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

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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 42 and 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[(1)],

Having regard to the opinion of the Committee of the Regions[(2)],

Acting in accordance with the ordinary legislative procedure[(3)],

Whereas:

(1) The scope of the Common Fisheries Policy (CFP) extends to measures related to the markets for fishery and aquaculture products in the Union. The common organisation of the markets in fishery and aquaculture products (CMO) is an integral part of the CFP and should contribute to achieving its objectives. Since the CFP is being revised, the CMO should be adapted accordingly.

(2) Council Regulation (EC) No 104/2000[(4)] needs to be revised in order to take account of shortcomings detected in the implementation of the provisions currently in force, recent developments in Union and world markets, and the evolution of fishing and aquaculture activities.

(3) Fishing plays a particularly important role in the economies of the Union's coastal regions, including the outermost regions. Given that it provides fishermen in those regions with their livelihood, steps should be taken to foster market stability and a closer correlation between supply and demand.

(4) The provisions of the CMO should be implemented in compliance with the international commitments of the Union, in particular with regard to those under the provisions of the World Trade Organisation. When trading in fishery and aquaculture products with third countries, the conditions for fair competition should be ensured, in particular through

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respect for sustainability and the application of social standards equivalent to those which apply to Union products.

(5) It is important that the management of the CMO be guided by the principles of good governance of the CFP.

(6) In order for the CMO to be a success, it is essential that consumers are informed, through marketing and educational campaigns, of the value of eating fish and the wide variety of species available, as well as of the importance of understanding the information contained on labels.

(7) Fishery producer organisations and aquaculture producer organisations ('producer organisations') are the key to achieving the objectives of the CFP and of the CMO. It is therefore necessary to enhance their responsibilities and to provide the necessary financial support to allow them to play a more meaningful role in the day-to-day management of fisheries, whilst respecting the framework defined by objectives of the CFP. It is also necessary to ensure that their members carry out fishing and aquaculture activities in a sustainable manner, improve the placing on the market of products, collect information on aquaculture and improve their incomes. When achieving those objectives, producer organisations should take into account the different conditions of the fishery and aquaculture sectors that prevail in the Union, including in the outermost regions, and in particular the special characteristics of small-scale fisheries and extensive aquaculture. It should be possible for competent national authorities to take responsibility for the implementation of those objectives, working closely with producer organisations on management issues, including, where appropriate, the allocation of quotas and the management of fishing effort, depending on the needs of each particular fishery.

(8) Measures should be taken to encourage the appropriate and representative participation of small-scale producers.

(9) In order to strengthen the competitiveness and viability of producer organisations, appropriate criteria for their establishment should be clearly defined.

(10) Inter-branch organisations consisting of different categories of operators in the fishery and aquaculture sector have the potential to help improve the coordination of marketing activities along the supply chain and to develop measures of interest for the whole sector.

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

(12) As fish stocks are shared resources, their sustainable and efficient exploitation can, in certain instances, be better achieved by organisations composed of members from different Member States and different regions. Therefore, it is also necessary to encourage the possibility of setting up producer organisations and associations of producer organisations at national or transnational level based, where appropriate, on

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biogeographical regions. Such organisations should be partnerships that seek to lay down common and binding rules and to provide a level-playing field for all stakeholders that are engaged in the fishery. In setting up such organisations, it is necessary to ensure that they remain subject to the competition rules provided for in this Regulation and that the need to maintain the link between individual coastal communities and the fisheries and waters that they have historically exploited is respected.

(13) The Commission should encourage supportive measures to foster the participation of women in aquaculture producer organisations.

(14) In order to be able to steer their members towards sustainable fishery and aquaculture activities, producer organisations should prepare and submit to the competent authorities of their Member States a production and marketing plan containing the measures necessary for them to fulfil their objectives.

(15) In order to achieve the objectives of the CFP as regards discards, widespread use needs to be made of selective fishing gear that will prevent under-sized fish from being caught.

(16) The unpredictability of fishing activities makes it appropriate to set up a mechanism for storing fishery products for human consumption with a view to fostering greater market stability and increasing the return on products, in particular by creating added value. That mechanism should contribute to the stabilisation and convergence of local markets in the Union with a view to achieving the objectives of the internal market.

