

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

Draft Minutes

Tuesday, 2 April 2024 (14:00 – 17:30 CET)

Zoom

Interpretation in EN, ES, FR

Welcome from the Chair, Benoît Thomassen

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

Adoption of the agenda and of the last meeting's minutes (30.01.24): adopted

Action points of the last meeting

- **State-of-play of the decisions made during the last meeting - information**
- **Food Fraud:**
 - Continue monitoring developments and, at a future meeting, schedule an exchange with DG SANTE about the implementation of the GoldFish coordinated action.
 - At the request of DG SANTE, exchange to be scheduled for September 2024.
- **Transition Pathway for a More Resilient, Sustainable and Digital Agri-Food System:**
 - Continue monitoring developments, and, at a future meeting, invite DG GROW to present the final report.
 - At the request of DG GROW, presentation to take place in June 2024.
- **Awareness Campaigns:**
 - Agreed draft advice on the “Taste the Ocean” campaign and other potential campaigns for awareness about fishery and aquaculture products in the EU to be put forward to the Executive Committee for consideration and potential adoption.
 - Advice adopted on 31 January 2024.
- **Food Waste:**
 - Secretary General to informally consult with the members on the outstanding points, specifically on subsection 3.1. on “sections of the supply chain covered by the targets”.
 - Following the informal consultation, draft advice to be put forward, via urgent written procedure, to the Executive Committee for consideration and potential adoption.
 - Advice adopted on 18 March 2024.
- **Consumer Information:**
 - Secretariat to circulate Doodle poll to determine the date of the first meeting of the Joint MAC/AAC Focus Group on Consumer Information in the HoReCa Sector.



- 1st meeting: 22 February 2024.

Substantiation and Communication of Explicit Environmental Claims

- **Presentation of the European Parliament's position**

The Chair informed that MEP Cyrus Engerer, ENVI Rapporteur, had to cancel his participation due to unforeseen circumstances, but that Jennifer Reeves (MSC) volunteered to provide an update on the state-of-play of the “substantiation and communication of explicit environmental claims” file.

The Chair recalled that, following a roadmap and a public consultation, on 22 March 2023, the Commission adopted a legislative proposal for a directive. The aim of the legislative proposal is to propose common criteria against greenwashing and misleading environmental claims. Before companies can communicate on the covered types of claims, these will need to be independently verified and proven with scientific evidence. On 30 November 2023, the MAC adopted advice on the legislative proposal.

Jennifer Reeves (MSC) explained that the European Parliament agreed on their position on 6 March 2024. The Council is expected to agree on a general approach by June 2024. The timeline for the interinstitutional negotiations was still unclear. Ms Reeves stated that, in general, the position of the European Parliament brings positive changes to the Commission's legislative proposal.

The *ex-ante* verification procedure is maintained, meaning that claims and labels would need to be pre-approved before being placed on the market. The European Parliament agreed on a simplified verification system of conformity. In her view, this brought up questions on the focus on life cycle assessment analyses, as operators would not be required to go through the verification process when using life cycle methodologies approved by the European Commission. These operators would avoid a lengthy approval process.

The position of the European Parliament highlights the importance of primary information for the substantiation of explicit environmental claims, but maintains a provision for second information when primary information is not available. Ms Reeves expressed hope that these provisions would be further strengthened through the provision of incentives for the use of primary data.

The European Parliament proposes the establishment of a platform for stakeholder consultations. Ms Reeves commented that there was significant vagueness on the verification procedure for green claims, as this procedure is to be further developed via a delegated act. There were concerns that the delegated act would be developed without proper consultation of the stakeholders, so the proposed platform would ensure proper consultation. She added that it would be useful to have clarity on the timeline for the development of the platform and potential engagement of the Advisory Councils.



The European Parliament strengthened the rules for certification schemes for substantiation of environmental claims through provisions on continuous improvement as well as provisions on criteria for independent, peer-reviewed, and recognised scientific data. Ms Reeves commented that several terms were lacking definitions, for example “widely recognised scientific data”, “robust and verifiable information”, and “taking into account EU and international standards”.

Ms Reeves highlighted that the European Parliament’s report makes reference to openness for innovation, allowing the establishment of new schemes, while the Commission’s proposal did not allow for new schemes in the same fields to avoid proliferation. On the other hand, the statement of the European Parliament’s Rapporteur alleges that the proliferation of schemes was tackled.

Ms Reeves stated that, overall, her organisation welcomed the proposal and several of the amendments and clarifications put forward by the European Parliament, particularly the proposal to develop a platform for stakeholder consultations. MSC remained concerned about the prominence of the Product Environmental Footprint methodology. Since this methodology will be approved through a delegated act, there will be limited opportunities for stakeholders to contribute.

Ms Reeves drew attention to the lack of clarity on the position of the Council, adding that that her organisation tried to contact the Council and several Member States without much success. She emphasised the importance of stakeholders starting to prepare for the new rules, as the legislative proposal on “Empowering the Consumer for the Green Transition” was already approved, which included several provisions for environmental labels and certification schemes. Due to the connection between the two legislative proposals, it was difficult to prepare when the legislative proposal on green claims was still being developed.

