

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

Minutes

Wednesday, 26 May 2021

14:00 - 17:30 CET

Zoom online meeting

Welcome from the Chair, Benoît Thomassen

The Chair informed that, following the election of Pierre Commère as Chair of Working Group 2, the position of Vice-Chair of Working Group 3 was vacant. The Chair encouraged members to express interest in the position.

Adoption of draft agenda and minutes of last meeting (30.03.21): adopted

Sean O'Donoghue (KFO) requested to include an agenda item, as an AOB, on the testing for cadmium levels in brown crab exported to the People's Republic of China.

Pierre Commère (ADEPALE) requested to include an agenda item, as an AOB, on the modification of sulphites maximum levels in cooked Norway Lobster.

Nicolás Fernández Muñoz (OPP72) wanted to hear from other members about live bivalve molluscs fisheries with PSP destined for processing. After processing, the PSP disappears. Nevertheless, it prevents the fleet from fishing, because the PSP levels are too high, according to EU rules.

The Chair proposed to discuss the requested topics at the end of the meeting. If not possible, due to time constraints, then at the next meeting.

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

The Chair provided an overview of the state-of-play of the action points of the last meeting.

- Voluntary Sustainability Claims on Seafood Products:
 - Chair and Secretariat to attempt redrafting of draft recommendation f)
 - Secretariat to circulate amended version of the draft to the members
 - Continuation of consideration of the draft advice at the next meeting
 - Amended draft circulated on 6 May 2021 with redrafted recommendation f)
 - Consideration of the draft advice scheduled in the draft agenda
- Plant-based imitation seafood:
 - Draft advice to be circulated for comments



- Chair and Secretariat to determine, based on the level of divergence in the submitted comments, whether the draft requires discussion at the next meeting or whether it should continue through written procedure
 - Circulate for comments: 8 to 23 April 2021
 - Consideration of the draft advice scheduled in the draft agenda
- Secretariat to circulate amended version of the draft to the members
- Continuation of consideration of the draft advice at the next meeting
 - Amended draft circulated on 6 May 2021 with redrafted recommendation f)
 - Consideration of the draft advice scheduled in the draft agenda
- Health and Environmental Value of Seafood:
 - Working Group to wait for the list of legislative recommendations from the SEAFOODtomorrow project
 - Secretariat sent email to project coordinators asking for update on the list
- Dioxins and Dioxin-like Polychlorinated Biphenyls (PCBs) in Fish Oil:
 - Matthias Keller Bundesverband der deutschen Fischindustrie und des Fischgrosshandels e.V.) to prepare draft proposal in coordination with the Chair and the Secretariat
 - Draft to be considered through written procedure
 - WG3 written consultation: 20 April to 5 May 2021
 - ExCom written consultation: 6 to 21 May 2021

Voluntary Sustainability Claims on Seafood Products

- **Consideration of draft advice**

The Chair started with the consideration of draft recommendation f) and asked members if they agreed with the rewording.

The Secretary General highlighted that draft recommendation f) covered environmental sustainability, while draft recommendation e) covered the importance of the three pillars of sustainability and draft recommendation g) covered socio-economic sustainability.

Sean O'Donoghue (KFO) argued that the word “purpose” was too vague. The word “role” could be used instead. It should be clear that it refers to the environmental pillar of sustainability.

Christine Absil (Good Fish Foundation) explained that she was not satisfied with the wording in the original draft version, because it implied that consumers were being misled to believe that sustainability was only about environmental sustainability. The redrafting recognises that sustainability is also about social and economic sustainability. But, when a sustainability claims is made, that it is also sufficient to indicate to the consumer the kind of sustainability referred to.



Erin Priddle (MSC) highlighted that the concept of three pillars of sustainability is embedded in public policy. Ms Priddle suggested to redraft as “their role should be made clear to consumers”, since it was already prefaced, in the previous sentence, with the reference to “pillars of sustainability”. Some ecolabels are considering the inclusion of socio-economic elements in their certification. The role of the ecolabel should be made clear to consumers.

Emiel Brouckaert (EAPO) suggested to redraft as “this should be made clear to consumers”.

Working Group 3 agreed that draft recommendation f) would read “Bear in mind that there is the legitimate existence and further development of certification schemes that are focusing on environmental sustainability (ecolabels). This should be made clear to consumers”. The working group proceeded to consider the main text of the draft.

