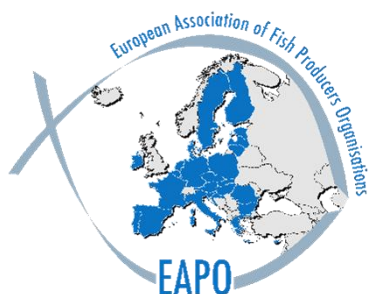


**European Association of Fish Producers Organisations**

**Association Européenne des Organisations de Producteurs dans le secteur de la pêche**



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## EAPO position paper on the Common Market Organization implementation report

As a consequence of their formal recognition, POs have obligations with regard to implementing the CFP objectives. The corollary of these obligations is privileged access to financial support and the ability to benefit from the exclusion from competition rules under the conditions of the CMO Regulation. This does not concern the various other types of collective bodies of producers<sup>11</sup> in the EU, at local, national or transnational levels.

### POs, CFP and PMPs

*“Therefore, POs form the backbone of the fishery [...] sector.”*

*POs support the day-to-day management of the CFP and enable its collective implementation at producer level. This is achieved by requiring each PO to draw up and implement production and marketing plans (PMPs). In particular, the CMO Regulation provides that these plans aim to help achieve the objectives assigned to the CMO by Article 35 of the CFP Regulation, and all objectives assigned to POs by the CMO Regulation (Article 7 of the CMO Regulation). On this ground, POs are empowered to collectively manage their members’ activities under the strict condition that they comply with conservation obligations. They contribute to food security by ensuring the availability and sustainability of a wide range of seafood. By doing so, POs both carry out a public service mission and optimise their members’ market opportunities.*

*This key role of POs to help achieve the objectives of the CFP pushed the European Commission to work on promoting the set-up, consolidation and financing of POs across the EU, particularly in*

*Member States where primary production remained largely scattered (aquaculture, small-scale fisheries). A strong presence of POs is a decisive factor in the survival and prosperity of coastal communities and in strengthening the weight of primary producers in relation to the processing industry or retailers. Drawing up EMF(A)F national programmes was a crucial task in this regard.*

*EU stakeholders reported that the tools made available to POs under the CMO Regulation, and especially the PMPs, are well adapted to help them pursue their objectives, in particular to better organise the structuring of fish supplies, in order to improve fishers' and farmers' incomes, and implement the CFP on the ground. However, producers highlighted a lack of consistency in the level of support, in particular financial support, among national authorities. This creates significant gaps in the development and functioning of POs across Member States, and challenges to ensuring a level playing field.*

We would like to recognise the role the Commission has played in communicating and increasing the level playing field in terms of PMP funding. However, across its members EAPO has had the opportunity to witness the difference in support from Member States when it comes to its fishers.

On the PMP matter, the CMO states POs may receive funding for the “*preparation and implementation of production and marketing plans*” the funds derived from EMFF and more recently from EMFAF. With the switch to EMFAF, the optional nature of PMP funding highlights the existing imbalance, resulting in a lack of a level playing field. Following an internal EAPO survey, we identified high discrepancies. With some POs receiving more than 20 times what other POs receive.

As such, EAPO would request that the next instances of European Funds dedicated to Maritime Affairs, Fisheries and Aquaculture set a minimum percentage of funding by the Member states would give a better level playing field to Members States that give less funding.

This is of high importance for European POs as PMP funding ensures they are able to fully embrace their role as backbone of the CFP. In the Annex of this document are listed some of the measures that have been funded through PMPs.

## Mixed POs

*The possibility for small-scale fishery producers to join an existing PO, resulting in a mixed PO (consisting of small-scale and medium to large fishers) is not the solution either as it does not always address the specific needs of small-scale coastal fishery producers.*

Plenty of examples show that for some small-scale fishers, joining an existing PO, resulting in a mixed PO can be the solution. Specific measures are set up by POs to ensure that small scale fishers are well represented.

Such measures can be:

- Specific port by port meeting to receive feedback
- Optimization of the quotas made available to the PO to prioritize high value species to small scale fishers
- Marketing aid & Legal,
- Administrative aid to access EU funds (EMFAF).
- Manpower to carry out scientific projects

Moreover, the cooperative structure of POs ensures that all fishers can participate and be represented. As such, POs across the EU work in a similar fashion, with a General Assembly where all fishers have one vote.

The regional identity of European POs are essential to ensuring local development. As stated by the report: *“A strong presence of POs is a decisive factor in the survival and prosperity of coastal communities and in strengthening the weight of primary producers in relation to the processing industry or retailers.”* Across its members, EAPO would like to highlight that all members refer to a regional **institution** in their name: Pêcheurs de Bretagne, Killybegs fishers Organisation, OPP Puerto de Celeiro. The regional identity of EU Producer Organisations is very strong and allow mixed POs to successfully represent small and large scale.

## Transnational POs

*The possibility to recognise TPOs is considered relevant by both the sector and national authorities. However, only four POs have been formally recognised as transnational. A pilot project carried out in 2020 highlighted that in practice, a lack of specific legal provisions causes some difficulties for both the recognition and the functioning of these organisations. The funding of these transnational organisations is a key issue since no formal mechanism exists to share or organise the financial support of a transnational organisation between two or more Member States. The Commission provided guidance to Member States to clarify existing possibilities and organise cooperation for funding such organisations.*

EAPO would like to highlight the work done by the Commission to ensure the implementation of the CMO and work towards ensuring the implementation of Transnational Producer Organisations. By publishing a pilot study and by consistently speaking with the Member States the Commission has done its best. It is now up to the sector to implement TPOs.

*After the entry into force of the reformed CMO, the Commission provided guidance on the recognition procedure to assist both Member States and the sector in this process. In parallel, and to ensure compliance with CMO rules, the Commission requested all Member States to carry out checks on their recognised organisations, and tried to harmonise the frequency of these checks across Member States.*

## Competition rules

The Common Market Organisation gives Producer Organisations a derogation to POs to override article 101(1) of TFEU. Article 101(1) TFEU prohibits any agreements between undertakings, decisions made by associations of undertakings, or concerted practices affecting trade between EU countries which could prevent, restrict or distort competition.

*“This exclusion is an essential tool to allow some practices in the implementation of PMPs such as controlling the quantities put on the market by members to stabilise the markets and prices, comply with conservation obligations and avoid food waste.”*

EU POs have implemented a large range of measures to stabilise markets or ensure high prices for their members:

- Fisheries Management: Producer Organizations establish daily/weekly/monthly quotas to prevent producers from overwhelming the market with their products.
- Landing schemes planning POs work with first buyers to adapt landings to the market needs.
- Certification schemes: POs have the manpower to work with Third-party certification schemes to achieve the requirements.
- Storage mechanisms
- Processing tools: Some POs have invested in freezing facilities to be able to freeze their product when the prices are low. They can then sell the frozen product when prices increase or when fresh products are unavailable.