



Advice

Product Environmental Category Rules (PEFCR) for Marine Fish for Human Consumption

Brussels, 24 May 2022

1. Introduction

In 2020, the European Commission's Directorate-General for Environment (DG ENV) launched a policy initiative on substantiating green claims¹. The Product and Organisation Environmental Footprint will be determined through Life Cycle Assessment methods. Environmental performance will be calculated from extraction/growing of resources to the end of life of the product or portfolio. The PEF method covers 16 environmental impact categories, which are shared across all products/industries.

Product Environmental Footprint Category Rules (PEFCR) are being developed by external experts, including PEFCR for unprocessed Marine Fish Products (both for wild catch and farmed) under a Technical Secretariat². PEFCR for other food products, such as pasta and dairy, as well as for feed for food producing animals have been developed. The First Open Consultation for the Marine Fish PEFCR took place from 2 August to 4 October 2021. On 15 February 2022, DG ENV organised an online training session³. Three supporting studies will be carried out to test the

¹ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12511-Environmental-performance-of-products-&-businesses-substantiating-claims_en

² Information about the initiative, consultations, and the Technical Secretariat is available online: <https://www.marinefishpefcr.eu/technical-secretariat>

³ Recording available online: https://ec.europa.eu/environment/eusds/smgp/ef_trainings.htm#pefcr_fish.

PEFCR. Following the studies, a Second Open Public Consultation is expected to take place in late 2022.

The Market Advisory Council (MAC) welcomes the openness of the European Commission and of the Technical Secretariat to receive comments on the Marine Fish PEFCR project. In a previous opportunity, the MAC provided advice concerning the public consultation on a potential legislative proposal on substantiating green claims⁴, which should still be taken into account.

2. Recommendations

In a future opportunity, the MAC aims to provide technical comments on the draft report of the Technical Secretariat. In the meantime, in the context of the development of the Marine Fish PEFCR project and the policy initiative on substantiating green claims, the MAC believes that the European Commission should:

- a) Ensure policy coherence between the PEFCR project and the legislative proposal on substantiating green claims with other initiatives affecting the communication on sustainability information to consumers, such as the revision of the marketing standards framework for fishery and aquaculture products⁵, the revision of rules on food information to consumers⁶, and the sustainable food system framework⁷;

⁴ Advice was adopted on 10 December 2020: <https://marketac.eu/substantiating-green-claims/>.

⁵ On several occasions, the MAC adopted advice concerning the ongoing revision of the marketing standards framework. The latest one was on 15 October 2021: <https://marketac.eu/marketing-standards-sustainability/>.

⁶ On 30 March 2022, the MAC adopted advice on the Public Consultation on the Revision of the Regulation on the Provision of Food Information to Consumers: <https://marketac.eu/public-consultation-on-revision-of-eu-regulation-on-the-provision-of-food-information-to-consumers/>.

⁷ On 15 February 2022, the MAC adopted advice concerning the initiative on a sustainable food system framework: <https://marketac.eu/sustainable-food-system-framework-initiative/>.

- b) Seriously assess other possible options, beyond the PEF method, to substantiate green claims, before reaching a decision. Relying on a single framework or method can be counterproductive and the limitations of a single LCA approach must be accounted for⁸;
- c) Taking into account the inherent complexity of the PEF method, maintain communication to consumers via this method as voluntary;
- d) Clarify the long-term planning on the use of the PEF method, particularly whether its use is expected to remain voluntary in the substantiating of green claims. As mentioned above, in the view of the MAC, the use of the PEF method should remain voluntary when communicating to consumers;
- e) Ensure that the development of concurrent policy initiatives on sustainability communication does not lead to future consumer confusion, since some consumers might be unable to interpret all of the simplified information provided. Besides the significant amount of information on the packaging, a product might, for example, attain a “positive” value under the proposed sustainability criteria of the marketing standards framework and, simultaneously, attain a “negative” value in the environmental performance under the PEF methodology;
- f) Take into account the significant administrative burden for operators, especially for SMEs, of the PEFCR initiative combined with other ongoing and existing initiatives;
- g) In the drafting of the PEFCR for unprocessed Marine Fish products, ensure respect for concepts and definitions provided by the existing regulatory framework, for example concerning “bycatch”, “discards”, and “targeted species”, in order to avoid conceptual misunderstandings;

⁸ Relying on a single framework or method can be counterproductive in understanding the full environmental reality of systems, trade-offs, uncertainties, among other factors. The limitations of a single approach are recognised by a broad body of academic literature devoted to the methodology complexities of LCA. While the PEFCR methodology will not exclude other methods from the market, its adoption and reference in EU legislation can lead to a prominent position in the market.

- h) Taking into account the lack of consensus on a method or criteria to quantify biodiversity impacts for a specific product and that biodiversity is not included as an impact category in the PEF methodology, plus the difficulty for operators in providing primary data on the mentioned information, ensure that the provision of data on biodiversity impacts is not mandatory under “additional environmental information” or under “additional technical information”;
- i) If PEFCR for unprocessed Marine Fish product are adopted, accompany these with guidance documents with practical examples to facilitate understanding by operators and other stakeholders. It would be useful to include practical examples in the PEFCR document;
- j) Taking into account the need for consistency across future PEFCRs for other fisheries and aquaculture sectors, clarify the expected impact of the principles of the Marine Fish PEFCR on future rules (e.g., freshwater fisheries, farmed products, molluscs, processed fish), for example through the commissioning of a study on this matter.