- **Exchange of views**

The Chair proposed for members to send written questions on the file to the Secretariat, which would be forwarded to the office of MEP Engerer.

Jennifer Reeves (MSC) stated that, accounting for the 2024 European elections, she expected the final adoption to take place in early 2025. According to the calculations of her organisation, suppliers and retailers would require around 18 months to prepare, including potential changes to logos and labels. Therefore, the European Commission would need to develop the delegated act promptly, allowing operators to start the procedures accordingly.

Product Environmental Footprint Category Rules (PEFCR) for Marine Fish Products

- **Update on the latest work of the Technical Secretariat by Mauro Cordella (DG ENV)**

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



The Chair recalled that, following a request from the European Commission, Product Environmental Footprint Category Rules (PEFCR) were being developed for unprocessed marine fish products, both for wild catch and farmed products, by external experts under a “Technical Secretariat”. A First Open Consultation took place from 2 August to 4 October 2021. The MAC established a Focus Group on the topic and adopted advice on 24 May 2022. Under the Work Programme of Year 8 (2023-2024), the MAC committed to provide advice on the topic again.

Mauro Cordella (DG ENV) explained that the LCA methods recommended by the European Commission corresponds to the Environmental Footprint methods. These are used to analyse the environmental impacts of products (PEF) and organisations (OEF).

Life Cycle Assessments are generically described under ISO standard 14040/44, which describes how to analyse the environmental impact of products from “cradle to the grave”, covering extraction and acquisition of natural resources, processing, use, transport, and end-of-life. However, these standards are generic and leave space for interpretation and methodological assumptions, which would undermine the quantification of reliable and harmonised information. Therefore, under Recommendation (EU) 2021/2279, the European Commission further developed rules to assess and report environmental impacts of products and organisation. To further promote and enable the comparison between different types of products, it is necessary to develop PEFCRs and OEFSRs. Delegated acts could be used to transform PEFCR/OEFSRs and LCA into legislation, when policy requires so. The current version of EF methods covers 16 impact categories, including climate change.

Mr Cordella provided an overview of the timeline of the development of the EF methods. The roots of the initiative were established in 2003, and a “pilot phase” started in 2013 to test the EF methods in a number of products and organisations. Based on the lessons learned, in 2021, the European Commission updated the Recommendation (EU) 2021/2279. In 2019, the “transition phase” started, which is still ongoing. The Commission is monitoring the implementation of PEF, creating new PEFCRs, and working on further methodological developments.

The Commission services plan to conclude the transition phase and update the EF methods in 2025/2026. There will also be a new database for life cycle inventory datasets in 2026/2027. After the “transition phase”, the EF methods should enter a phase of more stability and gradually wider application.

On PEFCR for Marine Fish Products, Mr Cordella explained that these cover both wild and farmed products. The scope covers unprocessed wild and unprocessed farmed marine fish for direct human consumption in the EU market. Crustaceans, molluscs and freshwater fish, both wild and farmed, are excluded from the scope. The Commission representative informed that the work is still ongoing. The Commission services held several meetings with the Technical Secretariat.



The analysis of the representative products has taken place, allowing the identification of the most relevant impact categories and processes. The most relevant impact categories for wild fish products are climate change, resource use, particulate matter, photochemical ozone formation, acidification, eutrophication. These are mainly related to the consumption of fossil fuels for fishery activities in boats. For farmed products, the most relevant impact categories are ecotoxicity of freshwater, eutrophication of marine water, climate change, water use, resource use, and particulate matter. These are mainly related to the production of the feed used in the growing of fish.

Concerning the outlook for the PEFCR for Marine Fish Products, Mr Cordella informed that, for the moment, microplastics were not included in the approach. These might be considered in future updates. Several modelling issues were being handled by the Technical Secretariat. The Commission services were also investigating how to address fish stock depletion and seabed impacts, either through LCA methods or the methods under development by STECF. In terms of timeline, the Second Open Public Consultation is expected for May 2024, the final draft PEFCR is expected in Q3 2024, and the publication of the final PEFCR is expected in Q4 2024.

On the role of PEF under the legislative proposal on substantiation of explicit environmental claims, Mr Cordella stated that PEF is one of the methods that could be used to comply with the legislative requirements. PEF can be used to support claims on specific environmental impacts and overall environmental footprint. The current version of the PEF cannot be used to address the release of microplastics, some positive externalities of extensive farming, and impacts on the depletion of fish stocks. He added that the European Commission will be likely empowered to formally adopt some PEFCRs for specific product groups via Delegated Acts.

- **Exchange of views**

Jennifer Reeves (MSC) expressed concern about the continued prominence of the PEF method, including the potential use, under the green claims directive, as a method to substantiate explicit environmental claims in fishery and aquaculture products, especially as the methodology was not yet publicly available. Ms Reeves informed that her organisation had been delving into the calculation of greenhouse gas emissions to assist retailers in the improvement of their processes. Even with the same methodology or equivalent assumptions, due to the specificities of fishery products, there can be variability in the data, impacting the accuracy by up to 30%. She wanted to know, accounting for the variability, how this methodology be used to compare products.

