



EUROPEAN PARLIAMENT

2009 - 2014

Committee on the Environment, Public Health and Food Safety

2011/0194(COD)

8.5.2012

OPINION

of the Committee on the Environment, Public Health and Food Safety

for the Committee on Fisheries

on the proposal for a regulation of the European Parliament and of the Council
on the common organisation of the markets in fishery and aquaculture products
(COM(2011)0416 – C7-0197/2011 – 2011/0194(COD))

Rapporteur: João Ferreira

PA_Legam

SHORT JUSTIFICATION

The organisation and operation of the markets in fishery and aquaculture products have direct and indirect implications both for the sustainability of fishery resources and marine ecosystems and for public health and food safety.

The amendments proposed by the rapporteur seek to offer solutions under these two general headings.

Environmental issues

The rapporteur believes that the economic, social, and environmental aspects of fisheries are closely linked and interrelated. It follows that, if the aim is to make fisheries more sustainable environmentally, it will be necessary to adopt a broad package of measures extending to the social and economic spheres.

By way of immediate action, greater emphasis should be laid on the role of small-scale inshore fishing and non-industrial fishing, and the producers belonging to those fleet segments should be supported, bearing in mind that they are as yet integrated to only a very limited extent in the common market organisation (CMO). These segments tend to exploit resources more sustainably, be it on account of their lower energy consumption or because the fishing gear that they use is more selective.

The rapporteur takes the view that the CMO should, in general, do more to guarantee incomes in the sector, improve the marketing of fishery and aquaculture products, and increase their added value. These points cannot be considered separately from sustainable exploitation of resources, enabling fishing effort to be brought to levels compatible with the self-renewing capacity of fish stocks. This approach is incompatible with the abolition of public market regulation systems, which should, on the contrary, be strengthened by ambitious, intelligent measures.

Public intervention on the markets in fishery and aquaculture products is a necessity, not least from the environmental point of view. One reason is that the market does not, at present, fully reward all of the (environmentally and socially) positive externalities arising from more sustainable production methods.

The rapporteur is proposing some ways of overcoming what he sees as shortcomings and gaps in the Commission proposal from that point of view.

The elimination of discards, implying that all unwanted catches will be landed, is one of the aims of the CFP reform now in progress. If that goal is in fact to be attained, at least some financial compensation might need to be granted in order to help producers meet the costs of handling, storing, and landing the entire quantity of unwanted catches.

Public health and food safety issues

The trend on the markets in fishery and aquaculture products has added to the need for strict monitoring and certification of products entering the Community market, so as to ascertain

that they have been produced sustainably and, as far as imports are concerned, that they conform to the same requirements and marketing standards as Community producers have to satisfy. The rapporteur is accordingly proposing to make the necessary clarification on that point.

He is also proposing some amendments aimed at defending consumer interests by clarifying concepts so as to make for clearer, more complete, and more objective information.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Fisheries, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) The provisions of the Common Market Organisation should be implemented in compliance with the Union international commitments, in particular with regard to the provisions of the World Trade Organisation.

Amendment

(3) The provisions of the Common Market Organisation should be implemented in compliance with the Union international commitments, in particular with regard to the provisions of the World Trade Organisation. ***It must be stressed, however, that fish and shellfish are a common good and that fishing is therefore not like other industries. It should, in particular, be regulated by measures that satisfy environmental and ecosystemic criteria, irrespective of market requirements.***

Amendment 2

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Producer organisations are the key actors for the appropriate application of the

Amendment

(7) Producer organisations are the key actors for the appropriate application of the

Common Fisheries Policy and the Common Market Organisation. It is therefore necessary to strengthen their objectives to ensure that their members carry out fishing and aquaculture activities in a sustainable manner, improve the placing on the market of products, and collect economic information on aquaculture. When realising these objectives, producer organisations should take account the different conditions of the fishery and aquaculture sectors prevailing in the Union, in particular the specificities of small-scale fisheries.

Common Fisheries Policy and the Common Market Organisation. It is therefore necessary to strengthen their objectives *in order* to ensure that their members carry out fishing and aquaculture activities in a sustainable manner, improve the placing on the market of products and collect *environmental and* economic information on aquaculture, *whilst experiencing an improvement in their incomes*. When realising these objectives, producer organisations should take into account the different conditions of the fishery and aquaculture sectors prevailing in the Union, in particular the specificities of small-scale fisheries, *and especially their greater environmental sustainability, which warrants support and positive discrimination in favour of this fleet segment within the CMO*.