(17) In order to take account of the diversity of prices throughout the Union, each fishery producer organisation should be entitled to make a proposal for a price to trigger the storage mechanism. That trigger price should be set in such a way that fair competition between operators is maintained.

(18) The establishment and application of common marketing standards should enable the market to be supplied with sustainable products and the full potential of the internal market in fishery and aquaculture products to be realised, and should facilitate marketing activities based on fair competition, thereby helping to improve the profitability of production. To that end, the existing marketing standards should continue to apply.

(19) It is necessary to ensure that imported products entering the Union market comply with the same requirements and marketing standards that Union producers have to comply with.

(20) In order to guarantee a high level of protection of human health, fishery and aquaculture products placed on the Union market, regardless of their origin, should comply with applicable rules on food safety and hygiene.

(21) In order to enable consumers to make informed choices, it is necessary for them to be provided with clear and comprehensive information on, inter alia, the origin and the method of production of the products.

(22) The use of an eco-label for fishery and aquaculture products, whether or not they originate from inside or outside the Union, offers the possibility of providing clear information on the ecological sustainability of such products. It is therefore necessary

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for the Commission to examine the possibility of developing and establishing minimum criteria for the development of a Union-wide eco-label for fishery and aquaculture products.

(23) For the purpose of consumer protection, competent national authorities responsible for monitoring and enforcing the fulfilment of the obligations laid down in this Regulation should make full use of available technology, including DNA-testing, in order to deter operators from falsely labelling catches.

(24) The rules on competition relating to agreements, decisions and practices referred to in Article 101 of the Treaty on the Functioning of the European Union (TFEU) should apply to the production or marketing of fishery and aquaculture products, in so far as their application does not impede the functioning of the CMO or jeopardise the achievement of the objectives laid down in Article 39 TFEU.

(25) It is appropriate to lay down competition rules applicable to the production and marketing of fishery and aquaculture products, taking into account the specific characteristics of the fishery and aquaculture sector, including fragmentation of the sector, the fact that fish are a shared resource and the large extent of imports, which should be subject to the same rules as Union fishery and aquaculture products. In the interests of simplification, the relevant provisions of Council Regulation (EC) No 1184/2006[(5)] should be incorporated into this Regulation. Regulation (EC) No 1184/2006 should, therefore, no longer be applicable to fishery and aquaculture products.

(26) It is necessary to improve the gathering, processing and disseminating of economic information on the markets in fishery and aquaculture products in the Union.

(27) In order to ensure uniform conditions for the implementation of the provisions of this Regulation in respect of: the time–limits, procedures and form of applications for the recognition of producer and inter-branch organisations and for the withdrawal of such recognition; the formats, time–limits and procedures of the Member States for communicating decisions to grant or withdraw recognition; the format and the procedure of the notification by the Member States of rules binding on all producers or operators; the format and structure of the production and marketing plans, as well as the procedure and the time–limits for submission and approval of them; the format of publication by the Member States of the trigger prices, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[(6)].

(28) Regulation (EC) No 104/2000 should be repealed. However, in order to ensure continuity in the provision of consumer information, Article 4 thereof should continue to apply until 12 December 2014.

(29) Since the objective of this Regulation, namely the establishment of the common organisation of the markets in fishery and aquaculture products, cannot be sufficiently achieved by the Member States due to the common nature of the market in fishery and aquaculture products and can therefore, by reason of its scale and effects and the need for common action, be better achieved at Union level, the Union may adopt measures,

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in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve this objective.

(30) Regulations (EC) No 1184/2006 and (EC) No 1224/2009 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

1 A common organisation of the markets in fishery and aquaculture products (CMO) is hereby established.

2 The CMO shall be comprised of the following elements:

a professional organisations;

b marketing standards;

c consumer information;

d competition rules;

e market intelligence.

3 The CMO shall be supplemented, as regards external aspects, by Council Regulation (EU) No 1220/2012[(7)] and by Regulation (EU) No 1026/2012 of the European Parliament and of the Council[(8)].

4 Implementation of the CMO shall be eligible to receive Union financial support in accordance with a future Union legal act establishing the conditions for the financial support for maritime and fisheries policy for the period 2014–2020.

Article 2

Scope

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

Article 3

Objectives

The objectives of the CMO are those laid down in Article 35 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council[(9)].