



PRODUCTION & MARKETING PLANS GUIDELINES & GOOD PRACTICES

MARKET ADVISORY COUNCIL 2018



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A / EXECUTIVE SUMMARY

The Market Advisory Council (MAC) is a stakeholder organisation composed of more than 60 members from 11 Member States.

Its main objective is to contribute to the development of the EU Market of fishery and aquaculture products. This objective is achieved by preparing and providing advice on subjects and issues related to the abovementioned topics on behalf of the whole value chain (primary producers - catching, aquaculture-, traders, exporters, importers to/from third countries, processors, wholesalers, distributors, retailers), and consumers as well as other interest groups affected by the CFP and CMO (environmental or development non-governmental organisations, consumer organisations, etc.) to the EU Institutions, including, as could not be otherwise, the European Parliament.

In this context, the MAC organised an event on the production and marketing plans (PMPs) foreseen in the Common Markets Organisation (CMO)¹, Common Fisheries Policy (CFP)² and supported by the European Maritime and Fisheries Fund (EMFF)³. The event took place on the 27 September 2017 in Brussels and aimed at bringing together Member States (MS), Producer Organisations (POs), the European Commission (EC), relevant stakeholders and members of the MAC to build the basis, through discussion, of a set of guidelines and good practices in the implementation of the PMPs.

The above mentioned guidelines are presented in this document, together with a brief overview of the nature of the PMPs and the conditions for their financing. The guidelines and good practices aim at facilitating the drafting and implementation of the PMPs, both by POs and managing authorities in the Member States.

The MAC hopes that these guidelines help in the drafting and implementation of the plans and assist, to the extent possible, in addressing the problems encountered since the entry into force of the CMO regulation.

¹ Regulation (EU) N° 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.

² Regulation (EU) N° 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy.

³ Regulation (EU) N° 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund (EMFF).



B / PRODUCTION AND MARKETING PLANS: STRENGTHENING THE ROLE OF THE POS

INTRODUCTION

The reform of the CFP and the CMO resulted in an enhanced role for fisheries and aquaculture Producer Organisations in the development of a market-oriented approach to the activities of their members.

In this regard, article 28 of the CMO compels POs to elaborate production and marketing plans for at least their main marketed species. These plans, which have to be submitted to the competent national authorities for their approval, have the aim of achieving the objectives laid down in articles 3 and 7 of the CMO Regulation.

PMPs may cover a wide range of measures providing they correspond to PO's objectives and are thus a new central tool for the sector, with the involvement of Member States and the Commission, in implementing the CFP.

PMPs foster and support fishermen and fish farmers to implement the sustainable management of their activities and to channel more efficiently EU fisheries and aquaculture production to market requirements and take advantage of market opportunities.

The content, validation and decision on the level of funding to PMPs is a Member State competency: MS should approve the proposed PMPs and establish the level of financing. PMPs are framed within the EMFF Operational Programmes prepared by the Member States, which have to address the marketing dimension of fisheries and aquaculture activities. In supporting the elaboration and implementation of the PMPs, the EMFF foresees in its article 66 the financial assistance needed.

In view of the above, the POs have become the focal point in the value chain by developing modern markets and improving the marketing of the products through promotion in cooperation with the other members of the chain.

STRUCTURE, FORMAT OF PMP

MANDATORY MEASURES

The CMO regulation is complemented by an implementing regulation concerning production and marketing plans. Together with these, the Commission released its Recommendations of 2014 intended to provide an extensive, but not exhaustive, list of possible measures which could serve as a common source of inspiration in the establishment of PMPs. The Recommendations aim at fostering a homogeneous implementation of PMPs, helping POs in reaching the objectives of the CMO providing examples of measures illustrating how they could concretely contribute to these, facilitating the monitoring of the PMPs and helping national authorities in assessing the implementation of the plans.

The implementing regulation foresees in its Annex 5 mandatory sections for all PMPs, namely.

1. General information on the PO.
2. A production programme for caught or farmed species and a global strategy to match the quantity, quality and presentation of supply to market requirements.

3. Measures to be taken by the producer organisation in order to contribute to the objectives laid down in Article 7.
4. Special anticipatory measures to adjust the supply of species which habitually present marketing difficulties during the year.
5. Penalties applicable to members who infringe decisions adopted to implement the plan concerned.

The measures suggested regarding each one of these 5 sections are addressed in the Commission recommendation.

General information on the producer organisation

Including the turnover in the last three years, volume of catches and harvests and main marketed species.

