

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 3 March 2014

on the establishment and implementation of the Production and Marketing Plans pursuant to Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products

(2014/117/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Producer organisations are to submit production and marketing plans under Article 28 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council⁽¹⁾ (the 'CMO Regulation') to their competent national authorities to contribute to the achievement of the objectives of the common organisation of the markets in fishery and aquaculture products.
- (2) Production and marketing plans constitute a mandatory instrument for producer organisations.
- (3) To foster a homogeneous implementation of production and marketing plans, it is necessary that the Commission provides more detailed recommendations on the structure, format and time limits outlined in Commission Implementing Regulation (EU) No 1418/2013⁽²⁾ in providing clear and detailed guidance to Member States and producer organisations.
- (4) To help producer organisations to contribute to the objectives of the common market organisation for fisheries and aquaculture products, the Commission should provide recommendations to producer organisations on how to present their intended strategy to match production and market requirements, in particular in detailing the production programme and marketing strategy to be developed.
- (5) The Commission should also provide examples of the different measures that producer organisations could

implement to illustrate how they could concretely contribute to the different objectives of the producer organisations as set out in Article 7 of Regulation (EU) No 1379/2013 that the production and marketing plans would address.

- (6) To facilitate the monitoring of the production and marketing plans by producer organisations and to allow the competent national authorities to assess the contribution of the different measures of the production and marketing plans to the objectives of the common market organisation and to enable them to verify the compliance by producer organisations with the obligations related to the implementation of the plans, the use of appropriate indicators should be recommended.
- (7) To facilitate the estimation by producer organisations and competent national authorities of the financial needs deriving from the implementation of the measures included in the production and marketing plans, the inclusion of a financial schedule in the production and marketing plan should be recommended.
- (8) To allow competent national authorities to assess the implementation of the production and marketing plans by producer organisations, the Commission should recommend that the annual report submitted by producer organisations includes relevant indicators assessing the implementation of the measures planned and evaluating their contribution to the producer organisations' objectives.
- (9) This recommendation will be amended or revised as necessary and, in particular, following the adoption of a future Union legal act establishing the conditions for the financial support for maritime and fisheries policy for the period 2014-2020,

HAS ADOPTED THIS RECOMMENDATION:

That producer organisations and associations of producer organisations comply with:

- (a) the format and structure set out in Part A of this Recommendation for the production and marketing plans referred to in Article 28(1) of Regulation (EU) No 1379/2013 ('the plans');

⁽¹⁾ 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).

⁽²⁾ Commission Implementing Regulation (EU) No 1418/2013 of 17 December 2013 concerning production and marketing plans pursuant to Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products (OJ L 353, 28.12.2013, p. 40).

(b) the details set out in Part B of this Recommendation concerning the time limits and procedure for the annual report as referred to in Article 28(5) of Regulation (EU) No 1379/2013 ('the annual report').

Where this recommendation refers to producer organisations it is intended to refer also to associations of producer organisations.

PART A

FORMAT AND STRUCTURE OF THE PRODUCTION AND MARKETING PLANS

Plans submitted to national authorities by fishery and aquaculture producer organisations should include information detailed as follows:

1. General information on the producer organisation

Name

The full name of the producer organisation.

Type

Aquaculture producer organisation or a fishery producer organisation.

Identification code

The national identification code.

Location

The place where the producer organisation is officially registered (such as the city or harbour) as well as its area of competence, using the relevant NUTS (nomenclature of territorial units for statistics) unit.

Number of members

The number of producers officially registered in the producer organisation.

Turnover (detailed by species)

A table indicating the producer organisation's overall turnover for the past three years with a further view expressing turnover for individual species.

The turnover should be calculated either as the average annual value of the marketed production at first sale in the last three years, or as the sum of each producer organisation members' marketed production at first sale in the same period for newly recognised producer organisations.

Volume of catches and harvests (detailed by species)

A table detailing for each species the volume and value of catches or harvests in the last three years, expressed in tons and euros per year.

