

## Joint MAC-NSAC-NWWAC ADVICE

### Production and Marketing of Brown Crab in the EU

Brussels, Zoetermeer, Dublin, 8 October 2021

#### 1. Background

In 2010, following a steady decrease of the market price of brown crab (*Cancer pagurus*), the European project ACRUNET was established, which aimed to ensure and sustain the economic viability of the EU brown crab industry through transnational cooperation<sup>1</sup>.

In 2016, NWWAC established a Focus Group on Crab to address the unresolved issue of transnational management. In 2019, the MAC adopted advice to the European Commission on the testing for cadmium levels in brown crab exported to the People's Republic of China<sup>2</sup>, which highlighted the difficulties faced by EU exporters due to different testing practices. The following year, NWWAC adopted advice on brown crab management<sup>3</sup>. In their reply, the European Commission welcomed the proposal from NWWAC to establish a joint Focus Group to identify common difficulties and possible solutions to supply chain issues, including different regulatory measures between the EU and Asian destinations for brown crab exports.

As a demonstration of the importance of brown crab for the EU seafood market, in 2020, the MAC recommended to the European Commission the undertaking of an in-depth analysis study

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<sup>1</sup> The project produced several deliverables, including a good practices guide:

[https://www.acrunet.eu/images/ACRUNET/Technical\\_Reports/Activity\\_4/ACRUNET BIM European brown crab guide\\_EN.pdf](https://www.acrunet.eu/images/ACRUNET/Technical_Reports/Activity_4/ACRUNET_BIM_European_brown_crab_guide_EN.pdf) and video: <https://www.facebook.com/232427756896966/videos/635845829888488>.

<sup>2</sup> The advice and the Commission's reply are available on the MAC's website: <https://marketac.eu/en/commission-responds-to-mac-letter-testing-for-cadmium-levels-in-brown-crab-exported-to-peoples-republic-of-china/>

<sup>3</sup> The advice and the Commission's reply are available on the NWWAC's website: <https://www.nwwac.org/publications.26.html>

by EUMOFA to assess the impact of the COVID-19 pandemic and corresponding mitigation measures on the brown crab supply chain<sup>4</sup>.

## 2. EU Production

Traditionally, the main EU producing countries of brown crab were Ireland, the United Kingdom and France. Recently, the focus moved to the North Sea, while fishing effort increased and new entrants joined from a growing range of EU countries.

### 2.1 Denmark

Danish operators do not target brown crab, but it is a common bycatch in gillnet fisheries. The entire crab is landed in compliance with Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019, but the claws are the most valuable part. Fishers use a hammer to disentangle the brown crab from the gillnets, so the crab is landed in pieces.

### 2.2 France

France uses a system of limited fishing licenses issued only to vessels engaged in targeted fishing of crustaceans and for trap/net gear only. The legislative framework includes minimum landing sizes, fishing effort limitations and restriction of landing of crab claws (ban in some areas). At the regional level, the fishery is also subject to technical measures which differ depending on the fishing zones (e.g., pot limits, ban of parlour pots, etc.). The annual production fluctuates around 4.500 tonnes, of which 60% is provided by 10 deep-sea vessels, the other part of the production being done by coastal vessels (targeting mostly lobsters). The status of the fishery remained

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<sup>4</sup> The advice and the Commission's reply are available on the MAC's website: <https://marketac.eu/en/commissions-reply-clarifications-on-eumofa-studies/>

stable for years, but the trend of catches and yields has fallen since 2016, which may indicate a decrease in recruitment. Projects are underway in the Eastern Channel (MECANOR project) and across the country in order to understand the dynamics of the brown crab stocks.

### 2.3 Germany

Germany does not have specific national legislation on brown crab. German operators do not specifically target brown crab. According to official statistics, the total landings in 2020 were of 55 tonnes and there were 37 vessels with 13.524 KW / 4.909 BRZ. These correspond mostly to small amounts of bycatch. In the Helgoland area, there are some small vessels working part-time with pots for local consumption. There are ongoing scientific trials to determine the viability of pot fishing in offshore windfarm parks.

