



Department  
for Environment  
Food & Rural Affairs

[www.gov.uk/defra](http://www.gov.uk/defra)

# **Consultation on the implementation of the Common Organisation of the Market (CMO) in fishery and aquaculture products**

**March 2014**



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Llywodraeth Cymru  
Welsh Government

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This document/publication is also available on our website at:

<https://consult.defra.gov.uk>

Any enquiries regarding this document/publication should be sent to us at:

[cmo.consultation@defra.gsi.gov.uk](mailto:cmo.consultation@defra.gsi.gov.uk)

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# Part 1: About this consultation

## Topic of this consultation

This consultation concerns the implementation of the Common Organisation of the Market (CMO) in fishery and aquaculture products in England and Wales.

## Scope of this consultation

This consultation is specifically about the proposals to introduce legislation in relation to the marketing standards and fish labelling requirements in the CMO Regulation<sup>1</sup>.

## Geographical extent

The consultation applies to England and Wales with regard to marketing standards; and to England only on fish labelling (the Food Standards Agency in Wales will be carrying out a separate consultation on this issue).

## Audience

We are consulting to subject our proposals to scrutiny from a wide variety of interested parties in order to explore their possible implications. Anyone is welcome to respond to this consultation, although the proposals will be of greatest interest to fishery and aquaculture producer organisations; fishermen; aquaculture businesses; fish merchants and fish markets; consumer organisations; food industry importers and exporters; food manufacturers; food processors; the retail sector; local authorities; and wholesalers.

## Body responsible for the consultation

The Department for Environment, Food and Rural Affairs has overall responsibility for the consultation, working in collaboration with the Welsh Government.

## Impact Assessment

A draft Impact Assessment accompanies this consultation; we would welcome views on it. The Impact Assessment only relates to the additional costs to business to implement the CMO. In England and Wales we are not going beyond the minimum EU requirements, therefore we are trying to ensure that we have captured correctly the costs to business of implementing the minimum requirements. We would welcome any views you may have as

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<sup>1</sup> EU Regulation 1379/2013

to whether our figures and costs are correct; if you feel they are not then please provide any information or evidence you feel is appropriate.

## Duration

This consultation will be open for six weeks from 31 March 2014.

## How to respond

You can respond in one of three ways.

**Online** by completing the questionnaire at <https://consult.defra.gov.uk>

**Email** to: [cmo.consultation@defra.gsi.gov.uk](mailto:cmo.consultation@defra.gsi.gov.uk)

**Post** to:

CMO consultation  
Defra  
Area 8A, 9 Millbank  
c/o Nobel House  
17 Smith Square  
London  
SW1P 3JR

Our preferred method is online because it is the fastest and most cost-effective way for us to collate, analyse and summarise responses. If you require a copy of the consultation in a different format please let us know.

## Deadline for responses

The deadline for responses is 12 May 2014.

## After the consultation

The policy teams responsible for the implementation of the CMO in England will read and consider every response. Responses will also be considered by the Welsh Government. Defra, in collaboration with Welsh Government officials, will then publish a summary of responses to this consultation, although inevitably it will not be practical to describe every response in detail.

## Confidentiality

We plan to publish a summary of responses to this consultation. The summary will not include your personal name (unless you have asked us to include it) or other personal data such as contact details. The summary may contain the name of your organisation, if you are responding on an organisation's behalf.

Defra and the Welsh Government will retain copies of responses for a suitable length of time. Please note that a member of the public can ask to see copies of information held. If you need to keep any part of your response confidential, please tell us when you respond. Please note that confidentiality disclaimers automatically added to e-mails do **not** constitute such a request.

**IMPORTANT:** We will take your reasons into account if someone asks for information. However, we must comply with the law, including Freedom of Information legislation, **so we cannot promise that we will always be able to keep details that you provide to us confidential.**

## To ask us a question or to access responses

The consultation summary will be published online and will be accessible from <https://consult.defra.gov.uk> and [www.gov.uk/defra](http://www.gov.uk/defra). If you require a hard copy, or would like more information, please contact us by email or by post using the details on page two.

Additionally, you can contact the Defra Helpline which has a telephone and textphone service available.