Identification of the producer organisation's main marketed species [ex 2.1]

It is recommended to use the table described in the previous subsection for the identification of the main marketed species. The main commercial species should represent the main part of each producer organisation's production in terms of turnover and volume of catches and farmed species. The rules set out in Article 2 of the Commission Regulation (EC) No 2508/2000⁽¹⁾ should be used as a reference.

2. Production programme and marketing strategy

2.1. Introduction

The producer organisation should explain the overall coherence between the measures it intends to implement and the objectives of the plan.

Based on an assessment of the producer organisation's assets, opportunities, threats and weaknesses, the plans should be introduced by a presentation of the producer organisation's intended strategy to develop and to match its production with markets requirements, in accordance with the objectives assigned to producer organisations in Articles 3 and 7 of the CMO Regulation.

That presentation should clearly establish the link between the production programme and the marketing strategy that the producer organisation will implement.

2.2. Production programme

The production programme should consist of an indicative supply schedule set out across the year and based on seasonal trends (price, production and demand) in the market. It should, in particular, take into account the following elements:

2.2.1. For all producer organisations

- planning of production activities,
- coordination of activities with other producers,

For fishery producer organisations:

- management of fishing rights and access between members of a producer organisation, depending on the production planning,
- implementation and management of the obligation to land all catches.

2.2.2. For aquaculture producer organisations

- developing sustainable aquaculture practices.

⁽¹⁾ Commission Regulation (EC) No 2508/2000 of 15 November 2000 laying down the detailed rules for the application of Council Regulation (EC) No 104/2000 as regards operational programmes in the fisheries sector (OJ L 289, 16.11.2000, p. 8).

2.3. Marketing strategy

The marketing strategy should describe how the producer organisation intends to ensure the adequacy of supply with market requirements in terms of quality, quantity and presentation. It should, in particular, take into account the following elements:

- identification of market requirements (quantity, quality, presentation),
- identification of new outlets and other commercial opportunities,
- dialogue and coordination with other operators in the supply chain.

3. Measures to achieve the objectives laid down in Article 7 of CMO Regulation

3.1. For fishery producer organisations

3.1.1. Promoting sustainable fishing activities⁽¹⁾

Under this heading the plans should include one or more of the following measures:

- collective management of fishing rights and access between members of a producer organisation, based on management rules in force for the different stocks, fisheries and fishing areas,
- coordinating dialogue and cooperation with relevant scientific organisations in fisheries and cooperating in the development of scientific advice to support management decisions on fisheries resources,
- preparation and management of scientific and technical campaigns aimed at improving the knowledge of resources, ecosystem impacts and the development of sustainable fishing techniques,
- conducting impact studies for the application of new management measures,
- identification and collective prevention of risks related to safety at work and safety at sea,
- providing assistance and training to producer organisation's members on fisheries regulation, on promotion of sustainable fishing practices or on board security,

⁽¹⁾ Promoting sustainable fishing activities of their members by providing opportunities for their development in full compliance with the conservation policy as laid down in Regulation (EU) No 1380/2013 of the European Parliament and of the Council (OJ L 354, 28.12.2013, p. 22) ('Regulation on the Common Fisheries Policy') and environmental legislation, while respecting social policy.

- effective participation in the different relevant bodies for fisheries management at national, regional, European and international levels,

- coordinating dialogue between producer organisations, including with those from different Member States.

3.1.2. Avoiding and reducing unwanted catches⁽²⁾

Under this heading the plans should include one or more of the following measures:

- identification and promotion of fishing practices which help avoid and reduce unwanted catches,
- creation and implementation of plans and collective actions for avoiding and reducing unwanted catches,
- identification of the best uses of such catches⁽³⁾.

3.1.3. Contributing to the traceability of fishery products and access to clear and comprehensive information for consumers

Under this heading the plans should include one or more of the following measures:

- improving techniques for traceability,
- evaluating communication needs and consumer information actions,
- improving product labelling including in conducting certification processes to support mandatory and additional voluntary information as provided for in Articles 38 and 39 of the CMO Regulation,
- preparing and implementing communication and consumer information actions.