Ms Reeves also expressed concern about the maturity of the PEF method for the substantiation of claims, particularly as, by having the EU's "stamp of approval", it would be exempt from a conformity assessment. This would be an exemption from independent third-party certification in comparison with the other claims on the market. She highlighted that there were hundreds of methodologies available on the market, but that the EU would be only promoting the PEF method.



Ms Reeves expressed hope that the timeframe of the upcoming public consultation would be sufficient for the development of feedback by the Advisory Council as well as by her organisation, as she was concerned about the prompt adoption of the method by the European Commission.

Mauro Cordella (DG ENV) clarified that the development of PEFCRs by a Technical Secretariat is not equivalent to the adoption of the PEFCRs by the European Commission. The PEFCR is developed by a third party, the Technical Secretariat, in cooperation with the European Commission, e.g. to ensure compliance with EF rules.

Mr Cordella stressed that, at the current stage, there is significant proliferation of methods on the market. In the future, operators could be able to analyse environmental impacts with the PEF method, but that would still require the verification of the results and the information communicated. Even if there is presumption of conformity, it should be verified that a claim is based on right data and aligned with calculation rules. The operator would be exempt from demonstrating that the method was compliant with the green claims directive.

Mr Cordella recognised that the exact provisions would depend on the interinstitutional negotiations. The Council's general approach is expected in June 2024. The interinstitutional negotiations would likely take place after the summer break, with agreement expected by early 2025.

Regarding the concerns expressed by Ms Reeves on the PEF method, Mr Cordella stated that, under the present situation of the market, there is significant uncertainty on green claims. While the PEF method may be not perfect, it is a powerful tool to assess and communicated impacts with harmonised rules, and ensure a level-playing-field. Furthermore, the Commission is working on the provision of comprehensive and affordable datasets to be used by users of the PEF method. A database, centralised and owned by the Commission, would be made available in the future, enabling the yield of accurate and comparable results. It would also allow the mainstreaming of the PEF method, as the gathering of data is a barrier for companies.

Jennifer Reeves (MSC) argued that, even when using the same methodology, for a similar fishing trip, there could be very different results. The collection of the data is time consuming and costly. Even if data readings for one fishing trip is possible, a similar second fishing trip could have different results, which means that comparative claims would be impossible. Therefore, claims without primary data could be misleading. Ms Reeves exemplified that, in a fishing trip of a bottom trawler, there would be questions on how long the vessels touched the seabed.

Mauro Cordella (DG ENV) responded that operators currently have methodological freedom to choose from the methods available on the market. If operators choose to use the same method, there is still freedom in the selection of data and other methodological assumptions, which increases the likelihood of divergence in the results. The PEF comes with harmonised modelling and assessment rules, and is supported by its own database. Under these conditions, the margin for divergence is



reduced. The Commission representative added that the Technical Secretariat was also working on how to model the activity of the fishing vessels. He encouraged Ms Reeves to provide feedback under the open public consultation.

Javier Ojeda (FEAP), concerning the development of PEFCR by the Technical Secretariat, highlighted that it was also necessary to take into account the financing of the exercise. Mr Ojeda expressed concern about the applicability of the method for micro and small enterprises, as significant part of aquaculture undertakings in the EU are micro and small enterprises. He wondered about the future uses of PEF results, as there were also initiatives from the Commission on taxonomy rules, a sustainability label under the Sustainable Food System Framework, and new marketing standards for fishery and aquaculture products.

Mauro Cordella (DG ENV), concerning micro and small enterprises, recognised that the development of a sound LCA is not a simple exercise. It is quite burdensome in terms of technical knowhow and gathering of information. The PEF method can help through the provision of robust rules previously discussed with experts. The PEF method also provides support at the data level. Through the provision of a database, the Commission would aim to facilitate the process for companies with less resources. The Commission representative emphasised also that these calculations are voluntary for operators.

As for future uses, Mr Cordella replied that the most relevant use of PEF could be under the Green Claims Directive and the Ecodesign for Sustainable Products Regulation. The Commission representative emphasised that we also seek to pursue as far as possible alignment amongst PEF and other policy initiatives.

Christine Absil (Good Fish Foundation) asked about the use of the PEFCR for Marine Fish Products alongside the indicators under development by STECF on the sustainability of fishery products. In her view, the PEF method was not ideal to describe the impact of fishing methods. Ms Absil expressed concern about potential greenwashing and misleading of consumers.

Janne Posti (Conxemar) requested information on the link between PEFCR and the DG MARE / STECF initiative on fisheries-specific environmental sustainability indicators, namely on impact on seabed, impact on targeted stocks, and impact on sensitive species, and the information system and pilot tool under development. Mr Posti wondered about the potential future use for consumer information under a potential “traffic light” system on consumer packaging.

Mauro Cordella (DG ENV) responded that these were, initially, two separate initiatives. The PEFCR aims to quantify environmental impacts across the life cycle of the product, for example greenhouse gas emissions. The current version of the EF methods does not allow for a quantification of the impacts on stock depletion or seabed impact. The Commission services are investigating how to integrate those impacts into the PEFCR for Marine Fish Products. There are two main options under consideration: 1) building on work done in the Life Cycle Assessment field, and 2) follow the approach



of the STECF initiative. The STECF initiative follows a different logic from the PEF method, as it has a more qualitative approach. It should be possible to integrate qualitative information from STECF in PEF.