Amendment 3

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) It is appropriate to lay down common conditions for the recognition of producer organisations and inter-branch organisations by Member States, for extension of the rules adopted by producer organisations and inter-branch organisations, and for the costs resulting from such extension to be shared. The procedure for extension of rules should be subject to authorisation by the Commission.

Amendment

(9) It is appropriate to lay down common conditions *and criteria* for the recognition of producer organisations and inter-branch organisations by Member States, for extension of the rules adopted by producer organisations and inter-branch organisations, and for the costs resulting from such extension to be shared. The procedure for extension of rules should be subject to authorisation by the Commission.

Amendment 4

Proposal for a regulation Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) The landing of all incidental catches and by-catches and the elimination of discards are two of the objectives of the reform of the common fisheries policy that is currently in progress. In order to attain those objectives, more widespread use needs to be made of selective fishing gear that will prevent under-size fish from being caught.

Amendment 5

Proposal for a regulation Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) The potential exists for clear information on the ecological sustainability of fisheries products to be provided to the consumer by the use of an ecolabel for fisheries products originating from both inside and outside the Union. It is therefore appropriate for the Commission to verify the reliability of ecolabels, in order to ensure that consumers receive the sustainability premium expected when buying ecolabelled fisheries and aquaculture products. The Commission will consequently need to monitor, assess and regularly publish evaluations of the sustainability claims of each ecolabel.

Amendment 6

Proposal for a regulation Recital 20

Text proposed by the Commission

Amendment

(20) In order to be able to supplement or

(20) In order to be able to supplement or

amend the conditions and requirements for recognition of producers organisations, supplement or amend the content of the production and marketing plan, **define and** amend the common marketing standards, supplement or amend mandatory information and set minimum criteria for information voluntarily provided by operators to the consumers, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of Articles 24, 33, 41 and 46.

enlarge upon the conditions and requirements for recognition of producers organisations, supplement or **enlarge upon** the content of the production and marketing plan, **supplement or enlarge upon** the common marketing standards, supplement or **enlarge upon** mandatory information and **enlarge upon** minimum criteria for information voluntarily provided by operators to the consumers, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of Articles 24, 33, 41 and 46.

Amendment 7

Proposal for a regulation Article 2

Text proposed by the Commission

The Common Market Organisation shall apply to the fishery and aquaculture products listed in Annex I to this Regulation, which are marketed in the Union.

Amendment

The Common Market Organisation shall apply to the fishery and aquaculture products listed in Annex I to this Regulation, which are **produced or** marketed in the Union.

Amendment 8

Proposal for a regulation Article 6

Text proposed by the Commission

Fishery producer organisations may be established **as a group set up** on the own initiative of producers of fishery products in one or more Member States and recognised in accordance with Section II.

Amendment

Fishery producer organisations may be **transnational and** established on the own initiative of producers of fishery products in one or more Member States and recognised in accordance with Section II.

Justification

Transnational producer organisations will enable a level playing field to be created for all fisheries operators, not least with a view to regionalisation.

Amendment 9

Proposal for a regulation Article 7 – point a

Text proposed by the Commission

(a) promoting **viable** fishing activities of their members in full compliance with the conservation policy laid down in the Regulation on the Common Fisheries Policy and environmental legislation;

Amendment

(a) promoting **sustainable** fishing activities of their members in full compliance with the conservation policy laid down in the Regulation on the Common Fisheries Policy and environmental legislation;

Amendment 10

Proposal for a regulation Article 7 – point a a (new)

Text proposed by the Commission

Amendment

(aa) contributing to food supply and employment in coastal and rural areas;

Justification

There is no reason why the objective of contributing to food supply and employment should apply to aquaculture producer organisations, but not to fishery producer organisations. The text should be corrected accordingly.

Amendment 11

Proposal for a regulation Article 7 – point b

Text proposed by the Commission

(b) **handling** unwanted catches of commercial stocks;

Amendment

(b) minimising and, where possible, eliminating unwanted catches of commercial stocks ***of marine organisms, ensuring the landing of all unwanted catches of fish species referred to in Article 15 of the Regulation on the Common Fisheries Policy, and handling any unwanted catches;***

Amendment 12

Proposal for a regulation Article 7 – point b a (new)

Text proposed by the Commission

Amendment

(ba) contributing towards the elimination of the practice of IUU fishing by, inter alia, deploying internal controls of their members;

Amendment 13

Proposal for a regulation Article 7 – point c a (new)

Text proposed by the Commission

Amendment

(ca) promoting selective fishing in order to reduce unwanted catches;

Amendment 14

Proposal for a regulation Article 7 – point e a (new)

Text proposed by the Commission

Amendment

(ea) improving the traceability of fishery products and access to information for consumers;

Amendment 15

Proposal for a regulation Article 7 – point e b (new)

Text proposed by the Commission

Amendment

(eb) helping to improve knowledge of the conservation status of marine ecosystems and fishery resources.