3.1.4. Contributing towards the elimination of IUU fishing practices

Under this heading the plans should include one or more of the following measures:

- training for producers and education,
- observation programmes and control of producer organisation members' activity.

⁽²⁾ Avoiding and reducing as far as possible unwanted catches of commercial stocks and where necessary, making the best use of such catches, without creating a market for such catches that are below the minimum conservation reference size, in accordance with Article 15 of the Regulation on the common fisheries policy.

⁽³⁾ Without creating a market for such catches that are below minimum conservation size.

3.1.5. Improving the conditions for the placing on the market of their members' fisheries products

Under this heading the plans should include one or more of the following measures:

- identifying outlets for marketing the production and channelling the supply of their members,
- developing strategies to better market the production, including for product certification,
- developing certification processes, amongst others in the fields of nutrition and quality,
- supporting additional voluntary information, as per Article 39 of the CMO Regulation,
- designing and developing new methods and new marketing tools,
- providing assistance and training to producer organisation members on marketing techniques,
- participating in trade fairs at national, European and international level to promote producer organisation members' production.

3.1.6. Improving economic returns

Under this heading the plans should include one or more of the following measures:

- preparing and monitoring scientific and technical campaigns aimed at reducing operating costs,
- providing assistance and training to producer organisation members in fishing business management,
- developing services to producer organisation members in cost accounting.

3.1.7. Stabilising the markets

Under this heading the plans should include one or more of the following measures:

- contributing to improved market intelligence,
- improving the knowledge of producer organisation members on the main economic drivers along the supply chain,

- providing practical support to producers to better coordinate information sharing with customers and other actors (in particular processors, retailers and auctions).

3.1.8. Contributing to food supply and promoting high food quality and safety standards, whilst contributing to employment in coastal and rural areas

Under this heading the plans should include one or more of the following measures:

- preparing and running campaigns to promote initiatives on marketing standards (quality, size or weight, packing, presentation and labelling),
- preparing and running campaigns to promote new species that can be sustainably exploited,
- preparing and running campaigns to develop new processes and products,
- preparing and running campaigns to promote fishery products,
- preparing and running campaigns to promote employment in fishery.

3.1.9. Reducing the environmental impact of fishing, including through measures to improve the selectivity of fishing gears

Under this heading the plans should include one or more of the following measures:

- preparing and undertaking scientific surveys and experimental programmes to assess and limit the environmental impacts of fishing practices,
- preparing and running experimental programmes to develop fishing gears reducing environmental impacts,
- providing training and assistance to producers to facilitate the implementation of fishing practices and fishing gears which limit the environmental impact.

3.2. For aquaculture producer organisations

3.2.1. Promoting sustainable aquaculture activities⁽¹⁾

Under this heading the plans should include one or more of the following measures:

- preparing and managing scientific and technical campaigns to improve knowledge of species, impacts of aquaculture activities on the environment, and to foster the development of sustainable aquaculture techniques,
- coordinating dialogue and cooperation with relevant scientific organisations in aquaculture and cooperating in the development of scientific advice to support management decisions on aquaculture,
- providing assistance and training to producer organisation members to promote sustainable aquaculture practices,
- identification and collective prevention of risks related to safety at work,
- effective participation in the different relevant bodies for aquaculture at national, regional, European and international levels,
- coordinating dialogue between producer organisations, including with those from different Member States.

3.2.2. Ascertaining that the activities of their members are consistent with the national strategic plans⁽²⁾

Under this heading the plans should include one or more of the following measures:

- participating to the development of the national strategic plans,
- developing certification schemes on animal feed sustainability.

3.2.3. Endeavouring to ensure that aquaculture feed products of fishery origin come from fisheries that are sustainably managed

Under this heading the plans should include one or more of the following measures:

- participating in the development of traceability procedures,

⁽¹⁾ Promoting sustainable aquaculture activities of their members by providing opportunities for their development in full compliance with the conservation policy as laid down in the Regulation on the common fisheries policy and environmental legislation, while respecting social policy.

