

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

CHAPTER II

PROFESSIONAL ORGANISATIONS

SECTION I

Establishment, objectives and measures

Article 6

Establishment of fishery producer organisations and aquaculture producer organisations

- 1 Fishery producer organisations and aquaculture producer organisations ('producer organisations') may be established on the initiative of producers of fishery or aquaculture products in one or more Member States and recognised in accordance with Section II.
- 2 Where relevant, the specific situation of small-scale producers shall be taken into account when establishing producer organisations.
- 3 A producer organisation that is representative of both fishery and aquaculture activities may be established as a joint fishery and aquaculture producer organisation.

Article 7

Objectives of producer organisations

- 1 Fishery producer organisations shall pursue the following objectives:
 - a promoting the viable and sustainable fishing activities of their members in full compliance with the conservation policy, as laid down, in particular, in Regulation (EU) No 1380/2013 and in environmental law, while respecting social policy and, where the Member State concerned so provides, participating in the management of marine biological resources;
 - b 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 those that are below the minimum conservation reference size, in accordance with Article 15 of Regulation (EU) No 1380/2013;
 - c contributing to the traceability of fishery products and access to clear and comprehensive information for consumers;
 - d contributing to the elimination of illegal, unreported and unregulated fishing.
- 2 Aquaculture producer organisations shall pursue the following objectives:

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- a promoting the sustainable aquaculture activities of their members through providing opportunities for their development in full compliance with, in particular, Regulation (EU) No 1380/2013 and with environmental law, while respecting social policy;
 - b ascertaining that the activities of their members are consistent with the national strategic plans referred to in Article 34 of Regulation (EU) No 1380/2013;
 - c endeavouring to ensure that aquaculture feed products of fishery origin come from fisheries that are sustainably managed.
- 3 Producer organisations shall, in addition to the objectives laid down in paragraphs 1 and 2, pursue two or more of the following objectives:
- a improving the conditions for the placing on the market of their members' fishery and aquaculture products;
 - b improving economic returns;
 - c stabilising the markets;
 - d contributing to food supply and promoting high food quality and safety standards, whilst contributing to employment in coastal and rural areas;
 - e reducing the environmental impact of fishing, including through measures to improve the selectivity of fishing gears.
- 4 Producer organisations may pursue other complementary objectives.

Article 8

Measures deployable by producer organisations

- 1 In order to achieve the objectives set out in Article 7, producer organisations may, inter alia, make use of the following measures:
- a adjusting production to market requirements;
 - b channelling the supply and marketing of their members' products;
 - c promoting the Union fishery and aquaculture products of their members in a non-discriminatory manner by using, for example, certification, and in particular designations of origin, quality seals, geographical designations, traditional specialities guaranteed, and sustainability merits;
 - d controlling and taking measures to ensure that their members' activities comply with the rules established by the producer organisation concerned;
 - e promoting vocational training and cooperation programmes to encourage young people to enter the sector;
 - f reducing the environmental impact of fishing, including through measures to improve the selectivity of fishing gears;
 - g promoting the use of information and communication technology to improve marketing and prices;
 - h facilitating consumer access to information on fishery and aquaculture products.
- 2 Fishery producer organisations may also make use of the following measures:
- a collectively planning and managing the fishing activities of their members, subject to the organisation, by Member States, of the management of marine biological resources, including developing and implementing measures to improve the selectivity of fishing activities and advising competent authorities;
 - b avoiding and minimising unwanted catches through involvement in the development and application of technical measures, and making the best use of unwanted catches

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- of commercial stocks without creating a market for those catches that are below the minimum conservation reference size, in accordance with Article 15(11) of Regulation (EU) No 1380/2013 and Article 34(2) of this Regulation, as appropriate;
- c managing temporary storage for fishery products in accordance with Articles 30 and 31 of this Regulation.
- 3 Aquaculture producer organisations may also make use of the following measures:
- a promoting sustainable aquaculture activities, notably in terms of environmental protection, animal health and animal welfare;
- b collecting information on the marketed products, including economic information on first sales, and on production forecasts;
- c collecting environmental information;
- d planning the management of the aquaculture activities of their members;
- e supporting programmes for professionals to promote sustainable aquaculture products.

Article 9

Establishment of associations of producer organisations

- 1 An association of producer organisations may be established at the initiative of producer organisations recognised in one or more Member States.
- 2 The provisions of this Regulation applicable to producer organisations shall also apply to associations of producer organisations unless stated otherwise.

Article 10

Objectives of associations of producer organisations

- 1 Associations of producer organisations shall pursue the following objectives:
- a performing in a more efficient and sustainable manner any of the objectives of the member producer organisations laid down in Article 7;
- b coordinating and developing activities of common interest for the member producer organisations.
- 2 Associations of producer organisations shall be eligible for 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 11

Establishment of inter-branch organisations

Inter-branch organisations may be established at the initiative of operators of fishery and aquaculture products in one or more Member States and recognised in accordance with Section II.