Production programme and marketing strategy

The plan should include a production programme addressing among others a plan of production activities, coordination with other producers,

management of fishing rights (if applicable) and sustainable aquaculture practices (if applicable). The marketing strategy should address how the PO intends to ensure adequacy of supply in terms of quality, quantity and presentation.

Measures to achieve the objectives laid down in article 7 of CMO Regulation

The list of suggested measures is extensive and comprises measures related to:

- Promotion of sustainable fishing activities.
- Avoidance and reduction of unwanted catches.
- Contribution to the traceability of fishery products and access to clear and comprehensive information for consumers.
- Contribution towards the elimination of IUU fishing practices.
- Improvement of the conditions for the placing on the market of their members' fisheries products.
- Improvement of economic returns.
- Stabilisation of the markets.
- Contribution to food supply and promotion of high food quality and safety standards, whilst contributing to employment in coastal and rural areas.
- Reduction of environmental impact of fishing, including through measures to improve the selectivity of fishing gears.
- Promotion of sustainable aquaculture activities.
- To ascertain that the activities of their members are consistent with the national strategic plans.
- Endeavouring to ensure that aquaculture feed products of fishery origin come from fisheries that are sustainably managed.
- Improvement of the conditions for the placing on the market of their members' aquaculture products.

Measures to adjust the supply of certain species

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 or development of dedicated production and marketing strategies and tools.

Penalties and control measures

These sanctions describe the penalties applicable to members for not comply with the plans. Some of the measures recommended are the development of a system of proportionated sanctions, strategies for the enforcements of the rules adopted by the PO, training of observers and controllers and guidelines for the implementation of the plans.

OPTIONAL MEASURES

At the same time, the recommendation document also foresees three more sections to be included in the PMPs with the correspondent suggested measures.

Expenditures to be considered

These include a financial plan detailing for each measure the different costs, expenditures and expected financial resources; project owner activities (all expenses necessary for the execution of the measures) including market studies, own or contracted personnel, assessment studies, project design, etc; project management activities (all expenses that are subcontracted) including expenditures for elements of the measures that are not properly linked to the project-owner activities (i.e. to the members' daily or routine activities).

Implementing schedule

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

Indicators

The Recommendations include Output indicators for the implementation of the planned measures and Result indicators for assessing the contribution of the measures deployed to achieving the objectives of the production and marketing plans.



ANNUAL REPORT REQUIREMENTS ASSESSMENT OF PMPS AND DEVELOPMENT OF QUANTIFIABLE CRITERIA

Effectiveness and actual implementation of measures included in the plans are monitored and reported through annual reports (article 28.5 of the CMO Regulation) that have to be approved by the national authorities.

The recommendations from the Commission include an extensive list of output and result indicators for each measure addressed in the plans, allowing the control of their implementation by both producer organisations and national authorities. These indicators seek to assess the level of achievement of the strategic objectives of the plans in relation to the initial situation described in the plan and identify possible shortcomings.

POs are free to derive from the list of indicators recommended or identify more appropriate indicators.

Expenditure related to production and marketing plans shall be eligible for support from the EMFF only after approval by the competent authorities in the Member State of the annual report but it is important to stress here that the payments are not directly linked to achievements of targets. POs have an obligation regarding the means, but the actual achievements may be negatively impacted by external factors. Whether or not an AR reflects the realization of objectives through the KPI is not the criterion on the basis of which the PMPs will be funded.

MEMBER STATES REQUIREMENTS

National authorities have to integrate and support the market dimension of the fisheries policy in the elaboration of their EMFF operational programmes (OPs), with a particular emphasis on the role of POs as key actors for the implementation of the new CFP. OPs address the importance of supporting POs in the programming periods. National authorities must ensure consistency with the PMPs and monitor their implementation.

The content, validation and decision on the level of funding to PMPs is in Member State competency: MS should approve the proposed PMPs and ensure an appropriate level of financial support on the basis of the average value of the national production put on the market by members of POs. This can be up to 3% of the annual value of production placed on the market by the members of the concerned PO during the preceding 3 calendar years.

Each PO selects for their plans the applicable useful measures available. The PMPs are then presented to the competent national authorities. A PMP should be presented eight weeks before expiry of the plan in place.

Member States are supported by the Commission in interpreting the regulatory framework.

DIFFERENCES BETWEEN FISHERIES AND AQUACULTURE PMPS

For the aquaculture sector, PMPs can also represent an essential element for the sustainable development of aquaculture in the EU. But as it happens with the fisheries plans, the aquaculture PMPs suffer the delays in the funding, which discourages companies to work together through their POs and puts the viability of the PMP at risk.

