



# Traceability: ensuring fishing imports into the EU market meet EU standards

Daniel Voces de Onáindi

Managing Director

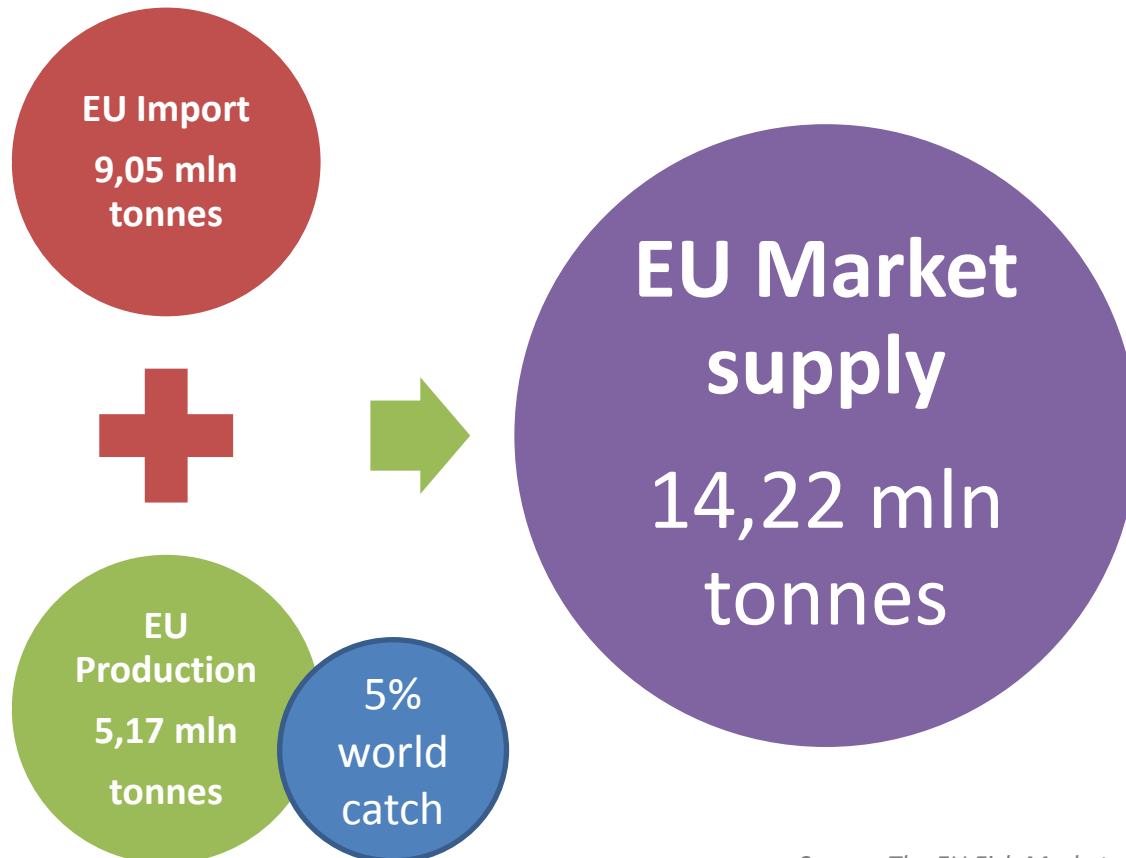
Europêche

7 March 2019



# Setting the scene: facts and figures

- The EU is the world's largest market for fisheries and aquaculture products, absorbing 24 % of total global imports in 2016, and is **dependent on imports for over 60 %** of its consumption of such products



## Top five species

consumed in the EU:

- tuna
- cod
- salmon
- Alaska pollock
- shrimps

Representing 43% of the market in 2016, were mostly imported from non-EU countries

# Common Fisheries Policy

- Recital 12: Contribute to the supplying of highly nutritional food to the Union market and to **reducing the Union market's dependence on food imports**
- Art. 35 (CMO): Provide the consumer with verifiable and accurate information regarding the **origin of the product** and its mode of production, in particular through marking and labelling
- Art. 36 (Control): Compliance with the CFP rules shall be ensured through an **effective Union fisheries control system**, including the fight against IUU fishing
- Art. 2 (Objectives): Contribute to an efficient and transparent internal market for fisheries and aquaculture products and contribute to ensuring a **level-playing field** for fisheries and aquaculture products marketed in the Union