The Secretary General explained that the sections in yellow referred to views without a consensus. The different views were identified in the questionnaire. The aim was to hold a discussion to determine if consensus was possible. Otherwise, it was a matter of identifying the members that supported the views outlined in the text.

Christine Absil (Good Fish Foundation) suggested changing the order of the sections of the draft advice. The recommendations should appear after the introduction. The main text could be renamed as “outcome of the workshop and questionnaire to the members”. It should be clear that the views were not discussed in depth. The main text could potentially be moved to an Annex.

The Chair mentioned the possibility of including the results of the questionnaire in the Annex. The Chair also highlighted that it is not problematic to not reach consensus in terms of background text.

Sean O’Donoghue (KFO) argued that there should be a concise introduction followed by recommendations. Annexes should not be added. The focus should be on the recommendations, not on background text.

Quentin Marchais (ClientEarth) highlighted that there was consensus in the recommendations, which is the relevant section for the Commission. Therefore, the recommendations should be the focus.

The Secretary General suggested to rearrange the draft text, so that the “recommendations” section would be section 2, right after the introduction. The rest of the text would appear afterwards, potentially as an annex. Nevertheless, the working group would still need to agree on how the different views identified in yellow would be drafted. This text provides reasoning to understand the recommendations.

Christine Absil (Good Fish Foundation) wanted to know if the textual references to “some members” reflected the views of specific interest groups amongst the membership.



The Secretary General responded that the views come from specific interest groups. Nevertheless, not all members replied to the questionnaire. Therefore, it is important to know if the members attending the meeting agree with the views in the text.

Quentin Marchais (ClientEarth) agreed that indeed that some members might have not replied to the questionnaire, but still want to include their views in the MAC's advice. Therefore, it might be easier to simply include a clarification in the advice that the views are based on the questionnaire.

Sean O'Donoghue (KFO) emphasised that the focus should be on the consensus recommendations, not on individual replies to a questionnaire. It is sufficient to mention, in the introduction, that a questionnaire took place beforehand.

The Chair agreed with the inclusion, in the introduction, of a sentence explaining that the advice was based on a workshop and a questionnaire to the members. The Chair did not oppose the deletion of the remaining text, meaning that the draft advice would only include the introduction and recommendation sections. The Chair suggested the inclusion of a footnote stating that a summary of the replies to the questionnaire could be requested on demand.

Working Group 3 agreed with the deletion of the main text, meaning that the agreed text would be composed of the introduction and recommendation sections.

- **Way forward**

The Chair proposed to put forward the agreed draft advice to the Executive Committee for adoption through written procedure.

Plant-based Imitation Seafood

- **Consideration of draft advice**

The Secretary General explained, in the draft version under discussion, there were several amendments by EuroCommerce, a few comments from other members, and then a final section requiring further discussion.

Carla Valeiras Álvarez (EuroCommerce), in relation to their proposal to delete the second example in section 2.3, explained that the example was not clearly related to a lack of clarity for consumers. The first example is strong enough, which also maintains the advice concise.

Pierre Commère (ADEPALE) stated that, in section 2.3, it was more appropriate to refer to a "growing" demand from consumers.



Carla Valeiras Álvarez (EuroCommerce) suggested a rewording of the introductory paragraph of section 2.5, in order to ensure the adequate tone.

Pierre Commère (ADEPALE) suggested the inclusion of text to explain that the packaging of the product must be taken into account as a whole, not merely sections of it.

Christine Absil (Good Fish Foundation) stated that location of the product in the supermarket's space is also important. For example, it could be misleading if the plant-based product was included in the area that it is usually destined for seafood products.

Carla Valeiras Álvarez (EuroCommerce) expressed disagreement with suggestion from the Good Fish Foundation, arguing that it was too specific and could impact the commercial practices of retailers and wholesalers.

Pierre Commère (ADEPALE) agreed with EuroCommerce. The placing of the product in the shelves is quite complex, which is not the responsibility of producers. Therefore, it should be seen at the same level as the matter of the packaging. These issues should be separated.

María Luisa Álvarez Blanco (FEDEPESCA) argued that, to avoid consumer's confusion, both the package and the placing of the product were relevant.

