

Marketing standards for fishery and aquaculture products

Revision of Regulation (EC) No1379/2013

This briefing is one of a series of implementation appraisals produced by the European Parliamentary Research Service (EPRS) on the operation of existing EU legislation in practice. Each briefing focuses on a specific EU law that is likely to be amended or reviewed, as envisaged in the European Commission's annual work programme. Implementation appraisals aim at providing a succinct overview of publicly available material on the implementation, application and effectiveness to date of specific EU law, drawing on input from EU institutions and bodies, as well as external organisations. They are provided by the Ex-Post Evaluation Unit of the EPRS to assist parliamentary committees in their consideration of new European Commission proposals, once tabled.

SUMMARY

The Common Market Organisation (CMO) Regulation (Regulation 1379/2013) is one of the pillars of the EU's common fisheries policy (CFP); it lays down general principles for managing the market in fishery and aquaculture products. Among other areas, the regulation covers common marketing standards, which define uniform characteristics for products placed on the EU market. It also sets the general objectives for the standards, while three Council regulations spell out the details of the marketing standards for specific species and products.

In 2018, the European Commission began evaluating the marketing standards for fishery and aquaculture products, which had remained largely unchanged for more than 20 years. An initial evaluation pointed to the positive impact of the standards, but also to their limited coverage and lack of sustainability criteria. A fresh public consultation on the topic closed on 23 February 2021. The expected outcome is the release of a new legislative proposal by the first half of 2021.

1. Background

The European Union is the world's largest market for fishery and aquaculture products (FAPs) and the second largest trader of these products after China. According to the 2020 EUMOFA (European Market Observatory for Fisheries and Aquaculture Products) [report](#), a total of 8.55 million tonnes of FAPs were imported and exported between the EU and the rest of the world in 2019, for a value of €33 billion. In 2018, the EU-28 reported annual per capita consumption of fish and seafood of more than 24 kg, and average annual household expenditure on fish and seafood of €115.

Both the conservation of marine resources and trade policy are exclusive competences of the European Union. The conservation of marine resources forms the core area of the CFP and covers fisheries management in EU waters, but also international and bilateral EU fisheries relations. The European Commission is responsible for negotiations with third parties in trade and fishery policy,

and for other policy areas of the CFP covering aquaculture, freshwater biological resources and the processing and marketing of FAPs, the EU shares these competences with the Member States.

The market organisation of FAPs is regulated by the Common Market Organisation (CMO) Regulation. First adopted in [1970](#) as part of agricultural policy, the CMO Regulation introduced basic elements for a Community market for fisheries products including marketing standards, rules and support for producer organisations and market intervention mechanisms. The original CMO Regulation was amended a number of times between its adoption and the 1999 version.¹ The latter was then repealed by the current version, [Regulation 1379/2013](#), which has been in application since January 2014. As part of the wider 2013 CFP reform, the current CMO regulation removed most of the market intervention mechanisms and aimed to ensure that fishing and aquaculture activities contribute to long-term environmental, economic and social sustainability.

The objectives of the CMO Regulation, laid down in Article 35 of the CFP Regulation,² include the establishment of common marketing standards, which are defined in Chapter III of the CMO Regulation. Marketing standards define harmonised criteria for quality, size, weight, packing, presentation or labelling, to ensure the transparency, fair competition and sustainability of the FAPs when they are placed on the market. These standards apply to both EU and imported products, alongside other legislation concerning food hygiene, conservation measures or consumer information.

The CMO Regulation defines the overarching objectives regarding marketing standards, namely to:³

- enable the EU market to be supplied with sustainable products;
- realise the full potential of the internal market in fishery and aquaculture products;
- improve the profitability of production by facilitating marketing activities based on fair competition; and
- ensure that imported products meet the same requirement and marketing standards as Union producers.

The standards as such however are set out in three different regulations, which have existed now for more than 20 years, namely:

- Council [Regulation 2406/96](#) of 26 November 1996 laying down common marketing standards for certain fishery products (fresh and chilled fishery products);
- Council [Regulation 1536/92](#) of 9 June 1992 laying down common marketing standards for preserved tuna and bonito;
- Council [Regulation 2136/89](#) of 21 June 1989 laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products.