⁽²⁾ Referred to in Article 34 of the Regulation on the common fisheries policy.

- developing certification schemes on animal feed sustainability.

3.2.4. Improving the conditions for the placing on the market of their members' aquaculture products

Under this heading the plans should include one or more of the following measures:

- identifying outlets for marketing and/or channelling the production of their members,
- developing strategies to better market the production, including for product certification,
- supporting additional voluntary information, as per Article 39 of the CMO Regulation,
- developing certification processes, including in the fields of nutrition and quality,
- designing and developing new methods and new marketing tools,
- providing assistance and training to producer organisation members on marketing techniques,
- participating in trade fairs at national, European and international level to promote producer organisation members' production.

3.2.5. Improving economic returns

Under this heading the plans should include one or more of the following measures:

- preparing and monitoring scientific and technical campaigns aimed at reducing operating costs,
- providing assistance and training to producer organisation members in aquaculture business management,
- developing services to producer organisation members in cost accounting.

3.2.6. Stabilising the markets

Under this heading the plans should include one or more of the following measures:

- coordinating between different producer organisations the collection, processing, sharing and exploitation of economic information relating to producer organisation members' production, including stocking data and first sales prices,

- contributing to improved market intelligence,
- improving the knowledge of producer organisation members on the main economic drivers along the supply chain,
- providing practical support to producers to better coordinate information sharing with processors.

3.2.7. Contributing to food supply and promoting high food quality and safety standards, whilst contributing to employment in coastal and rural areas

Under this heading the plans should include one or more of the following measures:

- preparing and conducting campaigns developing initiatives on marketing standards (quality, size or weight, packing, presentation and labelling),
- preparing and conducting campaigns to promote employment in aquaculture,
- preparing and conducting campaigns to promote aquaculture products.

4. Measures to adjust the supply of certain species ⁽¹⁾

Under this Section, the plans should include one or more of the following measures:

- identification of fishery products with marketing difficulties at certain periods of the year,
- development of dedicated production and marketing strategies and tools.

5. Penalties and control measures

In accordance with provisions of Article 8(1)(d) of the CMO Regulation, this Section should describe the penalties applicable to members who infringe upon decisions adopted to implement the plans ⁽²⁾ as well as measures that the producer organisation will implement to control the compliance of their members activities with the rules they have established ⁽³⁾. Under this Section the plans should include one or more of the following measures:

- development of a system of sanctions proportional to the infringements committed by producer organisation members,

- development of strategies and programmes for the enforcement of the rules adopted by the producer organisation,

- undertaking risk assessments on the implementation of the rules adopted by the producer organisation,

- preparing and conducting control operations on the enforcement of rules adopted by the producer organisation,

- training of observers and controllers,

- creation and dissemination of guidelines for the implementation of:

(a) the regulations deriving from the common fisheries policy;

(b) the rules and management measures adopted by the producer organisation.

6. Expenditures to be considered

6.1. Financial plan

It is recommended that producer organisations include in their plans a financial plan detailing for each measure they intend to implement, the different costs, expenditures and expected financial resources.

Within the financial plan, the following two types of activities should be distinguished:

(a) preparing, monitoring and steering activities related to the measures planned ('project owner activities'); and

(b) activities linked to the practical realisation of each specific measure planned ('project management activities').

6.2. Project owner activities

Expenditure for project owner activities should include in particular expenditures for market studies, assessment studies, project design, risk analysis and any feasibility study realised in advance of the implementation of a measure linked to the achievement of one of the objectives of the plan. It should also include expenditures linked to monitoring and control activities carried out by the producer organisation in the course of the implementation of a specific measure.

The expenditures considered can cover different categories such as labour, service delivery or supplies.

⁽¹⁾ 'Species which habitually present marketing difficulties during the year' referred to Article 28(2)(d) of the CMO Regulation.

⁽²⁾ Penalties provided in Article 28(2)(e) of the CMO Regulation.

⁽³⁾ Measures provided in Article 8(1)(d) of the CMO Regulation.