**Telephone (UK only)** 08459 33 55 77

**Telephone (from outside the UK)** +44 20 7238 6951

**Textphone** 0845 300 1998

Please note that consultation summaries and copies of responses are normally published within 12 weeks of a consultation closing.

## To make a comment or complaint about the consultation

If you have a comment or complaint about the consultation process, please write to the Defra Consultation Co-ordinator.

**By email:** [consultation.coordinator@defra.gsi.gov.uk](mailto:consultation.coordinator@defra.gsi.gov.uk).

**By post:** Room 629, 9 Millbank, c/o 17 Smith Square, London, SW1P 3JR.

## Compliance with Consultation Principles

This consultation is in line with the Coalition Government's Consultation Principles. More information on the Coalition Government's Consultation Principles can be found at:

<http://www.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>

## Part 2: Background

### The Common Organisation of the Market (CMO) in fishery and aquaculture products

The CMO is the European Union's instrument for the management of the market for fishery and aquaculture products, and was the first component of the Common Fisheries Policy (CFP) to be put in place in 1970. The CMO was created to provide market stability; ensure a stable supply of quality products; guarantee a fair income for producers; and ensure reasonable prices for consumers. Previous reforms of the CMO were specifically designed to contribute to the CFPs general objective of seeking sustainable fisheries and to secure the future of the fishery sector.

The provisions outlined in the new CMO (EU Regulation 1379/2013) are well known, and these were consulted on previously during 2011<sup>2</sup> when the original proposals were published and negotiated. In summary, the new CMO makes changes to the roles and requirements of producer organisations but in other respects is similar to the previous regime: the common marketing standards remain as they were in respect of quality, size, freshness and weight, however there are some small changes to the fish labelling requirements.

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<sup>2</sup> <https://www.gov.uk/government/consultations/proposals-relating-to-the-common-fisheries-policy-and-the-common-organisation-of-the-markets-in-fishery-and-aquaculture-products>

## Part 3: The proposals and consultation question

To implement the marketing standards and consumer information requirements (labelling requirements) in the CMO, we are proposing to:

- 1) Introduce new legislation with enforcement provisions to ensure compliance with the with CMO marketing standards; and
- 2) Amend existing fish labelling legislation in England<sup>3</sup> to reflect the new labelling requirements.

The proposed enforcement framework will provide in England the Marine Management Organisation (as the principal enforcement body) and Trading Standards Officers the power to ensure compliance with the marketing standards outlined in the CMO Regulation and its accompanying implementing legislation. The Marine Management Organisation will be the principal enforcement body for the marketing standards. Trading Standards Officers will have powers to enforce should they wish to do so e.g. for traceability. Enforcement in Wales will be the responsibility of the Welsh Government.

The provisions in the CMO in respect of labelling do not come into force until 13 December 2014, therefore the proposal will make some minor amendments to the existing fish labelling legislation to ensure that the mandatory information (commercial designation of species and scientific name; whether the product has been defrosted; type of fishing gear used; and the date of minimum durability) is included.

### ***Enforcement procedures and penalties***

The MMOs enforcement strategy can be found at the following link:

<http://www.marinemanagement.org.uk/fisheries/monitoring/penalties.htm>

Member States are required to implement appropriate enforcement procedures and penalties at the national level, which must be effective, proportionate and dissuasive.

For the new marketing standards provisions, one option proposed is that 'compliance' or 'improvement' notices will be issued in the first instance where enforcement bodies have found evidence of non-compliance of EU or national legislation. Failure to comply with the notices, or repeated breaches of compliance, will result in penalties criminal in nature.

In respect of non-compliance with the new requirements in respect of fish labelling, the penalties contained in the Fish Labelling Regulations 2013 will be maintained.

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<sup>3</sup> The Fish Labelling Regulations 2013

[http://www.legislation.gov.uk/ukxi/2013/1768/pdfs/ukxi\\_20131768\\_en.pdf](http://www.legislation.gov.uk/ukxi/2013/1768/pdfs/ukxi_20131768_en.pdf)

We are in discussion with the Ministry of Justice to design the enforcement regime so as to ensure that the sanctions are proportionate to the offence committed. Obstruction of inspectors will also be a criminal offence.

**Consultation question**

- Do you agree with the Government's proposed approach to implementing and enforcing the new marketing standards and labelling requirements in the new CMO? If not, why not, and what should the Government be doing instead?