Carla Valeiras Álvarez (EuroCommerce) maintained their opposition to the reference under discussion. Ms Valeiras offered to provide additional written arguments after the meeting.

Emiel Brouckaert (EAPO) agreed with FEDEPESCA's intervention and argued in favour of maintaining the text.

María Luisa Álvarez Blanco (FEDEPESCA) suggested referring to the "placing and displaying in the retailer's space", instead of "shelves", since online sales also have a role.

Christine Absil (Good Fish Foundation) highlighted that, for consumers, it is easier if there is a dedicated area for plant-based products than trying to locate these amongst other types of products.

The Secretary General explained that, under section 2.5, the first example was included by Paulien Prent (Visfederatie) in the original draft proposal. The other two examples were provided by OPESCAYA.

Christine Absil (Good Fish Foundation) wondered if the first example was useful. The word "tuna" is indeed larger than "plant-based". Nevertheless, it was still clear that it is a plant-based product. The brand name "Good Catch" could be confusing, but this would also be applicable to aquaculture products, not only to plant-based ones.



The Chair commented that the figure's description highlighted the issues mentioned by Ms Absil.

Pierre Commère (ADEPALE) argued in favour of maintaining the first example, because the brand name and the larger lettering of the word "tuna" could be misleading for consumers.

Aurelio Bilbao (OPESCAYA) agreed with maintaining the first example. Even though the packaging indicates "plant-based", the reference to "tuna" is still included in a large lettering. The aim of the packaging is to mislead consumers.

Working Group 3 proceeded with the consideration of section 3 "conclusion and recommendations".

Pierre Commère (ADEPALE) clarified that his association did not support solution 2. In his view, plant-based products should not include references to commercial designations or to the unprotected designation "fish". Plant-based products should find their own designations.

Christine Absil (Good Fish Foundation) emphasised that the main message should be avoiding consumer misleading. Therefore, the advice could merely ask the Commission to look at existing best practices, particularly the German guidelines.

Carla Valeiras Álvarez (EuroCommerce) agreed with the previous intervention. The focus should be on asking the Commission to adopt rules and to carefully look at existing best practices. The MAC does not need to tell the Commission how the labelling rules should specifically look like.

Matthias Keller (Bundesverband der deutschen Fischindustrie und des Fischgrosshandels e.V.) explained that the German guidelines were the result of a broad consultation of producers, consumer associations, scientists, and processors. It is a good example of best practices. The protection of the commercial designations is necessary to avoid misleading consumers, even though the protection of the word "fish" is not possible.

Guus Pastoor (Visfederatie) argued that maintaining the different views on the possible labelling solutions could be useful to the Commission. Solutions could be mentioned without providing a specific value to them.

Pierre Commère (ADEPALE) agreed that listing the different labelling options without classifying them could be a good idea. The options should also include ADEPALE's view: plant-based products should not use commercial designations or the unprotected designation "fish". Plant-based products should develop their own denominations and identity without a reference to other food products.

María Luisa Álvarez Blanco (FEDEPESCA) agreed that there should be no reference to seafood species or to the designation "fish" in plant-based products. Their previous position was an attempt of compromise.



Aurelio Bilbao (OPESCAYA) agreed with ADEPALE. Plant-based products should not include references to seafood products in their packaging. Plant-based producers are trying to take advantage of the prestige of seafood products to commercialise their products. There should be consumption of fruits and vegetables, but without misleading consumers.

Nicolás Fernández Muñoz (OPP72) argued that it was unacceptable for a product that does not include seafood in its composition to have references to seafood in its packaging. This should be completely forbidden, since it is fraud and misleading to consumers.

- **Way forward**

The Chair proposed the circulation of the amended draft advice under written consultation for two weeks, in order to fully clarify the Annex. Once agreement is reached under written consultation, the draft will be put forward to the Executive Committee for adoption.

Christine Absil (Good Fish Foundation) expressed preference for a more generic advice, instead of including specific proposals for labelling rules.

The Chair clarified that the different labelling options would be included in the Annex without mentioning majority or minority positions.

