



24.7.2020

NOTICE TO MEMBERS

Subject: Petition No 0513/2019 by Paula Echenique (Spanish) on restrictive interpretation regarding the eligibility of products derived from frogs for European Maritime Fisheries funding

1. Summary of petition

The petitioner calls for frogs and other fishery and aquaculture products to be considered eligible for aid under Regulation (EU) No 508/2014 on the European Maritime and Fisheries Fund, in particular that referred to in Articles 48 regarding productive investments in aquaculture and Article 69 regarding the processing of fishery and aquaculture products. The petitioner also calls for the updating of Annex I to Regulation (EU) No 1379/2013 on the common organisation of the markets in fishery and aquaculture products, extending the provisions thereof to all freshwater and salt-water organisms defined in Regulation (EU) No 1380/2013 on the Common Fisheries Policy.

2. Admissibility

Declared admissible on 5 November 2019. Information requested from Commission under Rule 227 (6).

3. Commission reply, received on 24 July 2020

The Commission's observations

The European Maritime and Fisheries Fund (EMFF) Regulation (Regulation (EU) No 508/2014)¹ states in its Article 3 on definitions that Article 5 of Regulation (EU) 1379/2013 on

¹ Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC)

the common organisation of the markets in fishery and aquaculture products applies (CMO Regulation)². Article 5 of the CMO Regulation defines “aquaculture products” as “*aquatic organisms at any stage of their life cycle resulting from any aquaculture activity or products derived therefrom, as listed in Annex I*”. Annex I is based on the combined nomenclature (CN) codes for customs/tariffs. It includes fish, crustaceans and algae, but it does not include frogs.

Nevertheless, the technical process of rearing frogs, especially in the early life stages, requires the use of facilities and equipment that are also necessary to produce the aquaculture products listed in Annex I to the CMO Regulation. The farming of frogs could thus also benefit from the use of these facilities, but the products of such frog farming have to be considered as products of agriculture.

Conclusion

The rearing of frogs could benefit from EMFF support where general aquaculture activities are concerned. This includes most measures under EMFF Article 48 (such as Article 48.1(a); “productive investments in aquaculture”).

However, EMFF support to species-specific or product-specific measures - such as those referred to in Article 69 (“processing of fishery and aquaculture products”) and Article 48.1(f) (“investments in enhancing the quality of, or in adding value to, aquaculture products”) - should not be eligible as frogs are not considered aquaculture products under the CMO Regulation for fishery and aquaculture products.

No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council, OJ L 149, 20.5.2014, p. 1–66.

² 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, OJ L 354, 28.12.2013, p. 1–21.