The 2013 CMO Regulation confirmed the continuation of these marketing standards, while providing for the possibility to review and define new ones according to the provisions of its Article 33. As outlined in Section 2 below, the marketing standards were subject of a recent [evaluation](#) in 2018. The [2019 Commission staff working document](#) presenting the results of the evaluation drew a number of conclusions concerning the performance of the current standards. The findings confirmed that the marketing standards had a positive but marginal value, especially regarding the contribution to sustainability of the products marketed in the EU and the need to improve fair competition and transparency in the FAP supply chain.

In its Chapter IV on consumer information, the CMO Regulation also covers the mandatory and voluntary labelling requirements for FAPs, including consideration of the feasibility of establishing a 'scheme on a Union-wide basis' and on 'setting minimum requirements for the use by Member States of a Union eco-label'. In its [2020 adjusted work programme](#), in the context of the [Farm to Fork](#) strategy, the European Commission announced its intention to release a new legislative proposal by the first half of 2021.

2. EU-level reports and evaluations

Impact assessment accompanying Commission proposal for a regulation on the common fisheries policy (2011)

An [impact assessment](#) was carried out in 2011 by the European Commission to support the proposal leading to the current CMO Regulation. The conclusions of the impact assessment regarding marketing standards confirmed the relevance of the standards and their contribution to harmonisation, since they introduced minimum common rules and criteria for the marketing of FAPs. However, the conclusions also highlighted that the standards were too rigid and outdated.

European Commission report: Feasibility options for an EU ecolabel scheme for fishery and aquaculture products (2016)

As envisaged in Article 36 of the CMO Regulation, the European Commission committed to draft a [report](#) for the European Parliament and the Council including options for an ecolabel scheme for fishery and aquaculture products (FAPs). The report was submitted in May 2016 and was based on a [study](#) that explored and analysed various ecolabels and forms of communicating environmental information, as well stakeholders' opinions gathered by means of a public consultation. It included a description of the context in which ecolabels in the fishery and aquaculture sector had been developing and presented public and private initiatives on voluntary environmental claims at EU and international level.

The report indicated the increasing importance of ecolabels, in a context in which consumers receive a multitude of messages through different channels about sustainability of FAPs. This makes it difficult to trust the information of ecolabels since, in addition, environmental claims on FAPs may not always comply with legal requirements. The report also showed that the EU had adopted several regulations and proposed a number of initiatives in order to promote consumer protection and regulate the provision of environmental information, such as the launch of the 2016 pilot project for the assessment of voluntary claims on FAPs. The document finally outlined three options for action by public authorities: Option 1) – no legislative change and effective use of available tools; Option 2) – setting minimum requirements by the EU on sustainability claims for FAPs; and Option 3) – establishment of a Union-wide ecolabel scheme.

The Commission report did not recommend the third option on account of 'differences in market penetration of eco-labelled products across Member States' and also given the 'premature stage of implementation of national schemes'. Although the report indicated that a Union-wide ecolabel scheme may have positive effects for the credibility of ecolabels, it also stated that the lack of EU added value and proportionality of this option would not make it the best choice.⁴

Evaluation of the marketing standards framework for fishery and aquaculture products (2018-2019)

In 2018, the European Commission launched an [evaluation process](#) to assess to what extent EU marketing standards for fishery and aquaculture products were fit for purpose and contributed to achieving the objectives set by the CMO Regulation. The objective of the evaluation was also to analyse the role of these marketing standards for consumers, for the Member States' control authorities and for the various stakeholders involved in the supply chain process. Although the CMO Regulation has been in force since 2014, the [evaluation](#) took into consideration a longer period of time – from the year 2010 – to be able to assess the marketing standards in terms of control and uptake.⁵ The evaluation covered the three regulations defining marketing standards and Chapter III of the CMO Regulation on Common Marketing Standards, as well as every FAP listed in its Annex I.

The evaluation is based on an external [study](#) that was commissioned by the European Commission, as well as on the analysis of relevant documentation and databases.⁶ It also took into consideration a series of targeted consultation surveys, in addition to a [public consultation](#) that was carried out to gather the views of different stakeholders (some opinions collected during the consultation process are presented in Section 5).

The findings of the external study revealed that the current marketing standards for fresh products play an important role defining common quality criteria for the main species of fresh fish landed in the EU. Although there is a lack of consistent implementation that could undermine their usefulness, operators do not generally see that as a major issue. The conclusions of the study outlined, *inter alia*, that there would not be any evident simplification that would help to improve the effectiveness of the marketing standards or reduce costs while maintaining their benefits. It also revealed that there was a lack of harmonisation at EU level and limited visibility concerning procedures to control marketing standards in the Member States. The findings indicated that the current marketing standards had made a limited contribution to fulfilling the overall objectives of the CMO, in particular those related to improving sustainability in the FAPs sector.