Health and Environmental Value of Seafood

- **Presentation on nutrition by Yobana Bermúdez, CONXEMAR**

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

Yobana Bermúdez (CONXEMAR) explained that most countries and renowned organisations have the same approach to healthy diets. The consensus is to avoid being overweight, exercise every day, and consumer healthy food, including fish. Other recommendations are to avoid sugar and consumer certain types of food, like red meat, in moderation. In Europe, food consumption patterns have changed and consumption of processed products high in saturated fats, free sugars, and salt is high. Non-adherence to dietary guidelines is widespread amongst adults. The role of governments is to ensure that day-to-day environments are supportive of healthy options. Policies aimed at creating healthier, more supportive food environments are now a priority. Dietary factors are a leading cause of mortality in Europe.

The Farm to Fork Strategy addresses comprehensively the challenges of sustainable food systems and recognises the inextricable links between healthy people, healthy societies and a healthy planet. It is an opportunity to improve lifestyles and health. Obesity is rising in the EU, contributing to a high



prevalence of diet-related diseases and related healthcare costs. Overall, EU diets are not in line with national dietary recommendations. Sustainable fish and seafood production must be accelerated.

Fish is highlighted as a healthy food in Finland, France, Germany, Italy, Norway, Spain, Sweden, and USA as well as by the Harvard University and the WHO. According to EFSA, seafood is a source of energy and protein with high biological value and contribute to the intake of essential nutrients, such as iodine, selenium, calcium, and vitamins A and D, with well-established health benefits. Seafood also provides n-3 long chain polyunsaturated fatty acids, and is a component of dietary patterns associated with good health. Other scientific references demonstrate the importance of seafood products for healthy nutrition.

Fish products, similar to fruits and vegetables, are the basis of a good and healthy diet. Lowering the VAT on fish would mean an increase in their consumption and a healthier diet and would reduce diseases and health costs.

- **Presentation on environmental impacts and benefits of seafood by Jordi Guillen, JRC**

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

Jordi Guillen (JRC) explained that the European Green Deal aims for the EU to be climate-neutral by 2050, an economy with net-zero greenhouse emissions, in line with the EU's commitments under the Paris Agreement. The need for sustainable fishing is highlighted by the CFP and the Farm to Fork Strategy, including not only the need to ensure the sustainable management of wild fish populations, but also of assessing the environmental footprint of fish products.

Mr Guillen provided an overview of fuel consumption in the EU fishing industry. When fuel price goes down, the fuel consumption does not decrease. When fuel price increase, fuel consumption decreases more than the average. The environmental footprint of fisheries can be assessed by means of Life Cycle Assessment (LCA). It is a method to assess the environmental impacts systematically and holistically of the life cycle of products and processes from raw material extraction to waste management. LCA allows assessing a multitude of environmental impacts highlighting possible trade-offs and burdens shifting between not only environmental impacts but also life cycle stages. The LCA for GHG emissions for fish and seafood products ranged between 4.6 and 9.0 kg CO₂ eq. per kg of products. Compared to other products, seafood has lower emissions. Most impacts are generated during the primary production (e.g., fishing and aquaculture activities).

LCA has some shortcomings due to data shortcomings: need to include more products, the exact origin of the fish, mixing of different products in processing, and age of the information. The EU imports about 70% of the fish consumed, so it might be difficult to collect data from third countries. GHG emissions is only one of the impacts, but it is easy to measure, it is impartial, and it can be



monitored over time and compared with other sectors. Other impacts must be included, but must be measured in a reliable way.

There is ongoing work in STECF on the inclusion of additional indicators to measure sustainability in marketing standards under the CMO Regulation. The Commission is also working on the development of the Consumption Footprint indicator, which is a set of 16 LCA-based indicators with the purpose to quantify the environmental impacts of an average EU citizens, based on the consumption of goods in five areas (Food, Mobility, Housing, Household goods and Appliances) and a total of around 150 representative products.

The benefits of seafood should also be taken into account. Fish is more than proteins. If impacts have to be accounted, then the benefits should be too. Consumer should be aware of these. At the same time, too much information can be confusing to consumers. It is necessary to discuss what consumers need and want to know. If fish has less impact than other food products, this is beneficial information. It might be useful to compare domestic products with imported products. There is also the potential development of “low impact” products, such as low trophic levels algae. It is necessary to check if there is a market for these products.