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Article 12

Objectives of inter-branch organisations

Inter-branch organisations shall improve the coordination of, and the conditions for, making fishery and aquaculture products available on the Union market.

Article 13

Measures deployable by inter-branch organisations

In order to achieve the objectives referred to in Article 12, inter-branch organisations may make use of the following measures:

- (a) drawing up standard contracts which are compatible with Union legislation;
- (b) promoting Union fishery and aquaculture products in a non-discriminatory manner by using, for example, certification, and in particular designations of origin, quality seals, geographical designations, traditional specialities guaranteed, and sustainability merits;
- (c) laying down rules on the production and marketing of fishery and aquaculture products which are stricter than those laid down in Union or national legislation;
- (d) improving quality, knowledge of, and the transparency of, production and the market, as well as carrying out professional and vocational training activities, for example, on quality and traceability matters, on food safety and in order to encourage research initiatives;
- (e) performing research and market studies, and developing techniques to optimise the operation of the market, including through the use of information and communication technology, as well as collecting socio-economic data;
- (f) providing the information and carrying out the research needed to deliver sustainable supplies at the quantity, quality and price corresponding to market requirements and consumer expectations;
- (g) promoting, among consumers, species obtained from fish stocks that are in a sustainable state, that have appreciable nutritional value and that are not widely consumed;
- (h) controlling and taking measures for compliance of their members' activities with the rules established by the inter-branch organisation concerned.

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SECTION II

Recognition

Article 14

Recognition of producer organisations

1 Member States may recognise as producer organisations all groups set up on the initiative of fishery or aquaculture producers which apply for such recognition, provided that they:

- a comply with the principles set out in Article 17 and with the rules adopted for their application;
- b are sufficiently economically active in the territory of the Member State concerned or a part thereof, in particular as regards the number of members or the volume of marketable production;
- c have legal personality under the national law of the Member State concerned, are established there and have their official headquarters in its territory;
- d are capable of pursuing the objectives laid down in Article 7;
- e comply with the competition rules referred to in Chapter V;
- f do not abuse a dominant position on a given market; and
- g provide relevant details of their membership, governance and sources of funding.

2 Producer organisations recognised before 29 December 2013 shall be considered to be producer organisations for the purposes of this Regulation, and to be bound by its provisions.

Article 15

Financial support to producer organisations or associations of producer organisations

Marketing measures for fishery and aquaculture products which aim to create or restructure producer organisations or associations of producer organisations may be financially supported 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 16

Recognition of inter-branch organisations

1 Member States may recognise as inter-branch organisations the groups of operators established on their territory which apply for such recognition, provided that they:

- a comply with the principles set out in Article 17 and with the rules adopted for their application;
- b represent a significant share of production activity and of either processing or marketing activities or of both, concerning fishery and aquaculture products or products processed from fishery and aquaculture products;
- c are not themselves engaged in the production, processing or marketing of fishery and aquaculture products or products processed from fishery and aquaculture products;

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- d have legal personality under the national law of a Member State, are established there and have their official headquarters in its territory;
 - e are capable of pursuing the objectives laid down in Article 12;
 - f take into account the interest of consumers;
 - g do not hinder the sound operation of the CMO; and
 - h comply with the competition rules referred to in Chapter V.
- 2 Organisations established before 29 December 2013 may be recognised as inter-branch organisations for the purposes of this Regulation provided that the Member State concerned is satisfied that they comply with the provisions of this Regulation regarding inter-branch organisations.
- 3 Inter-branch organisations recognised before 29 décembre 2013 shall be considered to be inter-branch organisations for the purposes of this Regulation and to be bound by its provisions.

Article 17

Internal functioning of producer organisations and inter-branch organisations

The internal functioning of producer organisations and inter-branch organisations referred to in Articles 14 and 16 shall be based on the following principles:

- (a) compliance by its members with the rules adopted by the organisation in terms of fisheries exploitation, production and marketing;
- (b) non-discrimination among members, particularly on grounds of nationality or place of establishment;
- (c) the levying of a financial contribution from its members in order to finance the organisation;
- (d) a democratic functioning that enables the members to scrutinise their organisation and its decisions;
- (e) the imposition of effective, dissuasive and proportionate penalties for infringement of obligations laid down in the internal rules of the organisation concerned, particularly in the case of –non payment of financial contributions;
- (f) the definition of rules on the admission of new members and the withdrawal of membership;
- (g) the definition of the accounting and budgetary rules necessary for the management of the organisation.