- **Way forward**

Mauro Cordella (DG ENV) encouraged the MAC to provide feedback under the Second Open Consultation envisaged for the PEFCR on marine fish products, as well as to further exchange with Mr Gerd Heinen (DG MARE).

The Secretary General recalled that, previously, Working Group 3 established a Focus Group on PEFCR for Marine Fish Products, which analysed the draft report of Technical Secretariat made public under the First Open Consultation. At the time, Working Group 3 decided to prepare advice to DG MARE with policy recommendations and to wait for the Second Open Consultation before submitting feedback on technical aspects. Therefore, in line with these prior decisions and the commitments made under the Work Programme of Year 8, the Secretary General suggested to restart the Focus Group on PEFCR for Marine Fish Products to prepare a contribution to the new consultation.

Paul Thomas (EAPO) expressed the availability of his organisation to continue working under the Focus Group on PEFCR for Marine Fish Products. Mr Thomas suggested to also take into account the ongoing work of STECF on sustainability criteria for fishery products.

Strategic guidelines for a more sustainable and competitive EU aquaculture

- **Update on the development of the EU-wide campaign by Charlotte Gugenheim (MARE A2)**

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

The Chair recalled that, on 17 May 2021, the European Commission adopted new strategic guidelines for a more sustainable and competitive EU aquaculture. 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. At the 27 January 2023 meeting, a DG MARE representative delivered a presentation on the development of the campaign. At that time, there was agreement to monitor developments.

Charlotte Gugenheim (DG MARE) informed that, since the 27 January 2023 meeting, the Commission services reworked the concept of the campaign on aquaculture following feedback from the task force established with Member States. The previous approach was focused on the products, while the new approach to focus on human stories and the producers. In terms of audience, the campaign is now more targeted to citizens aged 25 to 45. The main objective is to increase awareness, understanding and acceptance of aquaculture in the EU. Ms Gugenheim recalled that the campaign was being developed in collaboration with the Member States.



Ms Gugenheim explained that the Commission was developing the creative concepts, visual identity, and slogan. The Commission will develop one overarching video presenting the campaign. The main assets will be video testimonials of nine aquaculture producers in nine different countries, which serve as EU campaign “ambassadors”. The videos will be available in longer and shorter versions, and with and without subtitles in all EU languages. A template will be developed for Member States to produce their own videos with other local ambassadors, if they want to. Pictures of the “EU ambassadors” will be provided that can be adapted for various advertising.

At the EU’s level, the campaign will be based on social media. In terms of social media assets, there will be a template for static assets, and generic static assets to present and promote the campaign. Explainer videos on aquaculture with figures will also be developed. The posts will be made from the accounts of DG MARE, but with the involvement of one influencer per Member State (with the exception of Belgium, where there will be two), either visiting an aquaculture site or sharing their favourite product coming from sustainable aquaculture. The profile of the influencer was to be confirmed still. Additionally, a reference website in all EU languages with basic information on aquaculture and stories of the ambassadors would be developed, including links to potential national websites. Paid promotion on social would take place. There would also be dissemination through the representations of the European Commission.

Ms Gugenheim outlined the role of Member States to support and/ complement the campaign. The Member States were asked to identify the potential EU ambassadors for the nine videos and local ambassadors. In terms of local ambassadors, Member States could produce additional videos/photos with local ambassadors, as a way to “localise” content. These ambassadors could be useful for press and influencers’ visit in each Member State. The local ambassadors could also be involved in visits by officials of the European Commission and the promotion of the facilities on social media. Member States could be involved in promotion, including paid promotion on social media, organisation of activities for the launch of the campaign, organisation of events for the general public, development of out of home advertising, development of advertorials for local communities, and the dissemination of the campaign to local stakeholders.

Ms Gugenheim encouraged the members to disseminate the campaign materials and to potentially co-organise activities on EU aquaculture. As for next steps, the Commission representative informed the development of the creative concept and identification of ambassadors was ongoing. Videos would be shot and edited. Influencers would be identified. Social media assets would be developed. The campaign was expected to be launch in Autumn 2024, likely in November.

- **Exchange of views**

Javier Ojeda (FEAP) expressed satisfaction that the campaign would be ready by the end of 2024. Mr Ojeda highlighted that, in Spain, “Aquaculture Day” was on 30 November, so it would be useful to have the campaign ready by then.

Charlotte Gugenheim (DG MARE) thanked Mr Ojeda for the information, expressing interest from the Commission services know about other potential commemorative days in the EU and in the Member



States. Ms Gugenheim also encouraged the members to maintain close contact with their national authorities on the matter.

- **Update on the “Taste the Ocean” campaign by Charlotte Gugenheim (MARE A2)**

Charlotte Gugenheim (DG MARE) recalled that, at the 20 September 2023 meeting, Commission representatives presented the latest edition of the “Taste the Ocean” campaign, and that, on 31 January 2024, the MAC submitted advice on the campaign. Ms Gugenheim highlighted that the new edition of the campaign took into account several of the recommendations.

