate a questionnaire to the members on the ongoing negotiations of the EU-Thailand Free Trade Agreement, which will serve as basis for the drafting of advice on the topic
    - Exchange of views scheduled (14:45)
    - Questionnaire circulated: 19 December 2023 – 10 January 2024
    - Draft advice circulated: 18 January 2024
- IUU Regulation (Catch Documentation Scheme):
  - Exchange of views with Commission representatives about the practical implications of the implementation of the new catch documentation scheme to be scheduled for the January 2024 meeting
  - Secretariat to send email to the members to collect inputs ahead of the exchange
    - Exchange of views scheduled (16:45)
    - Request for input circulated: 9 – 12 January 2024 & 18 – 25 January 2024

#### Trade Agreements & Trade Policy Instruments

- **Update on latest trade developments Commission representatives (MARE B3), including:**
  - **ASEAN (Thailand)**

Pawel Szatkowski (DG MARE) informed that, the previous week, a round of negotiations for the EU-Thailand Free Trade Agreement took place in Bangkok. This was the second round of negotiations



since the previous year. On market access, there were exchanges of views between trade experts, but no exchange of offers on tariffs. On fisheries and marine resources, the EU experts explained the meaning of the proposal to the Thai counterparts. On the timeline, the Thai authorities would like to conclude the agreement within two years, while, for the EU's side, it is clear that the negotiations will not be concluded under the current mandate. The Commission representative added that the negotiating text was available on the website of DG TRADE.

As for other ASEAN countries, Mr Szatkowski informed that the European Commission did not have a mandate to negotiate with the region as a whole. Trade agreements have been concluded with Vietnam and Singapore. Negotiations are ongoing with Indonesia and Thailand. A stock tacking exercise concerning Malaysia is taking place.

The Chair informed that an advice on the negotiations of the EU-Thailand Free Trade Agreement would be submitted to the European Commission.

Felicidad Fernández Alonso (ANFACO-CECOPECA) requested information on the rules of origin to be followed in the trade agreement. Ms Fernández also wanted to know if exchanges of offers would take place at the next round of negotiations.

Pawel Szatkowski (DG MARE) replied that there was no schedule for the tariff offers. The next meeting is scheduled for June 2024, which would be followed by another meeting at the end of the year. Mr Szatkowski added that no real negotiations on vessel conditions took place, but only exchanges about the EU proposal on rules of origin. He thanked ANFACO-CECOPECA for the letter and other contributions sent to the Commission services.

- **European Economic Area (Norway, Iceland)**

Pawel Szatkowski (DG MARE) informed that the EU reached an agreement with Norway and Iceland on the EEA's financial mechanism for the 2021-2028 period and on the market access for fishery products. Concerning the market access, Norway's aim was to achieve full market liberalisation. The actual outcome was additional bilateral protocols, as in the past. They are mainly the reconduction of the previously existing ones, with some adaptations. New quotas were added for processed salmon, but the quotas for mackerel were not included. The adjustments in the quotas corresponded to very small increases in the quotas for Norway and some slight increases for those for Iceland. In the negotiations, Iceland focused on the elimination of duties.

Mr Szatkowski recalled that, previously, under the Autonomous Tariff Quotas Regulation, some quotas were provided as "bridging quotas" to benefit Norway, specifically on frozen herring and herring in brine. These products were not included in the newest version of the regulation. Herring in brine was included in the quotas negotiated with Norway. The Commission representative explained that the European Commission was preparing the legislative package to implement the agreement. Agreement from the Council was expected in early Summer 2024.

Mr Szatkowski explained that, until the formal approval of the agreement, there would be a gap in the market access, meaning that imports of herring in brine would have to pay duties. As a new element, the quotas would be adjusted to account for the entire period of implementation of the



agreement, since there was a risk of these not being fully utilised by 2027. This allowed for a transition period with rolling over of the unused quotas.

Anna Rokicka (PSPR) wanted to know if it would be possible for companies to claim back the duties paid during the period of two years between agreements.

Patrick Murphy (IS&WFPO) wanted to know if an impact assessment on employment has been undertaken for the negotiated agreement.

Pawel Szatkowski (DG MARE) responded that no impact assessment had been undertaken, since it was not a new trade agreement, but merely limited additional concessions to a previously existing agreement. Mr Szatkowski explained that it will not be possible for companies to claim back the duties. The implementation of the quotas will determine when these are open.