Aquaculture POs must pursue objectives related to the sustainability of the activities of their members, make sure that the activities of their members are consistent with the national multiannual national aquaculture strategic plans and ensure that aquaculture feed products of fishery origin come from fisheries that are sustainably managed.

FUNDING OF PMPS AND WHAT IS COVERED

EMFF support covers all the actions planned for preparing and implementing the measures foreseen in the PMPs (article 66 of the EMFF).

The actions planned may take the form of:

- Outsourcing and subcontracting.
- Purchase of goods and services.
- Hiring of staff.

After the planning and programming stage, the continuation of actions may be supported by the EMFF through the implementation of marketing measures as well as certain other compatible provisions such as conservation measures.

Actions eligible to the PMPs are of a preparatory or pilot nature. A difference can be drawn between actions which fall under the objectives of planning production and management of activities, and those relating to the day-to-day operations of members of POs.

Expenditure related to production and marketing plans shall be eligible for a contribution from the EMFF only after approval by the competent authorities in the Member State of the annual report.

The eligibility of the costs incurred for the preparation and implementation of the PMPs must be assessed with regard to their destination, not to their nature. This means that related expenditures are potentially eligible from the moment it can be demonstrated and verified that they were necessary for the preparation and implementation of the duly approved PMP.

A wide range of expenditures can be covered. The Commission recommendations provide many examples of measures that can be deployed to implement the objectives of PMPs. All costs incurred in order to implement these are potentially eligible. Once their PMPs are approved POs can immediately ask for an advance which should correspond to 50% of the expenditure budgeted for the implementation of the plan (over its first year in case of multi-annual plan). If a PO thinks a measure helps achieve the goals laid down in articles 3 and 7 of the CMO regulation, but would not be granted aid under any other article of the EMFF regulation, they can put that measure in their PMPs.



C / GUIDELINES AND BEST PRACTICES IN DEVELOPING PMP

As stated above, the MAC organised an event on the PMPs on the 27 of September 2017. Participants included Member States, Producer Organisations, the European Commission and relevant stakeholders in an exchange of views of the implementation of the PMPs.

The European Commission presented during the event an Interim assessment of the implementation of Production and Marketing Plans which covered years 2014-2015. The report, although limited to a specific period of time of the implementation of the PMPs, shows eloquent results on the general outcome in the application of the new regulations.

The intention of this document is to outline the problems encountered in the implementation of the PMPs, particularly regarding their content and funding, and offer a basis to identify best practices that could be shared agreed among the relevant actors in order to avoid the deficiencies detected. POs with extensive experience on the matter have contributed widely with their learnt lessons during the process. Their contributions, together with the expertise of Member States and the Commission, have fed the guidelines proposed hereunder.

CONTENT AND FORMAT OF PMPS

The nature, diversity, size and operating environment of POs vary enormously throughout the EU. It is for this reason that a single format of the plans for all POs would not be adequate to allow POs to draw an efficient strategy taking into consideration their particularities. The content of the plans must be appropriate for the individual PO and reflect a specific operating environment.

The MAC proposes a tool box of voluntary measures, inspired in the tool box the European Association of Fish Producers Organisations (EAPO) drafted in 2013.

POs can choose from these measures and action items the ones that best suit their circumstances in producing and implementing their PMPs.