Ms Gugenheim informed that the aim of the campaign continued to be to encourage consumers to buy and enjoy sustainable fish and seafood. In the past years, DG MARE collaborated with chefs and influencers to create a list of sustainable food recipes. For the fourth edition, DG MARE wants to show that cooking sustainable fish and seafood can be easy and quick. The Commission wants to encourage to take part via a contest and an influencer campaign. In terms of timeline, the campaign and cooking contest would be from 15 to 29 April 2024. There would be a paid and organic campaign on Meta. The assets, including static visuals, one reel, and a website, would be made available in 24 languages.

Ms Gugenheim explained that the fourth edition would count on 28 influencers (two in Belgium, and one per other Member State). The influencers would prepare one simple and quick recipe and invite their audience to do the same by entering the #TasteTheOceanContest. The influencers would share tips on how to make sustainable choices when choosing their seafood. The influencers must tag DG MARE and the Representation of their country.

Ms Gugenheim further explained that the aim of the contest would be to challenge the audience to show their take on sustainable fish consumption. Some easy and sustainable recipes will be shown. The expectation would be that the audience would take tips on sustainability into their daily life. The Commission representative provided an overview of the rules, selection of the winner, and the prizes. She encouraged the members to promote the contest and to highlight their role in the value chain, in order to bring fishery and aquaculture products closer to the final consumer.

- **Exchange of views**

Paul Thomas (EAPO) thanked Ms Gugenheim and DG MARE for integrating, in such a short time, the recommendations of the MAC into the fourth edition of the campaign. Mr Thomas expressed willingness from his organisation to promote the campaign on social media.

María Luisa Álvarez (FEDEPESCA) also thanked DG MARE for accounting for the recommendations of the MAC. Ms Álvarez expressed availability to promote the campaign on the official social media accounts of her organisation as well as on an account more directed at consumers: “Come Pescado”.

Charlotte Gugenheim (DG MARE) thanked Mr Thomas and Ms Álvarez for the support.

The Chair proposed to invite DG MARE, at a future opportunity, for an update on the results of the fourth edition of the campaign.



Charlotte Gugenheim (DG MARE) welcomed the invitation.

Food Contact Materials

- **Presentation of the legislative proposal to restrict bisphenol A and other bisphenols in food contact materials by Jonathan Briggs (SANTE E2)**

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

Jonathan Briggs (DG SANTE) explained that food contact materials included food packaging, kitchenware, tableware, food production and food processing machinery, and anything that comes into contact with food products. Bisphenols are used in food contact materials, both in plastic and epoxy coatings applied in substrates, especially metal packaging.

Over the last few years, several assessments were made by the European Food Safety Agency (EFSA) on bisphenols. On 19 April 2023, EFSA published an opinion estimating the maximum tolerable daily intake for bisphenol A. Under this opinion, the recommended exposure levels were very significantly reduced compared to previous ones. EFSA identified effects on the immune system as well as reproductive and developmental effects. Therefore, the present exposure to bisphenol A in food contact materials was too high, so action was required to reduce exposure to the substance.

Bisphenol A in food contact materials are mainly used in varnishes and coatings as well as plastics, particularly polycarbonate plastic. In the EU, there is specific legislation on plastic in food contact materials, which regulates the substances used in the making of the plastic. Presently, bisphenol A is authorised as a monomer. There is a specific migration limit, which is also applicable to varnished and coated food contact materials, which follows the previous assessment of EFSA. A prohibition on bisphenol A in food contact materials specifically for infants and young children is already in place based on the precautionary principle, since 2018. A ban on bisphenol A in polycarbonate infant feeding bottles has been in place since 2011.

In food contact materials, bisphenol A is used to manufacture polycarbonate plastic for use in applications such as food moulding or processing equipment, water dispensers and some reusable drinking bottles for consumers. Bisphenol A is used extensively to manufacture epoxy resins for coatings to line food and drink cans, metal lids and caps, and some-scale storage tanks for the food industry. Bisphenol A may also be found as a component in other food contact materials, such as inks, adhesives, and rubber.

In the view of the European Commission, the authorisation of bisphenol A in food contact materials is no longer justified. Due to the low maximum tolerable daily intake, it is no longer practical to maintain a specific migration limit, including due to difficulties in compliance and enforcement. Therefore, the solution was to establish a prohibition on the intentional use of bisphenol A in food contact materials, including plastic, varnishes and coatings, inks, adhesives, and rubbers.

As part of the initiative, accounting for the Commission's Chemical Strategy and the ongoing revision of the legislation on food contact materials, there were legitimate questions from manufacturers on



what should or should not be used to replace bisphenol A. The Commission would like to avoid substances with similar and/or specific hazardous properties to maximise consumer safety and provide regulatory predictability / legal certainty. The European Chemicals Agency has identified other problematic bisphenols, some of which are now subject to harmonised classification under the Regulation on Classification, Labelling and Packaging of Substances and Mixtures.