Thomas Kruse (Danish Fishers PO) stated that, since the mandate in May 2021, the EU fisheries sector perceived that there was a troubled cooperation with Norway on fishing opportunities. On several occasions, the industry called for a mechanism similar to the one in the Brexit agreement to be integrated in the agreement with Norway. Fishers were impacted by a lack of access to Norwegian waters. Mr Kruse wanted to know why the Commission did not consult the industry prior to the negotiations with Norway and Iceland. In his view, the Commission's approach strengthened the positions of Norway and Iceland in relation to European fisheries.

Pawel Szatkowski (DG MARE) responded that he took note of the observations, but that his unit was not in charge of fisheries management, even though he was aware of the difficulties with Norway. The agreement was negotiated on behalf of the Member States, by the Chief Negotiator and DG TRADE. DG MARE raised the issues mentioned to the negotiators and the EU sensitivities were addressed in the final market access granted. Mr Szatkowski expressed availability to transmit Mr Kruse's views to the competent colleagues in DG MARE.

Patrick Murphy (IS&WFPO) emphasised that the aim of the Autonomous Tariff Quotas should be to protect employment.

- **General Scheme of Preferences**

The Chair requested information on the timeline of the negotiations.

Kinga Malinowska-Facci (DG MARE) explained that the European Commission adopted a legislative proposal in 2021 with the aim of having a new 10-year regulation in force by January 2024. The proposal foresees new sustainability conditions, a more focused approach, and graduation conditions. Nevertheless, the negotiations between the Member States and the European Parliament became quite difficult, which led to an extension of the current regulation for four years. Ms Malinowska-Facci added that there was no clear timeline for the adoption of the new regulation. She also reminded that it was an election year for the European Parliament.

Felicidad Fernández Alonso (ANFACO-CECOPESCA) wanted to know, in the context of the extension of the current regulation, whether the products covered would need to be reapplied.



Kinga Malinowska-Facci (DG MARE) responded that the extension was automatic, so there was no need to reapply.

- **Mercosur**

The Chair recalled that, at the previous meeting, questions were raised about how deforestation was taken into account in the trade negotiations.

Kinga Malinowska-Facci (DG MARE) explained that, in the context of sustainability, deforestation was a major point in the negotiations. Negotiations continued and regular meetings were taking place. Ms Malinowska-Facci emphasised that the EU wanted to deliver on its sustainability goals.

Patrick Murphy (IS&WFPO) wanted to know, in the context of sustainability matters, whether an evaluation of the impact on employment in the EU had taken place.

Kinga Malinowska-Facci (DG MARE) responded that the practice for Free Trade Agreements was to conduct a series of impact assessments, including studies conducted in preparation for the trade negotiations, on the basis of the actual negotiating outcome, as well as Sustainability Impact Assessments. Such studies were done also for the EU-Mercosur Agreement. Ms Kinga Malinowska-Facci recalled that the negotiations of the trade agreement were finalised in 2019. A sustainability impact assessment was done at that time and is now available online. The Commission representative added that the ongoing negotiations were about an additional instrument to handle sustainability issues. The whole package would not be reopened.

Patrick Murphy (IS&WFPO) asked whether a revaluation of those studies would be done to take into account changes in the EU legislation that burden EU producers.

Kinga Malinowska-Facci (DG MARE) replied that she was not aware of a revaluation, but expressed availability to check internally with her colleagues.

- **Morocco**

The Chair recalled that upcoming decision of the Court of Justice of the European Union would have an impact on fisheries and trade. He expressed interest in knowing more about the deadlines.

Kinga Malinowska-Facci (DG MARE) recognises that both the EU-Morocco Fisheries Partnership Agreement and the association agreement including tariff preferences provided by the European Union to products of Moroccan origin were affected by the annulment in 2021 by the Court of Justice of the European Union. The opinion of the Advocate General in an appeal case would be published on 24 March 2024. A ruling could potentially be expected by the end of the year. The Commission would decide on the appropriate approach based on the ruling.

Bruno Guillaumie (EMPA) drew attention to the importance of the production of shellfish and algae in Morocco. Mr Guillaumie wanted to know more about the interest expressed by Morocco in exporting these products into the EU market, as it would represent 200.000 tonnes of products.



Kinga Malinowska-Facci (DG MARE) responded that she was not able to directly respond about the specific tariff conditions under the existing agreements. Ms Malinowska-Facci expressed availability to check the matter and come back bilaterally.

