



6 rue Alphonse Rio • 56100 Lorient • FRANCE
+33 297 83 11 69 • info@ccr-s.eu
www.ccr-s.eu

Advice 96 on labelling and information to consumers

Recipients: Council of Ministers, European Parliament, European Commission

Whereas:

- Regulation (EU) 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, establishes its objectives in Article 1: to ensure a high level of consumer protection on food information, ensure proper functioning of the internal market and guarantee the right to information for consumers.
- Article 26.5.f of the said Regulation states that at the latest by 13 December 2014, the Commission shall submit reports to the European Parliament and the Council regarding the mandatory indication of country of origin or place of provenance for the ingredients that represent more than 50% of a food.
- On 20 May 2015, this report was presented and concluded, inter alia, that although between 2/3 and 3/4 of consumers say they are interested in labelling of origin as a factor influencing their food buying decisions, labelling of origin is less important to consumers than price, taste, sell-by date or expiry date; that voluntary labelling would be the option that would least disrupt the market and maintain product costs at current levels, and that compulsory origin labelling would result in an additional burden on the competent authorities of the Member States
- Regulation (EC) 1224/2009 establishes a Community control system to ensure compliance with Common Fisheries Policy standards.
- The Implementing Regulation (EU) 404/2011, establishes rules for the implementation of Regulation (EC) 1224/2009 and states that this obligation will not apply to fishery and aquaculture products which fall under Tariff headings 1604 and 1605 of the Combined Nomenclature, and exempts them from application on information to consumers.
- Regulation (EU) 1379/2013 establishes the common organisation of the markets in fisheries and aquaculture and in Chapter IV, requires detailed information to be provided to consumers for all living, fresh, chilled and / or frozen products. But in this Regulation, Tariff headings 1604 and 1605



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(prepared or preserved fish and seafood) are exempt from the duty to reveal this information to consumers.

- The European Parliament already approved a resolution on 11 February 2015 to request an obligation to specify the country of origin on the label for meat for its processed products

The SWW AC members:

- Express their disagreement with the current position of the EU legislation, which does not make it mandatory to inform consumers of the species and origin of processed or preserved fish, which may result in legal deception of consumers.
- Denounce cases of fraud and mislabelling of fishery and aquaculture products sold on the European market. They therefore propose a strengthening of information currently provided to consumers.
- Aim to ensure greater transparency throughout the food chain, better consumer information and avoidance of cases of fraud to generate greater consumer confidence.
- Aim to defend and promote the sea fishing and shellfish gathering of our producers, maintaining employment and traditional economic activities in the coastal areas of our Member States.
- Express their disagreement with the report presented by the European Commission on 20 May 2015, especially the fact that mandatory labelling of origin would lead to high costs for the processing industry and a high workload for the authorities of Member States, due to the limited number of countries of origin (four) of purchases of the species concerned by this opinion.
- Note that in the case studies appearing in this report there is no mention of canned fish and that small scale fishing organisations were not consulted on the effects that a measure on information on origin on canned species concerning them might have.
- Knowing that this is the objective of the SWW AC members, state their support for the paragraph in the report indicating that origin labelling would have a significant impact on the domestic market, with a possible increase in the consumption of local products on specific markets.
- State their support for the small scale fisheries sector and local industry for the four main fisheries products: anchovies (*Engraulis Engrasicolus*), albacore tuna





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(Thunnus Alalunga), mussels (*Mytilus Galloprovinciales*) and sardines (*Sardina Pilchardus*).

The SWW AC members recommend:

- Forwarding to the European Commission a request for mandatory indication of origin for the ingredients that represent more than 50% of processed fish products, canned or otherwise, for the following species: anchovies (*Engraulis Engrasicolus*), albacore tuna (*Thunnus Alalunga*), mussels (*Mytilus Galloprovinciales*) and sardines (*Sardina Pilchardus*).
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- Changing the standards and legislation (such as Implementing Regulation (EU) 404/2011 and Regulation (EU) 1379/2013) to make mandatory the indication of origin for products representing over 50% of the final product for fishery and aquaculture products for the following species: anchovies (*Engraulis Engrasicolus*), albacore tuna (*Thunnus Alalunga*), mussels (*Mytilus Galloprovinciales*) and sardines (*Sardina Pilchardus*).
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Draft opinion from the Traditional Fisheries WG meeting in Bilbao (22/04/2015)

Individual voting opinions:

ANFACO-CECOPECA expresses its disagreement with the draft opinion, even though the number of species which it would apply to has been limited, taking into account the contents of the report issued by the Commission to the European Parliament and the Council on this subject.



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AIPCE observations on the related SWW AC draft opinion No. 96

Brussels / Paris / Porto / Vigo, 23 October 2015

General comment

The AIPCE (the European Fish Processors Association) considers that the SWW AC is not a relevant body to deliver an opinion on the labelling of prepared or preserved fish. Indeed the composition of the SWW AC does not make this body representative of the sector in a balanced manner regarding issues relating to the market. Therefore on topics such as this, involving various links in the chain, the SWW AC priority should be to focus on seeking a consensus that could guide the EU legislator, rather than present opposing views that don't concern it.

Market issues do not appear clearly in Article 7 of the SWW AC statutes, which sets down its purpose. The only point in this article that could provide a basis for draft opinion No. 96 is point 4 "on how to promote and defend the general and collective interests of its members". It would however be more appropriate to seek consensus on the general and collective interests of its members, which is clearly not the case here.

Specific comments

The AIPCE considers that the reference to a European Parliament resolution on the origin of meat is not relevant in the opinion under consideration. Indeed, this reference tends to create confusion between the concept of origin within the meaning of the INCO Regulation and the specific labelling provisions laid down in the CMO Regulation.

The AIPCE considers that the reference to the legal deception of consumers disregards the principles of the INCO regulation. In essence, under this regulation, a deception cannot be legal, since one of the principles of the INCO regulation is "not to mislead the consumer".

The AIPCE contests the fact that increasing labelling requirements would help reduce cases of fraud or mislabelling. In reality, the opposite is true: the more complex the rules to be respected and monitored are, the more likely they are to be poorly enforced, whether moreover this be voluntarily or involuntarily. Therefore the AIPCE attaches great importance to simplification.

Like the majority of members involved in extractive industries within the SWW AC, the AIPCE attaches importance to good consumer information and the prevention of cases of fraud. It nevertheless takes into consideration the proportionality principle enshrined in the EU Treaty,



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namely, from a formal point of view, to prefer less restrictive measures and, in substance, to avoid excessively detailed legislation, which is to say, in practice, that the rules for achieving objectives should not create situations contrary to the carrying out of the activity itself.

The AIPCE points out, in passing, that the proper application of existing rules, which are already numerous, should be prioritised.

The AIPCE does not join the majority of the SWW AC in challenging, without any arguments, the European Commission's very detailed and well-documented independent report on the indication of origin. On the contrary, the AIPCE fully shares the findings of this report, namely that making indication of origin mandatory would lead to high costs for the processing industry and a high workload for the authorities of Member States, and this specifically for the species listed in the draft opinion: companies processing these species would become less competitive precisely on products prepared from these species, which would damage their sales and thus opportunities for their suppliers in direct proportion.

The AIPCE emphasises the contradiction that exists between claiming to support local industry at the same time as proposing to impose more complex manufacturing standards and endangering the sector's long-term production capacity.

In conclusion, the AIPCE opposes the SWW AC draft opinion No. 96.

If this opinion should nevertheless be adopted against its advice, this objection should be recorded in this opinion and be inseparable from it.