The [evaluation](#) was published in December 2019 and its conclusions indicated that, in general, the marketing standards have had a positive impact on the EU market for FAPs. However, the fulfilment of the objectives set by the CMO Regulation 'remains limited by their current scope and nature'.⁷ The evaluation also revealed that the current marketing standards framework has made a limited contribution to the CMO Regulation objective of enabling the EU market to be supplied with sustainable products, and according to the findings of the public consultation, it does not fully address the calls for a more transparent market or the issue of a level playing field, including social and environmental aspects (see also Section 5 below on stakeholders' opinions).

Inception impact assessment for the review of the marketing standards framework for FAPs (2020)

An [inception impact assessment](#) (IIA) was launched in April 2020 by the European Commission with the purpose of addressing various shortcomings that could undermine the contribution of the marketing standards to the objectives set by the CMO Regulation. The impact assessment process would take into consideration the results of the 2018-2019 evaluation, as well as a [study](#) about sustainability criteria that is being prepared by the Scientific, Technical and Economic Committee for Fisheries (STECF). The European Commission additionally carried out targeted consultations in 2020 and launched a 12-week open [public consultation](#) that has just closed (from November 2020 until 23 February 2021).

The 2019 evaluation identified some underlying issues such as the marketing standards' limited contribution to sustainability, limitations in the scope of the products covered or insufficient contribution to fair competition and supply chain transparency. The IIA took these issues into consideration and also aimed to address some technical shortcomings of the current marketing standards, including:

- limited harmonisation owing to a lack of transparency of additional national measures;
- inconsistency between the current standards and the FAO Codex Alimentarius;
- a lack of alignment between the list of species subject to minimum marketing sizes with those subject to minimum conservation reference sizes (MCRSs);
- the lack of quality criteria for processed products; and
- outdated freshness categories based on subjective criteria.

The preliminary policy options outlined in the IIA included: Option 1) – no policy change; Option 2) – moderate reform of the marketing standards to address the technical shortcomings identified in the evaluation and to simplify the standards; Option 3) – extensive reform of the marketing standards to address the issues mentioned in the previous option, adding a sustainability component in line with the Farm to Fork strategy; and Option 4) – discontinuing the marketing standards.

3. European Parliament resolutions and selected MEPs' written questions

European Parliament resolution

The European Parliament adopted a [resolution](#) in May 2018 on the implementation of control measures for establishing the conformity of fisheries products with EU market access criteria. The European Parliament indicated that the CMO Regulation provisions on labelling for consumers were limited to a small group of products, excluding 'prepared, preserved or processed products'. It therefore considered that consumer information for those products should be improved, including additional compulsory information, to protect consumers and ensure product traceability. The European Parliament called on the Commission to promote information campaigns about the sustainability efforts carried out by EU fishermen and farmers, and urged the Commission to consider the possibility of creating a specific label to identify EU FAPs. The resolution also confirmed the potential to improve the way consumers are informed about the quality and origins of FAPs, and considered that the compulsory information on labels should also include the flag state of the catching vessel.

Selected MEPs' questions

[Written question](#) by Ruža Tomašić (ECR), 22 July 2019

The question referred to market discrimination since, as Ms Tomašić indicated, FAPs from third countries are subject to different rules and standards than EU caught products. The question also addressed the inefficiencies and loopholes of customs controls, and required the Commission to explain if there was any procedure in place to assess the EU customs control and trading standards. Ms Tomašić also asked the Commission if there was a list of countries whose products are prohibited and if inspectors are sent to verify that third countries comply with all sanitary requirements.

[Answer](#) given by Mr Vella on behalf of the European Commission, 26 September 2020

The answer of Mr Vella indicated that the Commission was currently working on an evaluation of the effectiveness of EU controls for marketing standards, and that there was no country whose products were subject to measures under Regulation (EU) No 1026/2012. He added that the Member States' customs authorities performed controls in accordance with Regulation (EU) No 952/2013 and the specific sectoral legislation, in close cooperation with the competent authorities. He explained that the Directorate-General for Health and Food Safety audits the implementation of official controls in third countries exporting products to the EU in order to verify compliance. He added that the Commission's audit reports are published on the website of the Health and Food Audits and Analysis Directorate.