6.3. *Project management activities*

Expenditure project management activities should include in particular expenditures for elements of the measures implemented that are not properly linked to the project-owner activities, such as scientific or technical experimentations, advertising campaigns, purchasing and deployment of new technical devices for increasing selectivity, developing traceability, or fostering sustainable aquaculture practices.

7. **Implementing schedule**

The plans should contain a timetable of the planned measures and related expenses, broken down into yearly instalments for multiannual plans.

The timetable should indicate for each measure appropriate output and result indicators as recommended in Section 8.

8. **Indicators**

As recommended in Section 7, output and result indicators should be provided for each measure planned to allow the control of their implementation by producer organisations and competent national authorities. These indicators should be used in the annual report provided for in Article 28(5) of the CMO Regulation. Those indicators should seek to assess the achievement of the strategic objectives of the plans in relation to the initial situation described in the introduction of the plan.

According to their relevance with regard to the different measures planned, the following indicators should be used:

8.1. *Output indicators for the implementation of the planned measures*

8.1.1. *For fishery producer organisations*

Under this heading the plans should include output indicators assessing the conformity with:

- the scheduled vessels activity expressed, inter alia, in terms of days at sea, volumes of targeted species caught,
- a provisional timetable for marketing of products by species and presentation,
- a plan of scheduled actions for the identification of market opportunities,
- a plan of scheduled actions for the certification/labelling of the products,

- a provisional timetable for the management of fishing effort and/or capacity by fishing area,
- a plan of scheduled measures for reducing unwanted by-catch,
- a schedule of training in compliance and rules, awareness and control of producers.

Those output indicators should also highlight:

- predictive identification of the products' sales cycles,
- conformity of the average monthly income of producers with an expected level of incomes.

8.1.2. *For aquaculture producer organisations*

Under this heading the plans should include output indicators assessing the conformity with:

- stocking and harvesting scheduled for farmed species,
- a provisional timetable for marketing of products by species and presentation,
- a plan of scheduled actions for the identification of market opportunities,
- a plan of scheduled actions for the certification/labelling of the products,
- a plan for reducing contamination of ecosystems linked to aquaculture activities,
- a plan for implementing sustainable feeding of farmed species,
- a schedule of training in compliance and rules, awareness, and control.

Those output indicators should also highlight:

- predictive identification of the products' sales cycles,
- conformity of the average monthly income of producers with an expected level of incomes.

8.2. *Result indicators for assessing the contribution of the measures deployed to achieving the objectives of the production and marketing plans*

8.2.1. *For fishery producer organisations*

Under this heading the plans should include result indicators assessing:

- volume and/or value of the species caught, or marketed,
- average size of the species caught, or marketed,

- sales growth by species and/or product compared to an *ex ante* position,
- number and volume and/or value of new products sold compared to the previous year,
- evolution of fishing effort and/or capacity,
- evolution of landings composition and/or volume of unwanted catches,
- evolution ‘per capita’ of the valuation of landed or harvested production,
- evolution of production costs per unit of production,
- evolution of cost of sales per unit of production,
- evolution of the average monthly income of producers,
- changes in the rate of unsold products in relation to the *ex ante* position,
- changes in the value of sensitive products in relation to the *ex ante* position,
- number of accidents (with injuries and/or fatal casualties),
- changes in the number of offences to the producer organisation rules recorded.

PART B

SUBMISSION AND CONTENT OF THE ANNUAL REPORT

Producer organisations should submit the annual report after completion of the plans. In case of a multiannual plan, a report should be submitted on a yearly basis.

The annual report should include output and result indicators as provided for in the implementing schedule of the plans submitted for approval to the competent national authorities.

Done at Brussels, 3 March 2014.

For the Commission
Maria DAMANAKI
Member of the Commission

8.2.2. For aquaculture producer organisations

Under this heading the plans should include result indicators assessing:

- volume and/or value of the species harvested or marketed,
- sales growth by species and/or product compared to an *ex ante* position,
- number and volume and/or value of new products sold compared to the previous year,