- **2023 Implementation and Enforcement Report**

Kinga Malinowska-Facci (DG MARE) explained that the implementation and enforcement report was an annual exercise of DG TRADE, providing an overview on the enforcement of trade agreements. It is necessary to ensure that the existing trade agreements are effective and beneficial to EU companies and helpful in obtaining an alignment with EU's sustainability standards. The report was published together with a Staff Working Document that provides information per agreement / country.

Ms Malinowska-Facci further explained that the report looked into trade barriers and progress in their removal. The report looks into how to make trade easier for SMEs, including via the Access2Markets tool, which provided information on tariffs, duties, rules of origin, regulatory criteria, plus a single-entry point for complaints. The report also looks into the sustainable development chapters, including the meetings organised with stakeholders and changes in labour and environmental standards obtained in partner countries.

Ms Malinowska-Facci highlighted that, in terms of trade barriers, the most frequent issues tackled by the European Commission were sanitary and phytosanitary measures.

Aodh O'Donnell (IFPO), concerning sanitary issues, drew attention to an ongoing trade barrier in shipments of shellfish products from the UK to Ireland following Brexit.

Kinga Malinowska-Facci (DG MARE) expressed interest in receiving more information about the topic.

Pawel Szatkowski (DG MARE) responded that, if there was an issue with Irish products, it would be important to address it via the Agreement on Technical Barriers to Trade. Mr Szatkowski also expressed interest in receiving more information about the topic.

Patrick Murphy (IS&WFPO) wondered if the Commission had shifted away from sustainability in terms of employment, focusing increasingly more on environmental sustainability.

Kinga Malinowska-Facci (DG MARE) emphasised that the focus of the European Commission was, on the one hand, on helping EU companies to export, supporting employment. On the other hand, it was necessary to ensure that imports respect the EU's legislation and the level-playing-field. The EU is becoming more assertive on the matter. It is necessary to ensure that EU producers are treated fairly and not faced with unfair conditions.

Pawel Szatkowski (DG MARE) commented that a similar issue had been faced under the EU-UK Trade and Cooperation Agreement for UK-originated shellfish. Since it could be a technical barrier to trade, Mr Szatkowski encouraged the Irish members to send more details.





Aodh O'Donnell (IFPO) explained that it was related to the reduced timing for certification, which made the landings impossible.

- **Consideration of draft advice on the negotiation of the EU-Thailand Free Trade Agreement**

The Secretary General recalled that a questionnaire was circulated to the members from 19 December 2023 to 10 January 2024 and that replies were provided by Europêche, EJF, ANFACO-CECOPECA, and ADEPALE. The draft advice was circulated on 18 January 2024. Prior to the meeting, preliminary feedback was sent by ANCIT. The Secretary General proceeded with an overview of the different sections of the draft text.

Felicidad Fernández Alonso (ANFACO-CECOPECA), concerning section 4 “EU’s defensive trade interests”, mentioned that the points raised by her organisation were already reflected in the text. Ms Fernández highlighted that Thailand had a significant interest in exporting canned tuna into the EU market, which is why ANFACO-CECOPECA called for an exclusion of tuna products from the scope of the negotiations.

Aodh O'Donnell (IFPO) emphasised the EU production of Albacore tuna (*Thunnus alalunga*) needed to be protected and requested for his organisation to be mentioned in the draft text as supporting ANFACO-CECOPECA’s call for exclusion of tuna products from the scope.

Patrick Murphy (IS&WFPO) expressed agreement with Mr O'Donnell and asked for his organisation to be added as well.

John Lynch (ISEFPO) also asked for his organisation to be added.

Christine Absil (Good Fish), concerning section 5 “Chapters of the potential Free Trade Agreement and other issues” wondered if the call to exclude certain tuna products from the scope would not undermine the Commission’s negotiating power. Through those products, the Commission would be able to put more pressure on Thailand to address IUU problems.

Felicidad Fernández Alonso (ANFACO-CECOPECA) highlighted that the changes planned by Thailand to the national legislation on the fishing sector was backtracking on previous achievements, which demonstrated a lack of commitment in the fight against IUU fishing. Therefore, the EU should not be holding negotiations at all. Agreements on trade should be in line with commitments in fisheries matters.

The Chair argued that the right balance was found in the draft text by identifying sensitive areas and informing that some members would like to go further. In his view, the trade of tuna products would be a pivotal issue in the EU – Thailand negotiations.

Julien Daudu (EJF) expressed support for subsection 5.3 “fight against forced labour”, but suggested to add a reference to the International Labour Organisation’s Convention 87 on Freedom of Association and Protection of the Right to Organise together with the reference to the Convention 98 on the Right to Organise and Collective Bargaining.