[Written question](#) by Guillaume Balas (S&D), 20 December 2018

The question referred to overfished stocks and incomplete labelling for consumers, which lacked mandatory information such as the precise catch area and its status or the fishing method. Mr Balas asked the Commission if there was a plan to ensure that all the relevant information was actually given to consumers and to remedy the distorted competition that is detrimental to fishermen who use sustainable fishing methods. In addition, he asked the Commission if there was a plan to include sustainability indicators for fishery products.

[Answer](#) given by Mr Vella on behalf of the European Commission, 5 March 2019

Mr Vella answered that the Commission confirmed the importance of informing consumers in accordance with Regulation 1379/2013 so they can make informed decisions. He also explained that the Commission and the Member States had taken stock of the application of rules in the expert group for markets and trade in FAPs, and that more technical discussions would follow in 2019. He

highlighted that the Commission considered that efforts should focus on improving implementation of the provisions and raising awareness among operators throughout the supply chain. Mr Vella indicated that in the 2019 evaluation of marketing standards, the sustainability aspect had emerged as crucial for the EU, consumers and operators in the fishing industry.

4. European Economic and Social Committee

The European Economic and Social Committee (EESC) adopted an [opinion](#) in September 2019 on the 'Social dimension of fisheries'. The EESC highlighted the importance of complying with social and environmental sustainability standards in EU trade policy. The opinion indicated that many trade agreements on importing fish from third countries granted tariff preferences, especially to developing countries, and that in some cases those preferences were negotiated with third countries that did not meet EU's sustainability standards. The EESC stated that this could lead to unfair competition and to incompatibility with the EU's efforts to make fishing and seafood production sustainable. The EESC called for a more responsible use of EU's trade policy to guarantee that both EU and other operators comply with environmental and social sustainability standards and to ensure that the message sent to the international community is coherent with EU values regarding sustainability and social responsibility.

5. Academic papers and stakeholder opinions

Stakeholder opinions

This section presents some stakeholder opinions expressed in the context of the 2018-2019 evaluation of the marketing standards for FAPs, aimed at collecting evidence on the current marketing standards in order to contribute to the revision of the existing legal tools.

The feedback provided by [AIPCE-CEP](#) (representing EU fish processors and traders) and [ANFACO-CECOPECA](#) (representing Spanish fish processors) indicated that the current marketing standards for preserved tuna and bonitos and sardines products were useful and stressed that the reported lack of compliance and the rigidity of the standards did not apply to such products.⁸

The SWWAC (South West Waters Advisory Council) and the MAC (Market Advisory Council) made ad hoc contributions issuing opinions for recommendations on various matters regarding the current standards framework. The SWWAC [opinion](#) recommended a revision of the species covered by the marketing standards for canned tuna and bonito, as well as their trade designations, to avoid misinformation for consumers that could lead to unfair competition. The MAC issued an [opinion](#) stressing the usefulness of size categories in particular but no longer considered freshness categories to be useful. In addition, it recommended increasing the flexibility of marketing standards and facilitating their harmonised implementation. In July 2019, the MAC issued complementary [advice](#), recommending bringing all standards into one legislative instrument to improve market transparency and insisted on the need to ensure a level playing field, including on social standards. The MAC advice also indicated the importance of promoting the sustainability aspect of marketing standards, transparency and fair competition, as well as improving and strengthening controls. Although the EU canning industry agreed on the fitness for purpose of the current standards concerning preserved products, the MAC advice called for revision of the standard on canned tuna and bonito, to avoid issues such as unfair competition or consumer fraud.

Regarding consumers and business operators, the [public consultation](#) indicated that appearance and origin are the most important criteria for consumers buying fresh seafood products. Most of the respondents claimed to have doubts about seafood sustainability and stressed the difficulty in finding information about seafood quality. In general, the respondents placed more trust in public authorities regarding compliance than in private certification bodies.

In the targeted consultation⁹ gathering the views of national authorities, Member States indicated that in general there was a good level of compliance with the marketing standards, and that the

most persistent irregularities often related to size issues, while the least frequent related to preserved products. The majority of Member States agreed that the current marketing standards had a positive impact on quality, sustainability, market transparency and fair trade. Although the number of calls for simplification was small, there was broad support for the simplification of size and freshness criteria, suggesting in particular that MCRSs would suffice, as the relevance of minimum marketing sizes for species not covered by MCRSs was questionable.