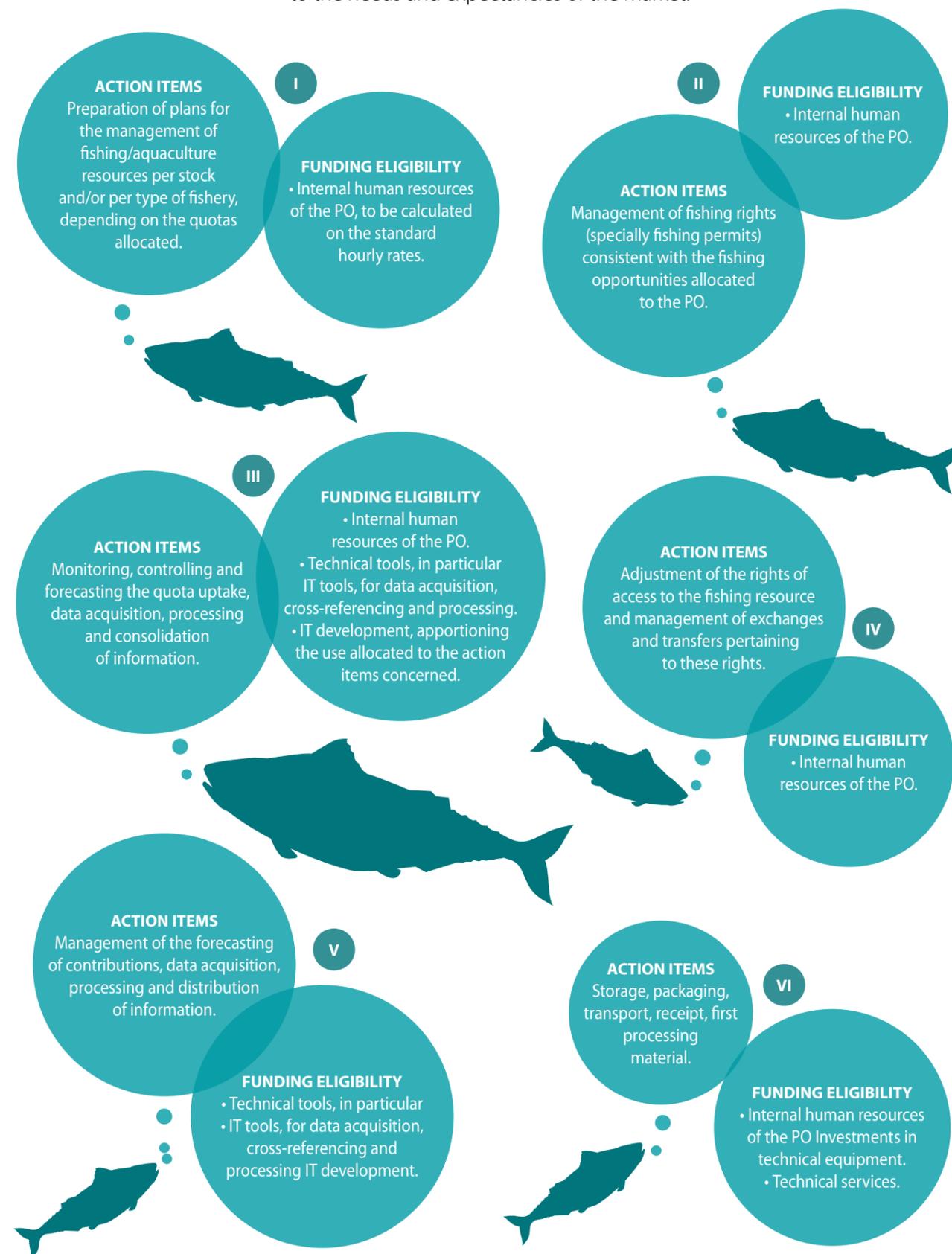
The measures are proposed notwithstanding the measures laid out on the Recommendations from the Commission. The relation between these measures (or the action items) and the mandatory objectives of the PO (articles 3 and 7 of the CMO Regulation) should be specified. POs must be able to demonstrate that each action is necessary for the achievement of one (or several) of these objectives.