Article 18

Checks and withdrawal of recognition by Member States

1 Member States shall carry out checks at regular intervals to verify that producer organisations and inter-branch organisations comply with the conditions for recognition laid down in Articles 14 and 16 respectively. A finding of non-compliance may result in the withdrawal of recognition.

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2 The Member State hosting the official headquarters of a producer organisation or an inter-branch organisation which has members from different Member States, or of an association of producer organisations recognised in different Member States, shall set up the administrative cooperation needed to carry out checks on the activities of the organisation or the association concerned in collaboration with the other Member States concerned.

Article 19

Allocation of fishing opportunities

When performing its tasks, a producer organisation whose members are nationals of different Member States or an association of producer organisations recognised in different Member States shall comply with the provisions governing the allocation of fishing opportunities among Member States in accordance with Article 16 of Regulation (EU) No 1380/2013.

Article 20

Checks by the Commission

1 In order to ensure that the conditions for recognition of producer organisations or inter-branch organisations laid down in Articles 14 and 16 respectively are complied with, the Commission may carry out checks and shall, where appropriate, request that Member States withdraw the recognition of producer organisations or inter-branch organisations.

2 Member States shall communicate to the Commission by electronic means any decision to grant or withdraw the recognition. The Commission shall make all such information publically available.

Article 21

Implementing acts

- 1 The Commission shall adopt implementing acts concerning:
- a the time-limits and procedures and the form of applications for the recognition of producer organisations and inter-branch organisations pursuant to Articles 14 and 16 respectively, or for the withdrawal of such recognition pursuant to Article 18;
 - b the format, time-limits and procedures to be applied by Member States for the communication to the Commission of any decision to grant or withdraw the recognition pursuant to Article 20(2).

The implementing acts adopted under point (a) shall, where appropriate, be adapted to the special characteristics of small-scale fisheries and aquaculture.

2 The implementing acts referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 43(2).

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SECTION III

Extension of rules

Article 22

Extension of rules of producer organisations

1 A Member State may make the rules agreed within a producer organisation binding on producers who are not members of the organisation and who market any of the products within the area in which the producer organisation is representative, provided that:

- a the producer organisation has been established for a period of at least one year and is considered to be representative of production and marketing, including, where relevant, the small-scale and artisanal sector, in one Member State and makes an application to the competent national authorities;
- b the rules to be extended concern any of the measures for producer organisations laid down in points (a), (b) and (c) of Article 8(1), points (a) and (b) of Article 8(2) and points (a) to (e) of Article 8(3);
- c the competition rules referred to in Chapter V are complied with.

2 For the purposes of point (a) of paragraph 1, a fishery producer organisation is considered to be representative where it accounts for at least 55 % of the quantities marketed of the relevant product during the previous year in the area in which it is proposed to extend the rules.

3 For the purposes of point (a) of paragraph 1, an aquaculture producer organisation is considered to be representative where it accounts for at least 40 % of the quantities marketed of the relevant product during the previous year in the area in which it is proposed to extend the rules.

4 The rules to be extended to non-members shall apply for a period of between 60 days and 12 months.

Article 23

Extension of the rules of inter-branch organisations

1 A Member State may make some of the agreements, decisions or concerted practices agreed on within an inter-branch organisation binding in the specific area or areas on other operators who do not belong to that organisation, provided that:

- a the inter-branch organisation covers at least 65 % of each of at least two of the following activities: production, processing or marketing of the relevant product during the previous year in the area or areas concerned of a Member State, and makes an application to the competent national authorities; and
- b the rules to be extended to other operators concern any of the measures for inter-branch organisations laid down in points (a) to (g) of Article 13 and do not cause any damage to other operators in the Member State concerned or the Union.

2 The extension of rules may be made binding for no more than three years, without prejudice to Article 25(4).

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Article 24

Liability

When rules are extended to non-members in accordance with Articles 22 and 23, the Member State concerned may decide that non-members are liable to the producer organisation or the inter-branch organisation for the equivalent of all or part of the costs paid by members as a result of the application of the rules that have been extended to non-members.

Article 25

Authorisation by the Commission

1 Member States shall notify the Commission of the rules which they intend to make binding on all producers or operators in the specific area or areas pursuant to Articles 22 and 23.

2 The Commission shall adopt a decision authorising the extension of the rules referred to in paragraph 1, provided that:

- a the provisions of Articles 22 and 23 are complied with;
- b the competition rules referred to in Chapter V are complied with;
- c the extension does not jeopardise free trade; and
- d the achievement of the objectives of Article 39 TFEU is not endangered.

3 Within one month of receipt of the notification, the Commission shall take a decision authorising or refusing to authorise the extension of rules and shall inform the Member States thereof. Where the Commission has not taken a decision within one month of receipt of the notification, the extension of rules shall be deemed to have been authorised by the Commission.

