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Opinion 126 for a proposal for the modification of the Annexe to Regulation EU 1536/92 relating to the marketing of tinned Tuna and Albacore

The members of the SWWAC, consider that certain practises relating to the labelling of tinned tuna must be reviewed so that consumers can be appropriately informed and that fairness in terms of competition between the operators should be improved.

Context

The tinned Atlantic Albacore market is seriously threatened due to the appearance of many brands who market species different from *Thunnus alalunga* as being “albacore tuna” and “Atlantic albacore”. Fish such as frigate tuna, pampano, little tunny, and yellowfin tuna are used by these brands under the designation “albacore tuna”. They defend themselves by citing the Annexe to Regulation EU 1536/92, in accordance with which these fish can be called “albacore tuna”.

The fact that they market frigate tuna, pampano and yellowfish tuna as “albacore tuna” is fraudulent with regard to the consumer. These brands take advantage of the name “albacore tuna” so that consumers associate it with **THUNNUS ALALUNGA** or “Atlantic albacore”. They therefore continue to deceive consumers by making them think it is the same tuna as **THUNNUS ALALUNGA** or Atlantic albacore, attempting to sell one type of fish as if it were another. Furthermore, by selling this product at half price, they do not comply with the legislation on unfair competition.

This practise is adopted by foreign companies in the fish tinning sector. According to a survey carried out in supermarkets, it is mainly tinned fruit or vegetable (artichokes, asparagus, and peppers) companies. This would explain the lack of respect or lack of ethics of this practise which is extremely detrimental to the most popular fish, **THUNNUS ALALUNGA** or Atlantic albacore. Moreover, we have noted that these brands do not comply with the legislation as they mix different types of oil without specifying it on the label.

Consequences

This situation is causing a considerable loss in sales of authentic Atlantic albacore or *Thunnus alalunga*, which affects the traditional tinned fish sector and the stores, while endangering the whole fleet of Tuna boats in the North Atlantic. The main reason for this is that these species are marketed at half the price of *Thunnus alalunga*.

Conclusion

Giving the name “ALBACORE TUNA” or “ATLANTIC ALBACORE” to any species other than *Thunnus alalunga* is fraudulent with regard to the consumer, is an act of unfair competition with respect to the traditional tinning industry, is contrary to usual practise, particularly in Spain, and is a serious threat to the fleet of Tuna boats in the North Atlantic.

Proposal





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Change the Annexe to Regulation EU 1536/92 rewriting it so that the legitimate use of the name “Atlantic Albacore” is clear, and also ensuring its differentiation from frigate tuna, oceanic bonito and little tunny. The proposed new formulation would be as follows:

ANNEXE

SPECIES TAKEN INTO ACCOUNT IN ARTICLE 2

I. TUNA

1. Species of the *Thunnus*

- a) Yellowfin tuna [*Thunnus albacares*]
- b) Bluefin tuna (*Thunnus thynnus*)
- c) Bigeye tuna (*Thunnus obesus*)
- d) Other species of the *Thunnus*

2. Oceanic bonito

- a) Skipjack tuna (*Katsuwonus pelamis*)

II. ALBACORE TUNA

- a) Albacore tuna (*Thunnus alalunga*)
- b) Atlantic albacore (*Thunnus alalunga* from the North Atlantic, defined in the ICCAT)

III. OCEANIC BONITO

- a) Oceanic bonito (*Sarda sarda*)
- b) Pacific bonito (*Sarda chiliensis*)
- c) Striped bonito (*Sarda orientalis*)

The following species are thus excluded from this Annexe and therefore, from being assimilated to the category of tunas or albacores:

I. Species of the *Euthynnus* type

- a) Kawakawa (*Euthynnus affinis*)
- b) Little tunny (*Euthynnus alletteratus*)
- c) Other species of the *Euthynnus*

II. Species of the *Auxis* type

- a) Frigate tuna (*Auxis thazard* or *Auxis rochei*)





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Minority opinion of the AIPCE

The AIPCE, Association Européenne des Industries de Transformation de Poissons, which groups the most representative associations of European tin production, as a member of the Executive Committee of the SWWAC, is opposed to this opinion on regulation 1536/92 for the following reasons:

1. The use of the term "fraudulent" to describe the incorrect use of the name "Albacore tuna" in the current regulation 1536/1992 alone shows that the European standard is still relevant and up to date. The solution is therefore the reinforcement of inspections in order to guarantee fair competition between the operators so as to create a real "level playing field".
2. The regulation contains inclusive rules for the broad range of species marketed in tins with common characteristics which have always had a consensus since its conception. The elimination of the Euthynnus and Auxis species would be counter-productive and would be a backward step, reducing the value of the regulation as a reference in the regulation of minimum commercial characteristics in consumer information.
3. The use of the term "Atlantic albacore" for the species Thunnus alalunga in Spain is clearly differentiated and recognised by the consumer due to its historical character, while being compatible with the current European regulation. The introduction of the definition "Atlantic albacore", differentiated as "coming from the North Atlantic defined in the ICCAT", presupposes the inclusion of geographically restrictive elements in a general purpose regulation such as regulation 1536/1992, which adds unnecessary and specific commercial restrictions. These specifications should be developed in the legal framework that exists for the protection of the voluntary information concerning the origin of the primary product.
4. AIPCE considers that the members of the SWWAC missed an excellent opportunity to participate actively in the specific MAC working group, the advisory council directly responsible for this review of the regulation, where the regulation was discussed in depth and where alternatives to these commercial aspirations could have been raised.