Felicidad Fernández Alonso (ANFACO-CECOPECA), concerning recommendation c) on defensive interests, stated that it should be an exclusion of all tuna products, not just canned ones.

The Chair, concerning recommendation e) on the incorporation of the EU's rules of origin, stated that it should refer to an exclusion of any potential regional cumulation.

*The Working Group agreed on the draft advice on the negotiations of EU – Thailand Free Trade Agreement.*

- **Way forward**

The Chair proposed to put forward the agreed advice to the Executive Committee for consideration and potential adoption.

### Risks and Vulnerabilities in the EU Food Supply Chain

- **Presentation of study on risks and vulnerabilities in the EU food supply by the Commission's contractor**
- **Exchange of views**

*The agenda item was postponed to the next meeting.*

### IUU Regulation (Catch Documentation Scheme)

- **Exchange of views on modifications in the context of the agreement on the legislative revision of the fisheries control system with Commission representatives (MARE B4)**

Desiree Kjolsen (DG MARE) recalled that the modifications entered into force on 10 January 2024. The use of the CATCH IT system for catch documentation schemes will be obligatory from 10 January 2026. A first version of FAQs was published on the website of DG MARE and will be continuously updated as a “living document”.

Prior to the meeting, there was a question on the voluntary use of the CATCH IT system by third countries. Ms Kjolsen recognised that the EU could not oblige third countries to use the system. The Commission, operators, and the authorities of Member States should encourage third countries to use the system. In the case of countries already using digital catch certifications, interoperability was possible. From an operator of a third country to use the CATCH IT system, prior validation by the authorities of the third country is necessary. The Commission representative added that the Commission services will be working to convince the authorities of third countries to use the system, but operators should also convince their suppliers to put pressure on their authorities in a “bottom up” approach.

On the lack of familiarity from operators of third countries with the CATCH IT system, Ms Kjolsen stated that a similar situation was faced in 2008. The Commission services will dedicate a significant part of their time to awareness raising. The Commission has established cooperation with contact points from the authorities of third countries. An information session is planned for March 2024 in



Brussels. All embassies in Brussels are invited to attend in person, plus the national administrations are invited to attend online. Additionally, letters will be sent to the third countries. In the context of bilateral discussions, some third countries expressed interest in developing the interoperability.

Ms Kjolsen informed that the first meeting of the year of the expert group on fisheries control is scheduled for April, ensuring that Member States are continuously informed about developments with the CATCH IT system. The Commission representative emphasised that the system must be fully ready by 10 January 2026, including through the pending implementing acts.

The Chair stated that, when contacting with third countries, there was a lack of dissemination of the information. For EU importers, it was not fully clear how to proceed when the use of digital systems remains voluntary for third countries, meaning that they might continue with paper-based systems.

Patrick Murphy (IS&WFPO) wondered if third countries would be seeking reciprocal information from EU vessels, including potential implications for those purchasing from the vessels. Mr Murphy wanted to know if Ms Kjolsen was confident that, when third countries do not switch to digital systems, the paper trail from the third countries would be aligned with the EU's standards.

Felicidad Fernández Alonso (ANFACO-CECOPECA) asked about the impact on countries that already have digital systems. In the case of Spain, a national digital system for catch certification schemes was in place, so she wondered if a new system would be required, or if the existing one could be adapted.

Desiree Kjolsen (DG MARE) explained that the CATCH IT system allows information from paper catch certifications to be inserted manually and supported by a scan of the catch certificate validate by the authorities of the third country. Member States will be notified about the submission of paper certificates, allowing them to take them into account in their risk criteria. Many operators already use digital tools. CATCH IT would not require operators to have their own IT systems, but merely to use TRACES.

Ms Kjolsen further informed that currently no third country is requiring information digitally, even though the UK is requiring catch certificates. The current focus of DG MARE is importation into the EU. However, the authorities of the Member States can issue catch certificates for EU vessels, which can be used for exports. Digital transfer is not possible under the system yet.

Aodh O'Donnell (IFPO) drew attention to the requirement of health certificates for shipments across the Ireland-UK land bridge.

Patrick Murphy (IS&WFPO) wondered if, in the case mentioned by Mr O'Donnell, a paper-based system would be acceptable.

Desiree Kjolsen (DG MARE) stated that she was not able to answer question on health certificates, but recognised the relevance of the UK regarding trade. Concerning the Spanish digital system, Ms Kjolsen stated CATCH IT is an EU-wide system and that it is not possible to have various systems in place at the same time. Member States could maintain their systems to crosscheck, transferring the results into the database.