### 2.4 Ireland

Ireland has a legislative framework covering licenses, minimum landing sizes, fishing effort limitations, landing of crab claws, and limitations for recreational fishing. It is estimated that around 350 vessels participate, the majority in the <12m category with seasonal activity and mostly within the 12-mile limit. There is also a small number of offshore vivier crabbers. Crab fishing is carried out with pots. Crab fisheries are certified by Bord Iascaigh Mhara (BIM) under its Responsibly Sourced Seafood scheme and most operators are members of the Irish Brown Crab FIP.

### 2.5 Netherlands

The Netherlands uses a system of licenses, meaning that at least a “category B” license is needed for non-quota catches. Dutch vessels operate only in the North Sea. Licenses have been granted for the North Western waters, but have not been used in over a decade. In terms of fishing

operation, there are five fishing vessels with the total tonnage around 1.550 GT and an approximate total number of pots of 5.000. There is no cap for licensed fishers. Due to the planned construction of offshore windfarm parks and the corresponding loss of demersal fishing grounds, the Dutch fleet has an increasing interest in fisheries with static gear or pots, such as brown crab.

## 2.6 Poland

The brown crab fishery in the North Sea, carried out with pots, is currently under development as a new fishing opportunity, beyond the Baltic Sea, interesting for Polish fishers. Consultations with onshore processing industry show that brown crab is also an innovative raw material, which is in the interest of Polish processors. There is also interest in the development of brown crab as new seafood product for the domestic market at a price range accessible to Polish consumers. Further development of this new fishery and the development of innovative onshore processing technology with added value is predicted. This will possibly benefit from EMFAF funding. At present, there is no specific national legislation on the brown crab fishery. A legislation framework covering technical measures remains the subject of public consultations and work by the national authorities.

## 3. Recent scientific monitoring

During the 2010-2019 period, there were no major fluctuations in the landings of brown crab in Ireland, the United Kingdom, and France, the traditional producing countries. Nevertheless, recent scientific reports indicate significant decreases in catches in usually stable crab fisheries, such as the Norwest coast of Ireland, the Northeast coast of Scotland, and in the English Channel, which need to be further investigated. All brown crab fisheries in the EU need to be assessed to

ensure that stock recruitment has not been compromised by possible new threats posed by climate factors.

#### **4. Exports to the People's Republic of China**

East Asia, particularly China, is an increasingly important market for the export of brown crab, which contributes to the viability of the EU sector, while providing higher prices. Nevertheless, different administrative practices in Member States and inconsistencies in the implementation of export requirements by foreign authorities can also negatively impact the EU sector.

##### **4.1 China's public consultation on cadmium levels**

Due to the physiological traits of all crustacean species and their complex chemical process of shell-building, brown crab naturally accumulates cadmium during its lifetime.

In the EU, under the Regulation on maximum levels for certain contaminants in foodstuffs<sup>5</sup>, the level of cadmium cannot exceed 0,50 mg/kg in the white meat of brown crab. Originally, the regulation required the testing of all edible parts of the crab, but this was eventually changed, following scientific evidence that the average consumer does not eat an amount of crab meat to cause a health risk. In China, the testing of all edible parts is maintained.

In May 2020, China launched a public consultation to increase the level of permitted cadmium from 0,50 to 3 mg/kg. Following consultations with stakeholders, Irish and UK authorities submitted responses to this public consultation. Both Ireland and the UK expressed support for the proposed increase in permitted levels, but argued that testing should be focused on the white

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<sup>5</sup> Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs

meat of the crab, as is practice in the EU. The results from the public consultation are also not known.

#### **4.2 China's additional export requirements due to the COVID-19 pandemic**

In November 2020, China issued a notification, under the WTO agreement on the application of sanitary and phytosanitary measures, informing of the introduction of additional requirements for Health Certificates in connection with mitigation measures for the COVID-19 pandemic<sup>6</sup>. These new requirements were supposed to enter into force on 1 January 2021. Exporting countries took different approaches to address these new requirements. China decided to delay the application of these measures. In the course of the pandemic, the EU industry developed and implemented protocols to ensure the safety of its workers and well as of its product. The reasoning for the new requirements remains unclear, but it introduced additional uncertainty for EU operators. If the Chinese authorities choose to apply the new requirements, it will translate into increase administrative burden and costs.