- **Presentation on VAT rates for seafood products by María Luisa Álvarez, FEDEPESCA**

María Luisa Álvarez Blanco (FEDEPESCA) explained that her association was one of the first asking for a reduction of VAT levels for fish products to 4%, which are currently set at 10% in Spain. Under the Spanish tax regime, there is a 4% rate for products considered to be primary necessity. This request comes from producers, processors, canning, and retailers. It would help to improve the consumption of fish products and provide a healthy and accessible diet to Spanish citizens.

The consumption of fish has consistently decrease over the past years in Spanish households. The consumption decreased 4,17kg per person in the last six years. In 2019, out of 22,5kg consumed per person, less than 10kg were of fresh fish. Consumption at home is decreasing. Seafood products are being abandoned in the Spanish diet. One of the reasons for this reduction is the closure of traditional specialised fishmongers. Since 2007, 1/3 of traditional fishmongers have closed. Social changes due to the introduction of new technologies has also impacted consumption habits. Time dedicated to shopping of fresh products and cooking has shifted to other activities, such as use of social media and internet. There is a growth of e-commerce, which is more focused on processed products.

The change in diets has a negative impact on health, including overweight and obesity. It translates into problems of cardiovascular diseases. Amongst the Spanish population, almost 20% have hypertension, 18% with high cholesterol, and 8% of diabetes. Public health expenditure on cardiovascular diseases reached 7.700 million euros in 2017. When taking into account other diet-related health problems, the expenditure goes over 12.000 million euros. A change in the VAT rate



from 10% to 4% would represent a loss of less than 500 million euros, while there would also be a reduction in public expenditure on health.

Ms Álvarez emphasised that it was unsuitable that VAT rates for fish products across the EU had such significant variations. It goes from 0% in Ireland to 21% in Latvia. If there is a public commitment to support healthy, sustainable and accessible diets, the VAT rate should be lowered. Fiscal policy should promote the consumption of healthy products and make them affordable to citizens. The EU needs a common policy to encourage healthy diets.

- **Exchange of views**

Pierre Commère (ADEPALE), in relation to CONXEMAR's presentation, highlighted that it was in line with the MAC's advice on "nutri-score labelling of fish products". Fish products provide an important source of protein with omega3, EPA and DHA. Often, these simplified nutritional systems do not take properly into account the nutritional benefits of fish. There is a lack of alignment between public health recommendations and the existing simplified nutritional systems.

The Secretary General recalled that, under the Work Programme for Year 5, the MAC committed to adopting advice to the Commission on recognising the health and environmental value of seafood. The aim of the agenda item was to collect ideas from the presentations and the exchange of views, particularly scientific references and policy recommendations, to use in a draft advice. The Secretary General mentioned that a questionnaire to the members could be envisaged to collect more inputs.

Sean O'Donoghue (KFO) recalled that Working Group 1 was addressing the incorporation of a sustainability component in the marketing standards. Mr O'Donoghue encouraged members to read the STECF report ahead of the next Working Group 1 meeting.

Quentin Marchais (ClientEarth) mentioned that there is a plethora of scientific studies that demonstrate the benefits of seafood consumption. There are some recent studies comparing national health recommendations and Commission recommendations. In relation to Ms Álvarez's presentation, expressed concern, from a legal perspective, that VAT exemptions could be considered a form of state aid. Regarding Mr Guillen's presentation, Mr Marchais wanted to know if the figures on emissions per products took into account the different fishing gears.

Jordi Guillen (JRC) responded that, for the products mentioned in the presentation, it was a sum of the different gears used by the country that consumed it.

Quentin Marchais (ClientEarth) highlighted that the fishing gear used would have an impact on the emissions.



Jordi Guillen (JRC) added that a team at the JRC is currently looking into the emissions and environmental impact of different fishing gears. More detailed data is needed.

María Luisa Álvarez Blanco (FEDEPESCA) explained that the request would be for a reduction of the VAT rate, not an exemption. The 4% rate is used for certain types of food products, such as bread, milk, cheese, eggs, fruits, vegetables, cereals, but also other products, such as newspapers, magazines, books, and medicine. It is a rate destined for products of first necessity. There should be a change from first necessity towards products that promote a healthy diet. When discussing a just, sustainable, healthy, and accessible diet, it is important to keep in mind that national and EU tax policies are a tool to meet these goals. The UN is currently discussing the right to a healthy diet and the EU is undertaking the Farm to Fork Strategy.