Following the 2023 EFSA opinion, the European Commission maintained significant dialogue with the industry. The industry requested for the ban to target intentional use of Bisphenol A. The Commission wants to take into consideration that this substance can appear non-intentionally due to environmental contaminants and recycled materials. At a seminar held on July 2023, the European Commission presented the way forward to stakeholders. The industry called for sufficient time to transition from current formulations using Bisphenols A, particularly for all varnished and coated articles. The industry request time for the development and qualification process to ensure suitability, functionality, quality and safety of the replacements. Some applications will take longer than others. The industry also wants to avoid waste and destruction of materials and eventual food waste. There are also issues related to high costs and the replacement in the case of long-life applications.

A fixed transition period of 18 months is foreseen for the placing on the market of the affected food contact materials from the date of entry into force of the measure. The entry into force is estimated for late 2024, meaning that the application date would be from mid-2026. There would not be removal of the food contact materials already placed on the market and used as packaging containing the food. There would be longer transition times for specific articles, such as canned fish and fruit and vegetables, exterior of cans, and repeat use equipment for professional food manufacture. In the case of canned fish, there were issues related to flux and seasonal variations as well as food waste due to the lack of available packaging to meet the demand. A 36-month period would be applicable for canned fish.

A four-week feedback period on the draft measure was launched in February 2024. There were around 200 comments, which the Commission services are considering. Further discussions are ongoing with the authorities of the Member States and under an expert group. The measure will be voted by the Standing Committee on Plant, Animal, Food and Feed in April or June 2024 [now confirmed for June].

- **Exchange of views**

Paulien Prent (Visfederatie) requested more information on the impact that the ban would have on food processing machinery, such as conveyor belts, as there are conveyor belts used to transport fish which contain Bisphenol A. Ms Prent mentioned that the matter was discussed amongst food stakeholders in the Netherlands.

Jonathan Briggs (DG SANTE) responded that there were many items used in food production and processing that contained Bisphenol A, such as conveyer belts and large-scale containers. There were several ongoing considerations about repeat use articles in food processing settings. The Commission would like for the ban to enter into force, but there are specific complexities when removing this



equipment from circulation. Therefore, there might be legitimate justification for some exemptions. After the transitional period, the equipment would need to be replaced once it is worn out.

Mr Briggs informed that, under the current draft, semi-fixed components, such as polycarbonate trays, were taken into account. In a food processing setting, certain articles contribute little to the exposure to Bisphenol A. Therefore, the Commission would like to find a fair wording in the legislation.

Sonia Litman (ADEPALE) requested information about the transition period for external varnish. Under the feedback period, there were several comments requesting a prolongation of the transition period. In her view, for external varnish for metal packaging, the transition period should be sufficiently long to allow for the development of alternative solutions. There were regulations in place for external varnish that also needed to be accounted for. In the case of internal varnish, solutions were already in place due to previous French legislation.

Jonathan Briggs (DG SANTE) responded that, usually, external varnishes in metal cans would not have been addressed in such a legislative measure, since the metal acted as a barrier. The significantly low level of safe exposure estimated by EFSA led to discussions beyond use of Bisphenol A intended to come into direct contact with the food, which was why the Commission decided to regulate also the external varnish. The industry also requested legal clarity on the matter. The French ban did not require a reformulation of the external varnish of cans. During the manufacturing and lacquering of the can, the interior of the can could potentially be contaminated by the varnishing of the outside. The Commission services want to establish longer transition periods only when it is strictly necessary.

- **Way forward**

The Secretary General suggested that, accounting for the technical complexity of the file, it might be more appropriate for the members to provide feedback directly to the Commission services, instead of developing advice on behalf of the MAC. According to information provided by Mr Briggs prior to the meeting, AIPCE sent a position paper to DG SANTE.

Jonathan Briggs (DG SANTE) confirmed that a position paper from AIPCE was received, so the Commission services were aware of the specific challenges faced by the fish processing industry, particularly canned fish. Mr Briggs encouraged the members to contact him, in case there were any issues related to the definitions used in the draft legislation affecting fish products. The Commission highlighted that the Commission recognised the challenges for the industry, which was why the transition periods were foreseen.

The Chair encouraged the members to send their feedback directly to the Commission services.

FIP Blues

- **Presentation on the fishery improvement project for the Swordfish and Blue Shark fisheries by Xoán Lueiro (FIP Blues)**

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



Xoán Lueiro (FIP Blues) delivered a presentation of the fishery improvement project “FIP Blues”, which aims to be a comprehensive model of good practices in the performance and management of the Swordfish and Blue Shark fisheries. Mr Lueiro provided an overview of the members of the project, which include the fishing sector and the processing/trading sector. The project is a voluntary initiative by the Galician surface longline fleet. The initial implementation is being implemented in the Atlantic Ocean from 2019 to 2024 and the process has been started to extend the FIP to the fleet operating in the Indian Ocean and Pacific. He highlighted that the overall objective was to continue advancing in the sustainability of the fishery from the sea and throughout the entire value chain, in collaboration with the main agents involved in fisheries management and the marketing of the products.

Concerning the objectives of the project for environmental sustainability, Mr Lueiro explained that the aims were to continue improving the performance of the fishing at sea, increase collaboration with scientific institutions, strengthen the proactivity and collaboration with the sectoral administrations for a continuous improvement of the management of the species in the framework established by the RFMOs, to continue improving the efficient performance of the fleet at sea, to achieve the most internationally recognised fishing sustainability standards that recognise and certify the sustainability and traceability of their products, positive differentiation that allows the consolidation and facilitates the presence in the markets based on sustainability and transparency principles, and to incorporate new associates and partners to strengthen the process.