# Level playing field

- EU fisheries policies must ensure that imported products meet **comparable requirements that apply to EU production** in every respect
- **Uneven standards** are applied to EU and non-EU vessels catching seafood in same areas
- Different rules for placing fish on the market create a **discriminatory treatment** that adversely affects the EU
- Some examples can be found in **EU fisheries legislation** (Control, IUU or Marketing Standards)
- Control Regulation should be applied in a **homogeneous and harmonised manner** to both EU and imported products at all stages of the supply chain, including marketing and labelling provisions

# What needs to be changed?

## CONTROL & IUU REGULATION

- **Unique Vessel Identifiers (UVI)** is a global unique number that is assigned to a vessel to ensure traceability through reliable, verified and permanent identification of the vessel. The **IMO Number** is widely recognised as the best available UVI for the global fishing fleet

### IMO

- All >100 GTs
- All <100 GTs >12m operate outside national waters

### EU

- All >100 GTs or >24m fishing in EU waters
- All >15m fishing outside EU waters
- All 3<sup>rd</sup> country fishing vessels authorised to carry out fishing activities in Union waters (Brexit)

### RFMOs

- Mandatory in 11 major RFMOs for vessels above a certain size or GTs to fish within their jurisdictions

# What needs to be changed?

## CONTROL & IUU REGULATION

- Opposite to EU vessels, IMO numbers are **not mandatory for non-EU vessels to supply their catches into the EU market** under the catch certification scheme established by the IUU Regulation
- The inclusion of an IMO number on catch certificates for imports of fisheries products under the IUU Regulation would:
  - ✓ Assist Member States in checking and **verifying the legality** of fisheries imports into the EU;
  - ✓ Ensure that all vessels supplying fisheries products to the EU market are subject to the **same requirements**, thereby creating a level playing field for operators; and
  - ✓ Guarantee **compliance with RFMO measures** that require IMO numbers for vessels fishing within their Convention areas
  - ✓ Large quantities of imports are supplied by **large non-EU vessels**

# What needs to be changed?

## IUU Regulation – ANNEX II Catch Certificate

'ANNEX II – European Union Catch Certificate and Re-Export Certificate

<u>(i) EUROPEAN COMMUNITY UNION CATCH CERTIFICATE</u>						
Document number			Validating Authority			
1. Name		Address			Tel. Fax	
2. Fishing Vessel Name		Flag - Home Port & Registration Number		Call Sign	IMO/Lloyd's Number <i>or other unique vessel identification (if issued)</i>	
Fishing licence No. – Valid to		Inmarsat No. Telefax No. Telephone No. E-mail address (if issued)				
3. Description of Product		Type of processing authorised on board:		4. References of applicable conservation and management measures		
Species	Product code	Catch area(s) and dates (*2)	Estimated live weight (net fish weight in kg)	Estimated live weight to be landed (net fish weight in kg)	Verified Weight Landed (net weight in kg)	Type(s) of fishing gear
5. Name of master of fishing vessel - Signature - Seal:						
6. Declaration of Transhipment at Sea Name of Master of Fishing vessel			Signature and Date	Transhipment Date/Area/Position	Estimated weight (kg)	
Master of Receiving Vessel	Signature	Vessel Name	Call Sign	IMO/Lloyds Number <i>or other unique vessel identification (if issued)</i>		

Footnote: same conditions as established in the Control Regulation

# What needs to be changed?

## CONTROL & IUU REGULATION

- Opposite to imports, EU-caught products can be accurately tracked thanks to the logbook (now aligned with the **unique fishing trip identifier**) which, if required, provides very high quality and accurate information with respect to the origin of the product
- **EU producers undergo heavy bureaucracy** to prove EU origin (T2M, health certificate, border inspection posts (BIPs))
- The current CMO Regulation requires a higher level of precision in relation to **fish areas, subareas and divisions** than that provided for in the IUU Regulation, which refers only to the FAO catch area
- It is therefore fundamental for imports to designate the **catch area with finer accuracy** which would allow for effective verification of the legality of the product by competent authorities



# What needs to be changed?

## Proposal for a regulation

Article 1 – paragraph 1 – point 46

Regulation (EC) No 1224/2009

Article 58 – paragraph 6 – point d

### *Text proposed by the Commission*

Information on lots of fishery and aquaculture products imported into the Union, the information referred to in paragraph 2 shall include:

(d) the relevant geographical area(s) for fishery products caught at sea, or the catch or production area as defined in Article 38(1) of Regulation (EU) No 1379/2013 for fishery products caught in freshwater and aquaculture products;

## **Control Regulation - Article 58**

Traceability of lots of fishery products

### *Amendment*

Information on lots of fishery and aquaculture products imported into the Union, the information referred to in paragraph 2 shall include:

(d) the relevant geographical area(s) for fishery products caught at sea, *conveyed by the area/sub-area/FAO statistics division in which the catch was taken and a record of whether the catch was taken in high seas, in the RFMOs' regulatory area or in an EEZ*, or the catch or production area as defined in Article 38(1) of Regulation (EU) No 1379/2013 for fishery products caught in freshwater and aquaculture products;

*(e) for fishery products caught at sea, the IMO/Lloyds number or other unique vessel identification of the catching vessel.*

# What needs to be changed?

## CONTROL & IUU REGULATION

Mixing species in the same lot after placing on the market should be permitted as long as the products are traceable (Surimi case)

*Article 56a*

### **Lots**

1. Fishery and aquaculture products from catching or harvesting shall be put into lots prior to placing on the market.
5. After the placing on the market, a lot of fishery or aquaculture products may only be merged with another lot or split, if the lot created by merging or the lots created by splitting meet the following conditions:
  - (a) they contain fishery or aquaculture products of a single species and of the same presentation;
  - (b) the traceability information listed in Article 58 paragraphs 5 and 6 is provided for the newly created lot(s);
  - (c) the operator responsible for placing the newly created lot on the market is able to provide the information concerning the composition of the newly created lot, in particular the information relating to each of the lots of fishery or aquaculture products which it contains and the quantities of fishery or aquaculture products coming from each of the lots forming the new lot.

# What needs to be changed?

## CONTROL & IUU REGULATION

- Support **full digitalisation of the IUU catch certificate** to facilitate fishery products import controls and verifications
- Improved **coordination and harmonisation of import controls** across member states to avoid shifts in trade flows
- Mandatory statements such as non-manipulation certificates could be provided as **supplementary information** (one-stop-shop)
- The Commission should provide support to ensure the **interoperability of the IT system** with regards to the catch certificate between Member States and with third countries
- **EFCA** could play a fundamental role in enhancing capacity building across MSs and 3<sup>rd</sup> countries as well as operational coordination to ensure consistency in the fight against IUU fishing

# What needs to be changed?

## MARKETING STANDARDS

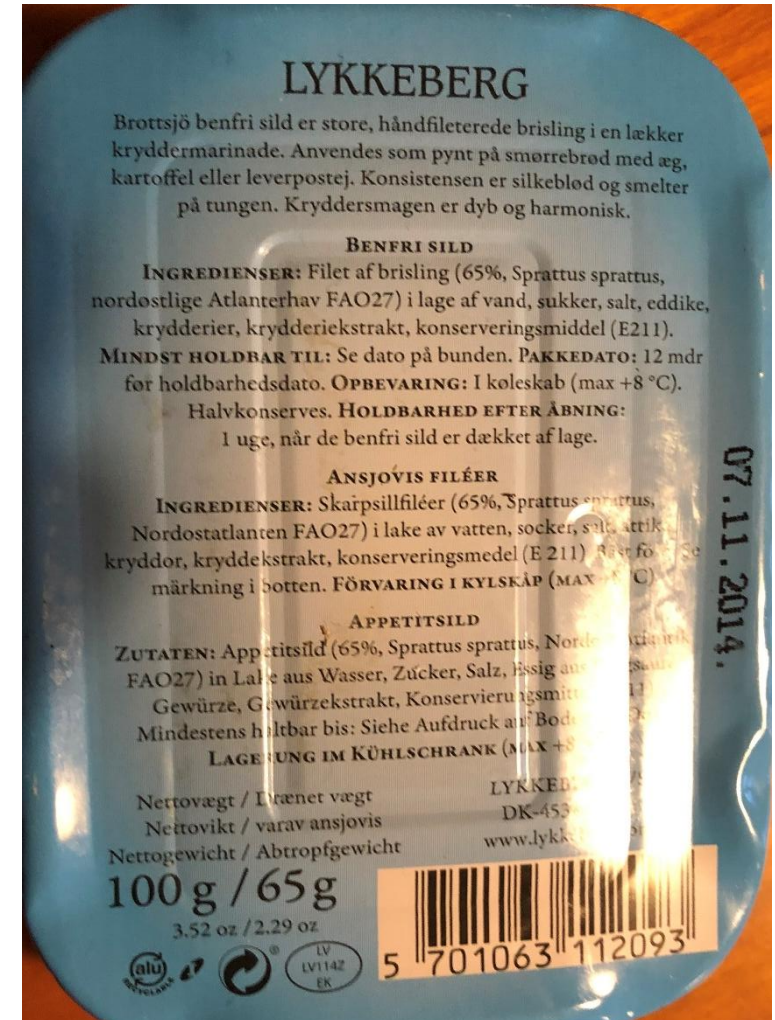
- Regulation No 2136/89 marketing standards for **preserved sardines**
- Regulation No 1536/92 marketing standards for **preserved tuna and bonito**
- Regulation No 2406/96 **common marketing standards** certain fishery products
- Regulation No 1379/2013 **CMO**