Justification

Because of their practical knowledge and the fact that they are alert to the changing state of fish stocks, producer organisations could help, if they were given the necessary encouragement and support, to improve knowledge of the conservation status of marine ecosystems, thus filling the considerable gaps existing from this point of view, thereby paving the way to knowledge-based management.

Amendment 16

Proposal for a regulation

Article 8 – point b – introductory part

Text proposed by the Commission

(b) making the best use of unwanted catches of **commercial stocks** by:

Amendment

(b) making the best use of unwanted catches **covered by Article 15 of the Regulation on the Common Fisheries Policy** by:

Amendment 17

Proposal for a regulation

Article 8 – point b – indent 1

Text proposed by the Commission

– **disposing** of landed products which do not conform to the minimum marketing sizes referred to in Article 39 (2)(a) for uses other than human consumption;

Amendment

– **recording the quantities of unwanted catches and putting in place appropriate means for the disposal of** landed products which do not conform to the minimum marketing sizes referred to in Article 39 (2)(a) for uses other than human consumption, **while ensuring that such disposal does not result in the emergence of a discards market**;

Amendment 18

Proposal for a regulation

Article 8 – point b – indent 3

Text proposed by the Commission

- **distributing landed products free of**

Amendment

deleted

charge to philanthropic or charitable purposes.

Amendment 19

Proposal for a regulation Article 8 – point c

Text proposed by the Commission

(c) adjusting production *to market requirements*;

Amendment

(c) adjusting production *on the basis of the stocks available while meeting the environmental objectives set as part of the common fisheries policy reform*;

Amendment 20

Proposal for a regulation Article 10 – point a

Text proposed by the Commission

(a) promoting sustainable aquaculture activities of their members by providing opportunities for their development;

Amendment

(a) promoting *environmentally* sustainable aquaculture activities of their members by providing opportunities for their development;

Amendment 21

Proposal for a regulation Article 10 – point e a (new)

Text proposed by the Commission

Amendment

(ea) promoting continuous improvement in the environmental performance of aquaculture activities, reducing and minimising harmful impacts over the entire production chain.

Amendment 22

Proposal for a regulation Article 11 – point a

Text proposed by the Commission

(a) promotion of responsible and sustainable aquaculture, notably in terms of environment protection, animal health and animal welfare;

Amendment

(a) promotion of responsible and sustainable aquaculture, notably in terms of environment protection, animal health and animal welfare, ***including through the provision of training to member undertakings***;

Justification

Aquaculture producer organisations should also be given responsibility for training people working for member undertakings.

Amendment 23

**Proposal for a regulation
Article 12 – paragraph 1**

Text proposed by the Commission

1. An association of fishery or aquaculture producer organisations may be established as a group set up on the own initiative of producer organisations recognised in one or more Member States.

Amendment

1. An association of fishery or aquaculture producer organisations may be established as a group set up on the own initiative of producer organisations recognised in one or more Member States ***or on the initiative of a trade association operating in a Member State.***

Justification

Trade associations should also be able to instigate the setting up of associations of producer organisations.

Amendment 24

**Proposal for a regulation
Article 17 – point d**

Text proposed by the Commission

(d) they comply with the competition rules laid down in Chapter **VI**;

Amendment

(d) they comply with the competition rules laid down in Chapter **V**;

Justification

Competition rules are laid down in Chapter V

Amendment 25

Proposal for a regulation
Article 21

Text proposed by the Commission

A producer organisation whose members are nationals of different Member States or an association of producer organisations recognised in different Member States shall perform its tasks *without prejudice to* the provisions governing the allocation of fishing opportunities among Member States in accordance with Article 16 of the Regulation on the Common Fisheries Policy.

Amendment

A producer organisation whose members are nationals of different Member States or an association of producer organisations recognised in different Member States shall perform its tasks *in accordance with* the provisions governing the allocation of fishing opportunities among Member States in accordance with Article 16 of the Regulation on the Common Fisheries Policy.

Amendment 26

Proposal for a regulation
Article 22 – title

Text proposed by the Commission

Communication to the Commission

Amendment

Communication to the Commission *and publication of the list of producer organisations*

Amendment 27

Proposal for a regulation
Article 22 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

At the beginning of every year the Commission shall publish the list of producer organisations recognised in the preceding year and of organisations whose recognition was withdrawn during

that year.

Justification

Given the importance of producer organisations, this information should be brought to public notice in the same way as under the present CMO Regulation (Regulation (EC) No 104/2000).