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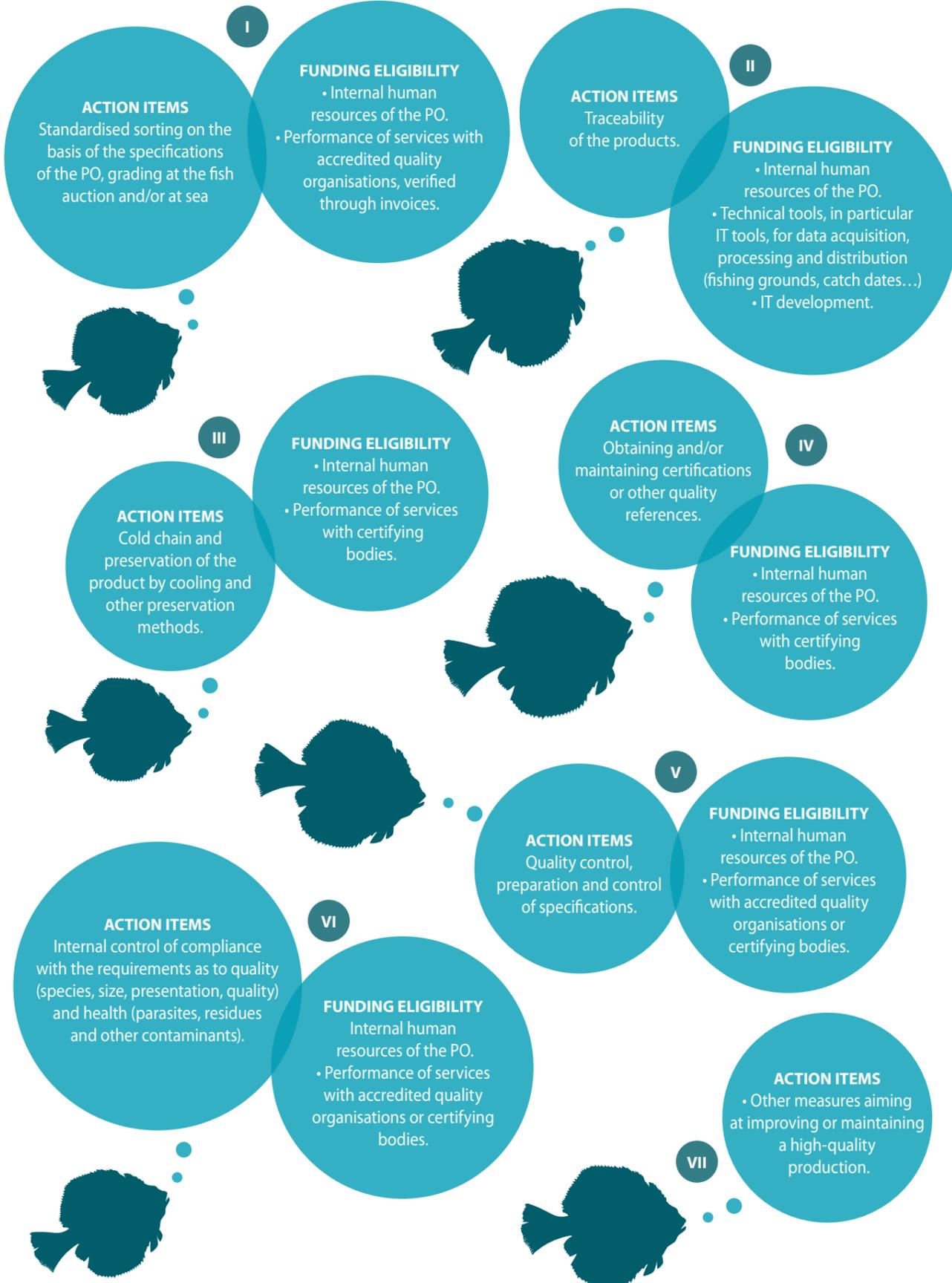
1 / ACTIONS UNDERTAKEN WITH A VIEW TO PLANNING PRODUCTION

These actions must be put in place taking into account the existing principles in each Member State respecting the role and the tasks delegated to the POs. Generally, the objective is to enable the POs to obtain expertise in the production of their members in order to achieve adequate and coherent production capacities and possibilities of access to the resources at the disposal of the PO, according to the needs and expectancies of the market.