Concerning the objectives for social sustainability, Mr Lueiro explained that the project follows three principles: 1) protect human rights, dignity, and access to resources, 2) guarantee equality and equal opportunity for benefits, and 3) improve food security, nutrition, and subsistence means. These should be in compliance with the provisions of the transposition of Convention N.188 of the International Labour Organisation. He emphasised that environmental sustainability in fisheries is not possible without ensuring that human rights are respected for those working in them. He provided an overview of the reference methodology (Marine Stewardship Council): 1) sustainability of fish stocks, 2) minimisation of impact on the ocean ecosystem, and 3) effective management of fishing grounds. Progress is evaluated under an action plan. The information is available online on “Fisheries Progress”¹.

Mr Lueiro further explained that the FIP Blues comprises four main actions: 1) catch strategy and management of the target species, 2) keeping the improvement of data of the species connected to the fishery, 3) increase the coverage by observers, and 4) developing good practices and mitigation measures. He mentioned several examples of advances and achievements through these actions, such as Progress in components of Fisheries Management of species in the ICCAT area, improvement of the records in the electronic logbooks, improvement of good management practices and the release of non-retained species, improvement of the technical systematics and coverage of the observer program, collaboration with scientific institutes, and increase in the fish traceability.

Mr Lueiro outlined the current statuses of the project, both in terms of environmental and social objectives. He highlighted the commercial perspective of having certified fisheries sustainability,

¹ <https://fisheryprogress.org/>



which involves management of the fishing areas, retail and supermarkets, the vision of external actors, and the final consumer, to reach the market of fishery products. Therefore, it was necessary to consider the suitability of certifications of sustainable fisheries. He wondered about the potential relevance of an EU fishing certification.

- **Exchange of views**

Sergio López García (OPP Burela) stated that, as a member of the fishery improvement project, throughout the entire value chain, from the fishing vessels to the processing industry, there were very significant efforts to improve. Mr López commented that this fishery was impacted by a negative image at European and global level. He recalled, under the presentation delivered at the Working Group 2 meeting by Prof. Simone Severini on risks and vulnerabilities in the EU food supply chain, the regulatory framework was identified as the first factor. In his view, this particular fishery suffers from an excessive regulatory framework. Therefore, there should be a simplification to value the good practices in all fisheries and the entire value chain.

Juana María Parada Guinaldo (OR.PA.GU.) emphasised that the project is an example of absolute transparency, as the information was made publicly available. The project was also an example of improved traceability, as it aims to improve traceability from the fishing vessel to the consumer. Concerning the potential relevance of an EU fishing certification, Ms Parada argued that, accounting for the strict regulatory standards of the EU in comparison with the rest of the world, it was important to find a way to recognise the efforts of the operators. She expressed disappointment about the initiative “better protecting sharks through sustainable fishing and trade”, which was presented earlier that day at the Working Group 2 meeting, for not taking into account the work done for several years by the operators of the entire value chain of the single species the industry fishes, the blue shark (short fin mako is currently under a rebuilding plan and therefore, this fleet is not catching mako).

María Luisa Álvarez (FEDEPESCA) congratulated the participants for the impressive work achieved under the fishery improvement project. Ms Álvarez drew attention to the significant efforts made by EU operators to defend themselves against a negative image in the press, while the Chinese fleet was following lower standards, as demonstrated by presentation of the Outlaw Ocean project at the Working Group 2 meeting. She wanted to know whether the Swordfish and Blue Shark fishery was certified by the Marine Stewardship Council, since their methodology was being used in the project.

Ms Álvarez agreed about the importance of communicating the efforts of the operators to the final consumers, including potentially through an EU certification, even though there did not seem to be interest from the European Commission to pursue such an option. She expressed surprise about the Commission’s initiative “better protecting sharks through sustainable fishing and trade”, adding that negative press reached the consumers more quickly than the good initiatives. She wondered whether the project foresaw ways to communicate these efforts to consumers, to ensure valorisation.

Xoán Lueiro (FIP Blues) explained that the FIP program follows the methodology of the Marine Stewardship Council as a methodological tool to be ready for the potential application for the MSC



certification, which has a very demanding methodology. The fishery improvement project allows the operators to be prepared to apply for that certification. As for information to consumers, Mr Lueiro explained that the project included actions for dissemination in different forums, workshops, and conferences in Spain and in the EU. The previous year, the project was even presented to the Fisheries Committee of the European Parliament.

Nicolás Fernández (OPP72) thanked Mr Lueiro for the relevant presentation, which showed that the ambitions of the fishing industry went often above those of the European Commission. The sector was able to provide examples of good practices. Mr Fernández congratulated the participants of FIP Blues for, not only following the principles of the Marine Stewardship Council, but also integrating the social pillar of sustainability. He expressed concern about the excessive proliferation of certifications in the sector, adding that there should be instead more communication to consumers to show the good practices of the sector. Certification processes implied significant costs and administrative burden for the fishers. Fishmongers also had to face an increasing number of certifications, translating into an increase of the costs of the products. He congratulated the participating Producer Organisations for their work as well as for including the rest of the value chain in the project.