Amendment 28

Proposal for a regulation

Article 26 – paragraph 1 – point a

Text proposed by the Commission

(a) the producer organisation is considered to be representative of production and marketing in one Member State and makes an application to the competent national authorities;

Amendment

(a) the producer organisation is considered to be representative of production and marketing , ***including, where relevant, the small scale and artisanal sector***, in one Member State and makes an application to the competent national authorities;

Amendment 29

Proposal for a regulation

Article 26 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the rules governing free competition between undertakings are upheld.

Justification

It is important to ensure that any measures affecting producers not belonging to an organisation do not restrict application of the rules on free competition between undertakings.

Amendment 30

Proposal for a regulation

Article 27 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the rules governing free competition between undertakings are upheld.

Amendment 31

Proposal for a regulation Article 29 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) Chapter **VI** on competition rules is complied with;

(b) Chapter **V** on competition rules is complied with;

Amendment 32

Proposal for a regulation Article 33

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 50 to lay down rules concerning the content of the production and marketing plan referred to in Article 32(1).

deleted

Justification

This matter should be dealt with by codecision.

Amendment 33

Proposal for a regulation Article 36 – paragraph 3 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the quality of the marine product due to its seasonality.

Amendment 34

Proposal for a regulation

Article 39 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) marketing standards for catches of fish below the minimum marketing size and/or in excess of established fishing opportunities, including price ceilings and/or maximum profit levels.

Amendment 35

Proposal for a regulation

Article 39 – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(bb) sustainability and traceability standards.

Amendment 36

Proposal for a regulation

Article 40 – paragraph 1

Text proposed by the Commission

Amendment

1. The products for which marketing standards have been laid down may be marketed for human consumption in the Union only in accordance with those standards.

1. The products for which marketing standards have been laid down may be marketed for human consumption in the Union only in accordance with those standards. ***This provision shall also apply to all imported fishery and aquaculture products.***

Amendment 37

Proposal for a regulation

Article 40 – paragraph 3

Text proposed by the Commission

3. All fishery products landed, including those not complying with marketing standards, may be, under the responsibility of the Member States, distributed free of charge to philanthropic or charitable institutions established in the Union or to persons who are recognised by the legislation of the Member State concerned as being entitled to public assistance.

Amendment

3. All fishery products landed, including those not complying with marketing standards, may be, under the responsibility of the Member States, distributed free of charge to philanthropic or charitable institutions established in the Union or to persons who are recognised by the legislation of the Member State concerned as being entitled to public assistance.

Marketable catches shall be sold and a limited amount of compensation shall be paid to the fisherman and to the PO in order to cover their handling costs. The remaining catches shall be transferred to national authorities and used for control and monitoring, as well as for the improving of knowledge base of marine environment and resources;

Amendment 38

Proposal for a regulation

Article 42 – paragraph 1 – introductory part

Text proposed by the Commission

1. Fishery and aquaculture products referred to in points (a), (b), (c) and (e) of Annex I which are marketed within the Union, irrespective of their origin, may only be offered for retail to the final consumer where appropriate marking or labelling indicates:

Amendment

1. Fishery and aquaculture products referred to in points (a), (b), (c) and (e) of Annex I which are marketed within the Union, irrespective of their ***geographical*** origin, may only be offered for retail to the final consumer where appropriate marking or labelling indicates:

Justification

To clarify the wording.

Amendment 39

Proposal for a regulation

Article 42 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) whether the product is fresh or has been defrosted;

deleted

Justification

Regulation (EU) No 1169/2011 (consumer information) lays down conditions governing the use of the term 'defrosted' for all foods that have been frozen and then defrosted prior to sale. There is no need for any additional requirements for fishery products. In order to ensure clarity, only one piece of legislation should apply in this area.

Amendment 40

**Proposal for a regulation
Article 42 – paragraph 2 new**

Text proposed by the Commission

Amendment

For the purposes of this Regulation and by way of derogation from Article 58(6) of Council Regulation (EC) No 1224/2009 and Article 68(3) of Commission Implementing Regulation No 404/2011, products that have been frozen prior to sale and are sold defrosted shall be labelled in accordance with Annex VI to Regulation (EU) No 1169/2011.

Amendment 41

**Proposal for a regulation
Article 42 a (new)**

Text proposed by the Commission

Amendment

Article 42a

Ecolabels

After consulting stakeholders, the Commission shall by 1 January 2013

submit to the European Parliament and to the Council a report, accompanied by proposals, for the establishment of a Union wide monitoring and evaluation mechanism in respect of ecolabel schemes for fisheries and aquaculture products. The Commission shall annually publish an evaluation report on the reliability of fisheries and aquaculture ecolabels in the Union.