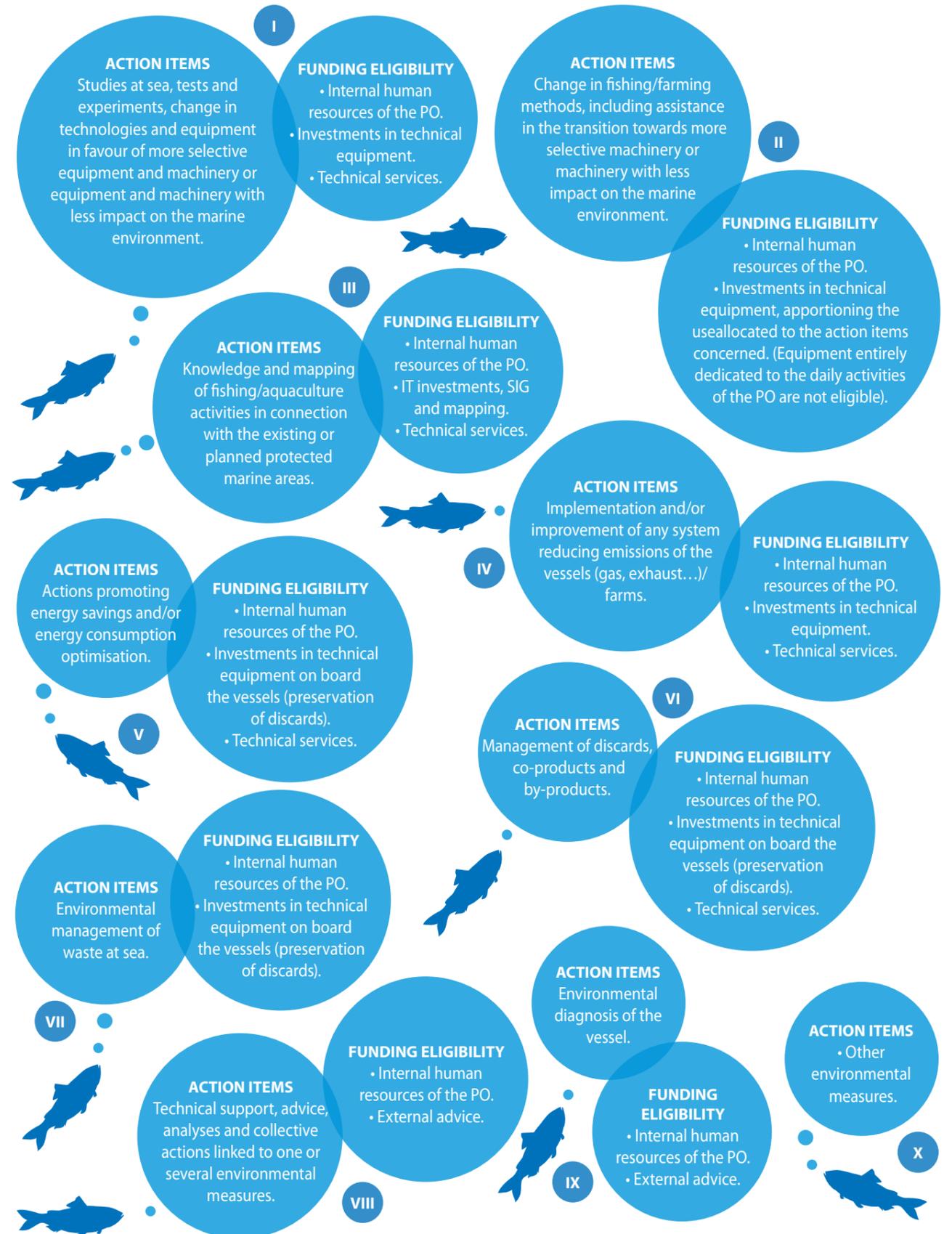
2 / ACTIONS UNDERTAKEN WITH A VIEW TO MAINTAINING HIGH-QUALITY PRODUCTION

These actions aim at improving the quality and the traceability of the products from catch to first sale. The purpose is to guarantee collectively the required respect throughout the operations of standards or objectives that can be designated individually to each member vessel of the PO.