AOB

- **Organisation of the meeting**

María Luisa Álvarez (FEDEPESCA) highlighted that the day of meetings had been quite intense due to the number of topics approached, which could make it more difficult for members to follow the last agenda items.

The Chair recognised that the schedule had been quite dense, so efforts would be made to improve.

The Secretary General thanked Ms Álvarez for the feedback, adding that it would be taken into account in the preparation of the June 2024 meetings. Due to the significant number of initiatives launched by the European Commission, it was difficult to adequately provide time for all items.



Summary of action items

- Substantiation and Communication of Explicit Environmental Claims
 - o Members to send written questions on the European Parliament's position to the Secretariat, which will forward these to the office of MEP Engerer.
- Product Environmental Footprint Category Rules (PEFCR) for Marine Fish Products
 - o Focus Group on PEFCR for Marine Fish Products to be reactivated to prepare a contribution to the Second Open Consultation of the Technical Secretariat, while also taking into account the ongoing work of STECF on sustainability criteria for fishery products.
- "Taste the Ocean" Campaign
 - o DG MARE to be invited, at a future opportunity, for an update on the results of the fourth edition of the campaign.

DRAFT



Attendance List

Representative	Organisation	Role
Adrien Simonet	Union du Mareyage Français (UMF)	Member
Adryan Rademakers	Good Fish Foundation	Member
Aitana López Baquero	Spain	Observer
Alessandro Piccione	EU Fish Processors and Traders Association (AIPCE)	Member
Alexandre Rodríguez	Long Distance Advisory Council (LDAC)	Observer
Amelie Laurent	Oceana	Member
Amine Asermouh	SNCE	Member
Anna Rokicka	Polish Association of Fish Processors (PSPR)	Member
Benoît Thomassen	Federation of European Aquaculture Producers (FEAP)	Chair
Bruno Guillaumie	European Molluscs' Producers Association (EMPA)	Member
Carlos Ruiz Blanco	ANFACO-CECOPESCA	Member
Charlotte Gugenheim	European Commission	Expert
Christine Absil	Good Fish	Member
Cristina Borges	Portugal	Observer
Daniel Voces de Onáindi	Europêche	Member
Dominic Rihan	Killybegs Fishermen's Organisation (KFO)	Member
Falke De Sager	European Association of Fish Producers Organisations (EAPO)	Member
Gaëtane Le Breuil	European Fishmeal	Member
Guus Pastoor	Visfederatie / EU Fish Processors and Traders Association (AIPCE)	Member
Janne Posti	Conxemar	Member
Jarosław Zieliński	Polish Fish Producers Association (PFPA)	Member
Javier Ojeda	Federation of European Aquaculture Producers (FEAP)	Member
Jean-Marie Robert	Les Pêcheurs de Bretagne	Member
Jennifer Reeves	Marine Stewardship Council (MSC)	Member
Jens Høj Mathiesen	Danish Seafood Association	Member





Market Advisory Council

Representative	Organisation	Role
Jérémie Souben	FEDOPA	Member
John Lynch	Irish South and East Fish Producers Organisation (ISEFPO)	Member
Jonathan Briggs	European Commission	Expert
José Basilio Otero Rodríguez	Federación Nacional de Cofradías de Pescadores (FNCP)	Member
José Carlos Escalera	Federación de Cofradías de Pescadores de Cádiz (FECOPECA)	Member
Juana María Parada Guinaldo	OR.PA.GU.	Member
Justine Marrot	Aquaculture Advisory Council (AAC)	Observer
Laure Guillevic	WWF	Member
Linda Zanki Duvnjak	Ribarska Zadruga Friška Riba	Member
María Luisa Álvarez	FEDEPESCA	Member
Marilena Papeti	EuroCommerce	Member
Massimo Bellavista	COPA COGECA	Member
Mauro Cordella	European Commission	Expert
Maximilian Schwarz	Market Advisory Council (MAC)	Secretariat
Mirta Novak	Croatia	Observer
Nicolás Fernández	Organización Productores Pesqueros Artesanales Lonja de Conil (OPP72)	Member
Owen Zammit	Malta	Observer
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 Luis Casado López	Asociación de Armadores Punta del Moral (OPP80)	Member
Pedro Reis Santos	Market Advisory Council (MAC)	Secretariat
Pierre Commère	Association Des Entreprises de Produits Alimentaires Elaborés (ADEPALE)	Member
Pim Visser	VisNed	Member
Poul Melgaard	Danish Seafood Association	Member





Market Advisory Council

Representative	Organisation	Role
Roberto Alonso	ANFACO-CECOPESCA	Member
Rosalie Tukker	Europêche	Member
Sergio López García	OPP Burela	Member
Solène Chambard	ADEPALE	Member
Sonia Litman	ADEPALE	Member
Stephanie Cassar	Malta	Observer
Vanya Vulperhorst	Oceana	Member
Xoán Lueiro	FIP Blues project	Technical coordinator
Yobana Bermúdez Rodríguez	EU Fish Processors and Traders Association (AIPCE)	Member

DRAFT