- Commission evaluating their relevance and effectiveness, as the most recent Regulation was adopted **more than 20 years ago**
- Calculations provided by DG MARE show that current marketing standards, largely dealing with freshness and size categories, apply to 75% of EU landings, but **less than 10% of imports (excluded filets & frozen fish)**
- Marketing standards should go **beyond the product quality** in order to allow higher standards to be considered on imported fish (e.g. social standards – Directive 2017/159) without creating trade barriers
- Branding/trade names may not correspond to the **scientific name** for preserved products (e.g. bonito and tuna)

# What needs to be changed?

## MARKETING STANDARDS

- Content: **Sprat**
- Traded as “Benfri sild” = “Boneless Herring”



# What needs to be changed?

## CONSUMER INFORMATION

- Mandatory information for the consumer – **fish species, production area and method, including gear** - only applies to unprocessed fish
- Not required for prepared, preserved or processed product such as canned fish

Example of label for a processed product (canned)



# What needs to be changed?

## CONSUMER INFORMATION

CMO Reg. No 1379/2013

- **Traceability** is not guaranteed throughout the entire production chain
- If the origin and the sustainable way of production are lost in the production chain, the fishing industry is often forced to **meet (lower) non-EU operator prices** in order to sell the product in the EU market or forced to sell in a 3<sup>rd</sup> country

## EXEMPTED

(h)	1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs
(i)	1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved

## CHAPTER IV

### CONSUMER INFORMATION

#### *Article 35*

#### **Mandatory information**

1. Without prejudice to Regulation (EU) No 1169/2011, fishery and aquaculture products referred to in points (a), (b), (c), (e), (h) and (i) of Annex I to this Regulation which are marketed within the Union, irrespective of their origin or of their marketing method, may be offered for sale to the final consumer or to a mass caterer only if appropriate marking or labelling indicates:

- (a) the commercial designation of the species and its scientific name;
- (b) the production method, in particular by the following words "... caught ..." or "... caught in freshwater ..." or "... farmed ...";
- (c) the area where the product was caught or farmed, and the category of fishing gear used in capture of fisheries, as laid down in the first column of Annex III to this Regulation;
- (d) whether the product has been defrosted;
- (e) the date of minimum durability, where appropriate.

# What needs to be changed?

## INTERNATIONAL DIMENSION

- Free Trade Agreements (FTAs) must include **reinforced chapters on sustainable fisheries** (opposite to Japan & Vietnam FTAs) and **consistency with IUU** (Philippines GSP+ vs yellow card; South Korea FTA vs yellow card)
- **Tariff preferences** (ATQs, GSP+) should only be granted to seafood products coming from countries with sustainable fisheries management (Thailand case - tuna)
  - Zero-duty tariff (ATQ) for up to 750.000 tonnes
- Alignment of IUU policy with **labour policy** - ILO Convention 188 on Work in Fishing for fishers (yellow card – Thailand)



# Take Home Message

- Seafood imported into the EU: **Uneven standards applied** to EU and non-EU vessels, **contrary to the CFP**
  - As one of the key objectives of the CFP is to ensure a level playing field for all fishery products marketed in the EU regardless of their origin
- EU efforts to make fishing sustainable are **incompatible** with importing products from certain countries with little concern for sustainability
- Europêche urges decision-makers to **address these gaps** in the current proposal for a revised Control System and in future revisions to the CMO Regulation
  - This will ensure comparable traceability of imported fishery products, and a level playing field with those originating in the EU and with the EU fisheries sector



Thank you

QUESTIONS?