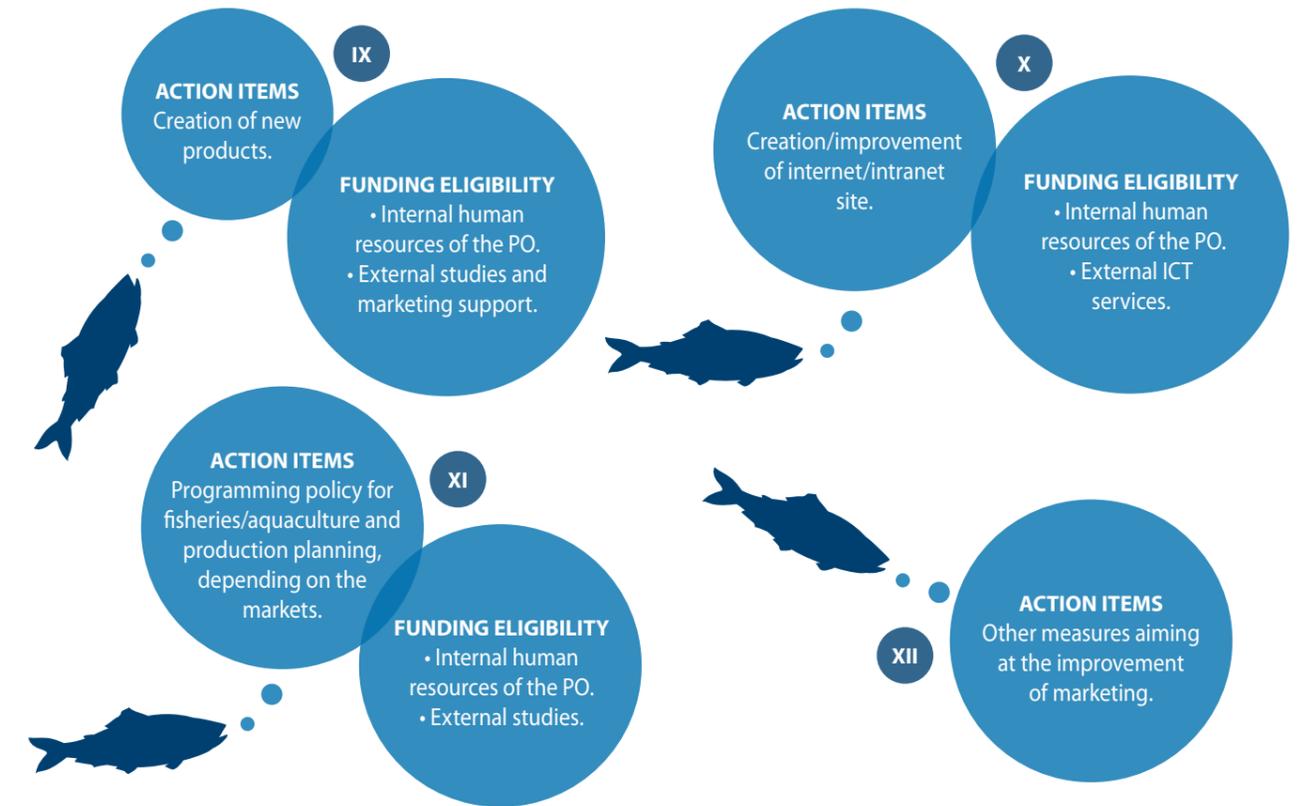
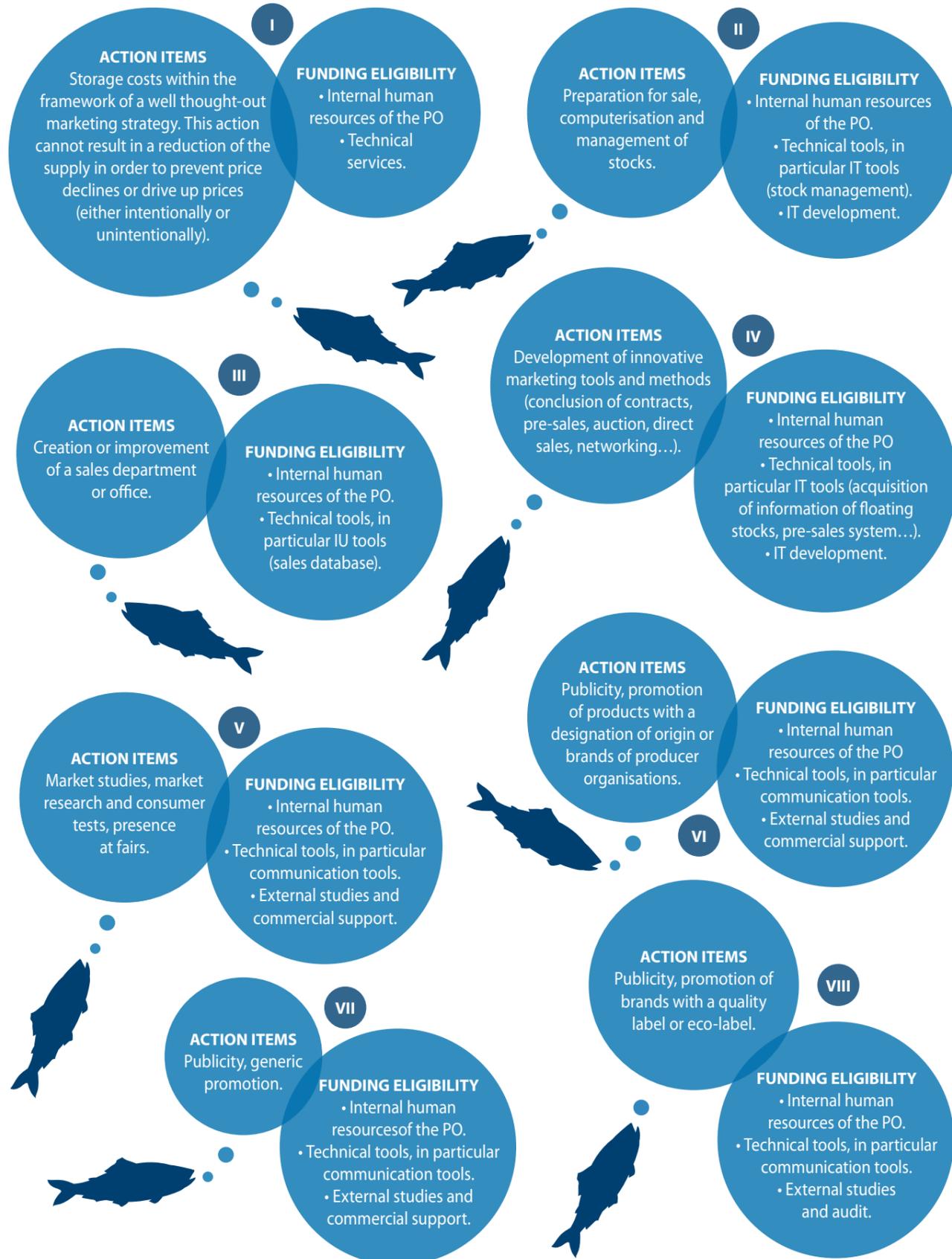
3 / MEASURES RELATING TO THE ENVIRONMENT

The actions covered under this headline must be adapted to the context of each PO, must be in respect of fishery matters concerned, operating areas used by the members, gears, etc. The objective is to allow an adequate management of direct and indirect impacts of the activity by the member vessels of the PO in order to sustain the resource and to maintain a good environmental status.