Academic papers

A number of academic papers have focused on the labelling aspect. For instance, an article published in 2020¹⁰ looked at the perceptions of producers regarding eco labelling for farmed finfish. The work examined producers' perceptions of the balance between the costs and benefits of adopting ecolabels by means of interviews, and investigated the effects of operation scale on these perceptions. The results of the study confirmed that adopting ecolabels could have potential economic incentives for producers, such as 'enhanced local and export market access, product acceptance, price premium, long-term supply contracts, increased investment attractiveness, positive consumer perception of aquaculture products and increased reputation'. However, the study indicated the existence of challenges such as 'compliance costs, costly annual audits and a lack of long-term benefits'. The study also found that comparable-sized farm units had different views on this, which shows a lack of correlation of incentives and challenges to scale. To conclude, the study revealed that the incentives perhaps outweighed the challenges of eco labelling. In general, the perceptions could indicate that producers are likely to continue certifying their products, which would contribute to more environmentally and socially responsible practices in the FAPs industry. The authors also suggested that, since a producer takes into consideration many different aspects before pursuing certification, providing evidence of the incentives and challenges could help them to make informed decisions.

6. Citizens' petitions

During the current parliamentary term (2019-2024) there has been a relevant citizen petition with regard to the CMO Regulation. The petitioner called for frogs and other aquaculture products to be eligible for aid under [Regulation 508/2014](#) on European Maritime and Fisheries Fund (EMFF), and also for the update of Annex I of the CMO Regulation to extend its provisions to all freshwater and salt-water organisms defined in the Common Fisheries Policy Regulation. The Commission declared the first petition admissible, stating that frog rearing could benefit from EMFF support 'where general aquaculture activities are concerned'. This would include most measures of Article 48 of the EMFF, such as the use of facilities and equipment used to produce aquaculture products listed in Annex I of the CMO Regulation, or productive investments in aquaculture. However, the Commission declared that frog rearing products should be considered as agriculture products, since they are not defined as aquaculture products in Article 5 of the CMO Regulation. Therefore, frog rearing products would not be eligible for product-specific or species-specific EMFF support.

MAIN REFERENCES

[Assessment of Voluntary Claims](#) on Fishery and Aquaculture Products, DG Maritime Affairs and Fisheries, Market Studies, 2019.

European Parliament Fact Sheets, [Common Market Organisation in fishery and aquaculture products](#).

Scholaert F., [Marketing of and trade in fishery and aquaculture products in the EU](#), EPRS, European Parliament, 2020.

[Strategic EU Ecolabel Work Plan 2020 - 2024](#), DG Environment, Circular Economy and Green Growth, December 2020.

Weissenberger J., [Fish labelling for consumers](#), EPRS, European Parliament, 2017.

ENDNOTES

- ¹ Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products.
- ² Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC, Article 35.
- ³ Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000, recitals (18) and (19).
- ⁴ Report from the Commission to the European Parliament and the Council on options for an EU eco-label scheme for fishery and aquaculture products, COM/2016/0263 final, 18 May 2016, (7) Conclusions.
- ⁵ European Commission evaluation roadmap, Evaluation of the marketing standards framework for fishery and aquaculture products, 31 January 2020.
- ⁶ Such as regulatory framework, international, national and private standards, interpretation questions submitted to the Commission and reports from other studies. Databases used include trade data and sectoral production data (COMEXT, FAO FISHSTAT22, EUMOFA23, Eurostat), alerts on food (RASFF), fisheries control data (EFCA – European Fisheries Control Agency) and auction data.
- ⁷ European Commission staff working document, Evaluation of the Marketing Standards Framework for Fishery and Aquaculture Products, SWD(2019) 455 final, 20 December 2019, p. 45.
- ⁸ The two organisations have also provided feedback to the new consultation open until 23 February 2021.
- ⁹ European Commission staff working document, Evaluation of the Marketing Standards Framework for Fishery and Aquaculture Products, SWD(2019) 455 final, 20 December 2019, pp. 53-54.
- ¹⁰ Chikudza L. et al., 'Producer perceptions of the incentives and challenges of adopting ecolabels in the European finfish aquaculture industry: A Q-methodology approach', *Marine Policy*, Vol. 121, Elsevier, November 2020.

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