4 An authorised extension of rules may continue to apply after the expiry of the initial period of time, including by tacit agreement, without an explicit renewal of the authorisation, provided that the Member State concerned has notified the Commission, at least one month before the expiry of such initial period, of the additional period of application and the Commission has either authorised such further application, or not objected to it within one month of receipt of such notification.

Article 26

Withdrawal of authorisation

The Commission may carry out checks and may withdraw the authorisation of extension of rules where it establishes that any of the requirements for the authorisation is not met. The Commission shall inform the Member States of such withdrawal.

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Article 27

Implementing acts

The Commission shall adopt implementing acts concerning the format and procedure of the notification provided for in Article 25(1). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 43(2).

SECTION IV

Production and marketing planning

Article 28

Production and marketing plan

- 1 Each producer organisation shall submit a production and marketing plan for, at least, its main marketed species to its competent national authorities for approval. Such production and marketing plans shall have the aim of achieving the objectives laid down in Articles 3 and 7.
- 2 The production and marketing plan shall comprise:
 - a a production programme for caught or farmed species;
 - b a marketing strategy to match the quantity, quality and presentation of supply to market requirements;
 - c measures to be taken by the producer organisation in order to contribute to the objectives laid down in Article 7;
 - d special anticipatory measures to adjust the supply of species which habitually present marketing difficulties during the year;
 - e penalties applicable to members who infringe decisions adopted to implement the plan concerned.
- 3 The competent national authorities shall approve the production and marketing plan. Once the plan is approved, the producer organisation shall immediately implement it.
- 4 Producer organisations may revise the production and marketing plan and shall, in such case, submit it for approval to the competent national authorities.
- 5 The producer organisation shall prepare an annual report of its activities under the production and marketing plan and shall submit it to its competent national authorities for approval.
- 6 Producer organisations may receive financial support for the preparation and implementation of production and marketing plans 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.
- 7 Member States shall carry out checks to ensure that each producer organisation fulfils the obligations provided for in this Article. A finding of non-compliance may result in the withdrawal of recognition.

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[^{F18} In line with the objective set out in point (b) of Article 7(1), producer organisations shall ensure, in the production and marketing plans which they submit pursuant to paragraph 1 of this Article, that the landing of marine organisms below the minimum conservation reference size does not lead to the development of activities aimed specifically at the catching of those marine organisms.

When carrying out the checks required by paragraph 7 of this Article, Member States shall ensure that producer organisations fulfil the obligation set out in the first subparagraph of this paragraph.]

Textual Amendments

F1 Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

Article 29

Implementing acts

- 1 The Commission shall adopt implementing acts concerning:
 - a the format and structure of the production and marketing plan referred to in Article 28;
 - b the procedure and time-limits for the submission by producer organisations and the approval by Member States of the production and marketing plans referred to in Article 28.
- 2 The implementing acts referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 43(2).

SECTION V

Stabilisation of the markets

Article 30

Storage mechanism

Fishery producer organisations may receive financial support for storage of fishery products listed in Annex II, provided that:

- (a) the conditions for storage aid, laid down in a future Union legal act establishing the conditions for the financial support for maritime and fisheries policy for the period 2014-2020, are complied with;
- (b) the products have been placed on the market by fishery producer organisations and no buyer for them has been found at the trigger price referred to in Article 31;
- (c) the products meet the common marketing standards established in accordance with Article 33 and are of adequate quality for human consumption;

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- (d) the products are stabilised or processed and stored in tanks or cages, by way of freezing, either on board vessels or in land facilities, salting, drying, marinating or, where relevant, boiling and pasteurisation, whether or not filleted, cut-up or, where appropriate, headed;
- (e) the products are reintroduced from storage into the market for human consumption at a later stage;
- (f) the products remain in storage for at least five days.

Article 31

Prices triggering the storage mechanism

1 Before the beginning of each year, each fishery producer organisation may individually make a proposal for a price triggering the storage mechanism referred to in Article 30 for fishery products listed in Annex II.

2 The trigger price shall not exceed 80 % of the weighted average price recorded for the product in question in the area of activity of the producer organisation concerned during the three years immediately preceding the year for which the trigger price is fixed.

3 When determining the trigger price, account shall be taken of:

- a trends in production and demand;
- b the stabilisation of market prices;
- c the convergence of the markets;
- d the producers' incomes;
- e the interests of consumers.

4 Member States shall, upon examining the proposals of the producer organisations recognised in their territory, determine the trigger prices to be applied by those producer organisations. Those prices shall be fixed on the basis of the criteria referred to in paragraphs 2 and 3. The prices shall be made publicly available.

Article 32

Implementing acts

The Commission shall adopt implementing acts concerning the format of publication by Member States of the trigger prices pursuant to Article 31(4). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 43(2).

Status:

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