Olivier Hottlet (FRUCOM) expressed satisfaction on expanding the scope of Annex 4 to also include the flag State as the processing country. Mr Hottlet wanted to know if operators would need to wait two years or whether the changes are already valid.

Anna Rokicka (PSPR) highlighted that reefer vessels bringing fish into port were classified as fishing vessels and wondered if these could be excluded, in a similar manner to container vessels.

Desiree Kjolsen (DG MARE), concerning Annex 4 for flag States, responded that there was no legal obligation to provide these until 2026. Regarding Ms Rokicka's question, Ms Kjolsen stated that all consignments transported via vessels, including on cargo vessels, need to notify at least three days in advance. All fishery products require a catch certificate, irrespective of the transportation method (with the exception of the products exempted in Annex 1). The prior notification allows the national authorities to verify the catch documentation.

Guus Pastoor (Visfederatie) explained that, in some cases, there were reefer vessels coming from Norway that enter the Netherlands before heading to Germany, but that are not allowed to enter the port, because it is not their time yet.

Desiree Kjolsen (DG MARE) stated that she was aware of the issue, but that the Commission could not introduce exceptions for specific countries, since the rules must be non-discriminatory. It was an issue related to the geographical proximity of Norway. No changes were expected.

- **Way forward**

The Chair encouraged the members to consult the FAQs document available online. If there were questions missing, these could be submitted to DG MARE. The Chair emphasised the importance of informing operators about the modifications, so that the transition proceeds smoothly.

### European Year of Skills

- **Presentation of the EU Talent Pool and other new measures on skills and talent to help address labour shortages by Commission representative**
- **Exchange of views**

*The agenda item was postponed to the next meeting.*

### AOB

None.



### Summary of action points

- Trade Agreements & Trade Policy Instruments:
  - o Agreed draft advice on the negotiations of EU – Thailand Free Trade Agreement to be put forward to the Executive Committee for consideration and potential adoption.
- Risks and Vulnerabilities in the EU Food Supply Chain
  - o Presentation of the study to be rescheduled for the next meeting.
- European Year of Skills
  - o Presentation of the EU Talent Pool and other new measures on skills and talent to be rescheduled for the next meeting.

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## Attendance List

Representative	Organisation	Role
Adien Simonet	Union du Mareyage Français (UMF)	Member
Amelie Laurent	Oceana	Member
Anna Rokicka	Polish Association of Fish Processors (PSPR)	Member
Aodh O'Donnell	Irish Fish Producers Organisation (IFPO)	Member
Bruno Guillaumie	European Molluscs' Producers Association (EMPA)	Member
Chinwe Nnadi	FRUCOM	Member
Christine Absil	Good Fish	Member
Falke De Sager	European Association of Fish Producers Organisations (EAPO)	Member
Felicidad Fernández	ANFACO-CECOPESCA	Member
Gaëtane Le Breuil	European Fishmeal	Member
Guus Pastoor	Visfederatie / EU Fish Processors and Traders Association (AIPCE)	Member
Janne Posti	Conxemar	Member
Jérémie Souben	FEDOPA	Member
John Lynch	Irish South and East Fish Producers Organisation (ISEFPO)	Member
Juana María Parada Guinaldo	OR.PA.GU.	Member
Julien Daudu	Environmental Justice Foundation (EJF)	Member
Kinga Malinowska-Facci	European Commission	Expert
Linda Zanki Duvnjak	Ribarska Zadruga Friška Riba	Member
Mariano García García	Cofradía de Pescadores de Isla Cristina	Member
Massimo Bellavista	COPA COGECA	Member
Maximilian Schwarz	Market Advisory Council (MAC)	Secretariat
Miguel Lizaso	European Commission	Expert
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





Market Advisory Council

Representative	Organisation	Role
Pawel Szatkowski	European Commission	Expert
Pedro Reis Santos	Market Advisory Council (MAC)	Secretariat
Pierre Commère	Association Des Entreprises de Produits Alimentaires Élaborés (ADEPALE)	Chair
Quentin Marchais	ClientEarth	Member
Rosalie Tukker	Europêche	Member
Sergio López García	OPP Burela	Member
Silvia Gil	FEDEPESCA	Member
Thomas Kruse	Danish Fishers PO / Danish Pelagic PO	Member
Vanya Vulperhorst	Oceana	Member
Yobana Bermúdez Rodríguez	EU Fish Processors and Traders Association (AIPCE)	Member

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