Amendment 42

Proposal for a regulation

Article 44 – paragraph 1 – point a

Text proposed by the Commission

(a) in the case of fishery products caught at sea, the name of one of the areas, subareas or divisions listed in the FAO Fishing Areas;

Amendment

(a) in the case of fishery products caught at sea, **both** the name **and the distinctive number** of one of the areas, subareas or divisions listed in the FAO Fishing Areas;

Amendment 43

Proposal for a regulation

Article 45 – paragraph 3 – point f a (new)

Text proposed by the Commission

Amendment

(fa) Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers¹,

¹ *OL L 304, 22.11.2011, p. 18.*

Amendment 44

Proposal for a regulation

Article 46 – paragraph 2 (new)

Text proposed by the Commission

Amendment

Any delegated acts shall be adopted following appropriate consultations with operators conducted through an advisory body to be set up for this purpose (advisory committee on general and market-related matters in the fisheries and aquaculture sector).

Justification

With a view to regionalisation and the future disbandment of the AFCA, a Europe-wide advisory committee will be needed in order to deal with general and market-related matters in the fisheries and aquaculture sector.

Amendment 45

Proposal for a regulation

Article 47

Text proposed by the Commission

Amendment

Articles 101 to 106 of the *treaty* and their implementing provisions shall apply to agreements, decisions and practices referred to in Articles 101(1) and 102 of the treaty which relate to production or marketing of fishery and aquaculture products.

Articles 101 to 106 of the ***Treaty*** and their implementing provisions shall apply to agreements, decisions and practices referred to in Articles 101(1) and 102 of the treaty which relate to production or marketing of fishery and aquaculture products.

Justification

For the sake of clarity

Amendment 46

Proposal for a regulation

Article 48 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) do not eliminate competition in respect of a substantial proportion of the products in question;

deleted

Justification

The Commission text allows elimination of competition with respect of certain proportion of products.

Amendment 47

Proposal for a regulation Article 49 – paragraph 1 – point b

Text proposed by the Commission

(b) survey prices regularly along the Union supply chain for fishery and aquaculture products and conduct analyses on market trends;

Amendment

(b) survey prices regularly along the Union supply chain for fishery and aquaculture products and conduct analyses on market trends, ***and make the findings of those surveys and analyses public;***

Amendment 48

Proposal for a regulation Article 55 – paragraph 2

Text proposed by the Commission

It shall apply from 1 January 2013 with the exception of Articles 32, 35 and 36, which shall apply from 1 January 2014.

Amendment

It shall apply from 1 January 2013 with the exception of Articles 32, 35 and 36, which shall apply from 1 January 2014. ***The consumer information provisions laid down in Article 42 shall apply from 13 December 2014..***

PROCEDURE

Title	Common organisation of the markets in fishery and aquaculture products
References	COM(2011)0416 – C7-0197/2011 – 2011/0194(COD)
Committee responsible Date announced in plenary	PECH 13.9.2011
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 13.9.2011
Rapporteur(s) Date appointed	João Ferreira 3.10.2011
Discussed in committee	29.2.2012
Date adopted	8.5.2012
Result of final vote	+: 53 –: 0 0: 3
Members present for the final vote	Kriton Arsenis, Sophie Auconie, Pilar Ayuso, Paolo Bartolozzi, Lajos Bokros, Martin Callanan, Nessa Childers, Chris Davies, Esther de Lange, Anne Delvaux, Bas Eickhout, Edite Estrela, Karl-Heinz Florenz, Elisabetta Gardini, Matthias Groote, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Jolanta Emilia Hibner, Karin Kadenbach, Christa Kläß, Eija-Riitta Korhola, Holger Kraemer, Jo Leinen, Peter Liese, Kartika Tamara Liotard, Zofija Mazej Kukovič, Linda McAvan, Radvilė Morkūnaitė-Mikulėnienė, Vladko Todorov Panayotov, Antonyia Parvanova, Andres Perello Rodriguez, Mario Pirillo, Pavel Poc, Frédérique Ries, Anna Rosbach, Oreste Rossi, Dagmar Roth-Behrendt, Horst Schnellhardt, Richard Seiber, Bogusław Sonik, Åsa Westlund, Glenis Willmott, Sabine Wils, Marina Yannakoudakis
Substitute(s) present for the final vote	Nikos Chrysogelos, João Ferreira, Filip Kaczmarek, Judith A. Merkies, James Nicholson, Justas Vincas Paleckis, Alojz Peterle, Michèle Rivasi, Marita Ulvskog, Vladimir Urutchev, Andrea Zannoni