Nicolás Fernández Muñoz (OPP72) expressed agreement with FEDEPESCA. Seafood products should be treated the same as other essential food products, in order to promote a healthy diet. Mr Fernández mentioned his experience, in the context of the Production and Marketing Plans, of promoting a concept of “food custody”, meaning that local authorities should care to promote a healthy diet for their citizens. Fish products should be identified and have a direct relationship with the local markets, so that consumers have a guarantee that the available products correspond to a local fleet, plus that the product respected all sustainability standards. This practice reinforces the Farm to Fork Strategy. The described experience by his OPP began the previous year and is now being extended to rural areas in the interior of Spain.

Christine Absil (Good Fish Foundation) expressed support for the increase in the consumption of sustainable seafood. However, it is difficult to generalise through a tax regime. There are seafood products that are less healthy than others. For example, in the Netherlands, the most consumed seafood is unhealthy fried fish bites. When promoting the consumption of seafood, the MAC would need to be more specific.

- **Way forward**

The Chair proposed the circulation of a questionnaire on the topic.

AOB

The Chair proposed to postpone agenda items requested under AOB to the next meeting.



Summary of action points

- Voluntary Sustainability Claims on Seafood Products:
 - o Agreed draft advice to be put forward to the Executive Committee for adoption through written procedure
- Plant-based imitation seafood:
 - o Amended draft advice to be considered through written consultation (2 weeks) by the working group, in order to fully clarify the Annex
 - o Once agreement is reached under written consultation, draft to be put forward to the Executive Committee for adoption
- Health and Environmental Value of Seafood:
 - o Chair and Secretariat to prepare a questionnaire to the members, in order to gather input for future advice, ahead of the next meeting
- AOB:
 - o Requested topics to be included on the draft agenda of the next meeting



List of attendees

Representative	Organisation
Anna Boulova	FRUCOM
Aurelio Bilbao	OPESCAYA
Aurora Carbonero de Blas	Spain
Benoît Thomassen (Chair)	FEAP
Carla Valeiras Álvarez	EuroCommerce
Catherine Pons	FEAP
Cécile Fouquet (observer)	Aquaculture Advisory Council's Secretariat
Christine Absil	Good Fish Foundation
Daniel Voces	Europêche
Daniel Weber	European Fishmeal
Elisabetta Maiorano	EuroCommerce
Emiel Brouckaert	EAPO
Erin Priddle	MSC
Frangiscos Nikolian	European Commission
Garazi Rodríguez	FEAP
Georg Werner	Environmental Justice Foundation
Gerd Heinen	European Commission
Guus Pastoor	Visfederatie
Javier Ojeda	FEAP
Jean-Marie Robert	Les Pêcheurs de Bretagne
Jens Mathiesen	Danish Seafood Association
Jordi Guillen	European Commission
José Basilio Otero Rodríguez	Federación Nacional de Cofradías de Pescadores (FNCP)
José Carlos Escalera	FECOPESCA
Juan Manuel Trujillo	ETF



Representative	Organisation
Katarina Sipic	AIPCE-CEP
Laura Rull del Águila	Spain
María Luisa Álvarez Blanco	FEDEPESCA
Massimo Bellavista	COPA COGECA
Matthias Keller	Bundesverband der deutschen Fischindustrie und des Fischgrosshandels e.V.
Mike Turenhout	Visfederatie
Nicolás Fernández Muñoz	OPP72
Pablo Iraeta	Spain
Paloma Colmenarejo	ClientEarth
Patrick Murphy	IS&WFPO
Paulien Prent	Visfederatie
Pedro Luis Casado López	OPP80 Punta Del Moral
Pedro Reis Santos	Market Advisory Council
Pierre Commère	ADEPALE
Purificación Fernández	OPPC-3
Quentin Marchais	ClientEarth
Rebeca Díez Barca	CONXEMAR
Roberto Carlos Afonso	ANFACO-CECOPECA
Rosalie Tukker	Europêche
Sean O'Donoghue	Killybegs Fishermen's Organisation Ltd (KFO)
Sergio López Garcia	OPP LUGO
Stavroula Kremmydiotou	Market Advisory Council
Wouter van Zandbrink	Dutch Mussel Traders Association
Yobana Bermúdez	Conxemar