### **5. Brexit**

Before Brexit, the UK was the main crab producing Member State in the EU. The EU-UK Trade and Cooperation Agreement aims to ensure sustainability, stability and economic predictability for operators, tools to discipline fishing activities, and stable access to UK waters. The agreement allows tariff-free export of seafood, as long as businesses meet rules of origin requirements.

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<sup>6</sup> The Chinese notification is available on the WTO's website:  
<https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/G/SPS/NCHN1150A1.pdf&Open=True>.

There are also increased administrative aspects, such as food safety checks and catch certificates, processing statements, storage documents, and re-export certificates.

For the brown crab trade, the perishability of the product is of significant relevance. In the first months of implementation, trade was significantly reduced due to the increased administrative burdens and diverging implementations by port authorities. With time, the situation improved, but it can revert back, as COVID-19 restrictions on the HORECA sector are lifted across the EU. EU vessels operating in UK waters also need to apply for individual authorisations, which requires additional information.

## 6. Recommendations

The MAC, NWWAC, and NSAC believe that, in relation to the brown crab fishery, the European Commission and Denmark, France, Germany, Ireland, the Netherlands, and Poland, as the Member States participating in this fishery, should:

- a) Continue and expand where appropriate scientific monitoring of brown crab stocks to inform stakeholders on the stock status of their fishery and thus avoid excessive exploitation and other factors which could endanger the stock;
- b) Promote the exchange of good practices between traditional and newer entrants to the fishery, including national authorities, industry, and other relevant stakeholders, particularly on matters of grading, return to the sea, landings, transport, and fisheries management<sup>7</sup>, in line with the FAO's Codex Alimentarius;

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<sup>7</sup> Here, importantly, sharing of best practices to ensure brown crab pot gear is identifiable to reduce "ghost" fishing and plastic pollution.

- c) In the context of the Blue Economy, ensure that marine spatial planning provides adequate space for traditional economic activities, such as pot fishing, including innovative projects to facilitate fishing within windfarms, as is currently being trialled in German waters;
- d) Work with the EU fishing industry and other relevant stakeholders to develop new sustainable market outlets for brown crab. In the case of the Danish industry, where brown crab is traditionally a bycatch fishery for gillnet operators, consider, for example, the development of a market for crab bodies as bait for whelk fishing, as is practice in Ireland and in the UK;
- e) Taking into account the ongoing review by the People's Republic of China of the rules on testing of crustacean species for cadmium levels, liaise with the relevant technical counterparts, in order to develop appropriate testing rules that facilitate exports, while also respecting the best available science on food safety;
- f) Taking into account the WTO notification by the People's Republic of China imposing new requirements for health certificates in connection with mitigation measures for the COVID-19 pandemic, cooperate with the relevant technical counterparts to develop a system that demonstrates the safety of brown crab exported from the EU and facilitates trade, based on the best available science;
- g) Assess the impact of Brexit on EU operators, including trade disruption, increased transaction costs, market share, tariff costs, viability of operations, and employment;
- h) Ensure appropriate support measures to counter the adverse impact of Brexit, including measures under the Brexit Adjustment Reserve fund;
- i) In relation to the export of EU products to the UK and the unavoidable use of the UK land bridge for Ireland-EU mainland trade, review the functioning of the newly applicable administrative procedures with the relevant Member States and, when appropriate,



bilaterally with the UK, in order to ensure coherence in the interpretation and implementation of administrative, logistical, and phytosanitary requirements as well as to lower administrative burden on the operators;

- j) Monitor developments on animal welfare research, codes of conduct already implemented, and legislation in other markets, particularly in the UK<sup>8</sup>, and maintain the existing high standard of care, transport and storage already practiced in the EU for these animals, in order to meet the growing public awareness of animal welfare.

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<sup>8</sup> In November 2021, DEFRA is expected to publish a worldwide scientific literature review on pain in crustaceans. At the end of October 2021, SEAFISH is expected to publish a report on animal welfare considerations in the context of handling and slaughter after fishing, particularly focusing on industry practices. The UK is developing a new Animal Welfare (Sentience) Bill, but it is not expected to cover decapods.