

European Association of Fish Producers Organisations
Association Européenne des Organisations de Producteurs dans le secteur de la pêche



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EAPO feedback *Review of the marketing standards framework for fishery and aquaculture products* Inception Impact Assessment

Context:

The evaluation of the current marketing standards (implementation and appropriateness) started with a consultant study for DG MARE and the publication of a Staff Working Paper. Largely based on this work, the Commission is now proposing to revise the marketing standards in the context of the EU Green Deal.

EAPO has been actively involved in the Market Advisory Council (MAC) Focus Group on the topic to present the perspective of stakeholders on this revision. The MAC already in March 2019, presented an advice on marketing standards for fresh products. This included recommendations regarding the need for increased flexibility in the size/weight categories and the outdated freshness categories to be replaced with an indication of whether a product is *fit* or *unfit for human consumption*.

In the Inception Impact Assessment, the Commission proposes a series of policy options aiming at addressing the shortcomings of the current marketing standards. A particular focus is set on the need to enable the market to be supplied by sustainable products and to achieve a level playing field. Both of which are objectives set by the CMO regulation.

EAPO welcomes the opportunity to provide some feedback on the review of the marketing standards framework and would like to seize it to present the fish producers organisations' position.

EAPO position:

Prior to commenting on the Inception Impact Assessment, EAPO would like to point out some inconsistencies in the consultant report of November 2019. EAPO cannot subscribe to one of the conclusions of this report that the "*Size and freshness criteria are considered relevant criteria in the determination of prices for the first sale of fresh whole products from fisheries*". The report highlights clearly that there is a number of issues with the freshness standards: these are outdated, inconsistently implemented across and within Member States, subjective, and suffer from numerous compliance issues. This clearly contradicts the ultimate conclusion.

EAPO is of the firm belief that freshness criteria should not be included in a future marketing standards regulation. Freshness is only considered a relevant criterion at first sale; hence the EU legislation should only indicate whether a product is *fit for human consumption* or not as per Union legislation in place on Food Safety. More detailed categories of this criterion should be a part of a Guideline document developed by stakeholders in the value chain.

Nonetheless, regarding the Inception Impact Assessment, EAPO welcomes the recognition that the freshness categories are outdated and need an update. We also welcome the acknowledgement of the lack of coherence between the Minimum Conservation Reference Size (MCRS) of the CFP (in length) and the minimum marketing size (in weight) in the existing marketing standards regulation.

Concerning the different policy options that are presented, EAPO supports the option 2: *moderate reform of the marketing standards, focusing on addressing the technical issues identified in the evaluation and simplifying the standards, where possible.*

The status quo (option 1) is to be ruled out because of the reasons exposed above. Marketing standards need to be updated. On the opposite, discontinuing the marketing standards (option 4) would translate into losing the possibility of a potentially effective business to business instrument that is useful for first sales in the EU.

Option 2 is in line with the comments made hereabove. Firstly, the freshness categories need to be replaced by an indication on whether a product is *fit or unfit for human consumption*. Secondly, a single reference size both for catches and for marketing should be agreed upon so that all products above MCRS can be sold for human consumption.

Finally, carrying an *extensive reform of the marketing standards* like the one envisaged under option 3 might be highly complex while other avenues exist to consider the sustainability factor. Firstly, the marketing standards are a business to business tool. Transparency towards the customers is ensured through consumer information instruments and certification schemes. Secondly, the criteria to be used for assessing social, economic and environmental sustainability are highly debatable. In addition to this, as highlighted in the Inception Impact Assessment, it is clearly convoluted to define the practical scope, coverage and dimension of such component. Thirdly, it must be stressed that fish caught within the remit of the CFP requirements are products following strict socio-economic and environmental requirements under the policy's sustainability objectives. Additionally, the Council Directive (EU) 2017/159 represents a safeguard for social sustainability in the EU fisheries.

If contrary to EAPO's position option 3 would ultimately be favoured by the Commission, aquaculture and imported products need to be set on an equal footing with EU fisheries products. Failing to do so would lead to market imbalances and to favouring import products from outside the EU and would thus undermine the level playing field versus local sustainable producers.