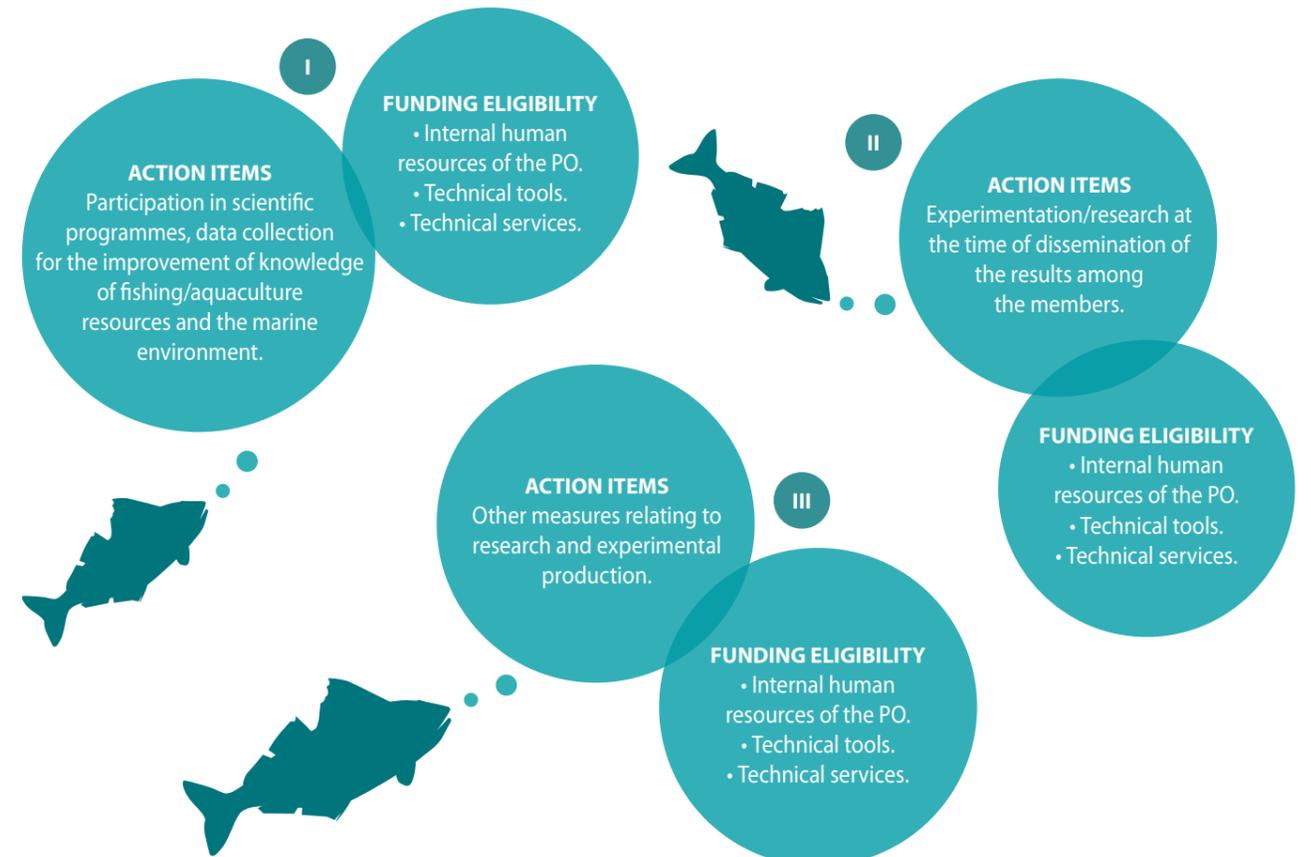
4 / ACTIONS RELATING TO THE IMPROVEMENT OF MARKETING

This chapter contains the actions aiming at knowledge and understanding of the market and at anticipating the market situation of the products landed by the PO members. These actions prepare the commercial operations targeting a better positioning of the products based on the expectancies of the consumers.



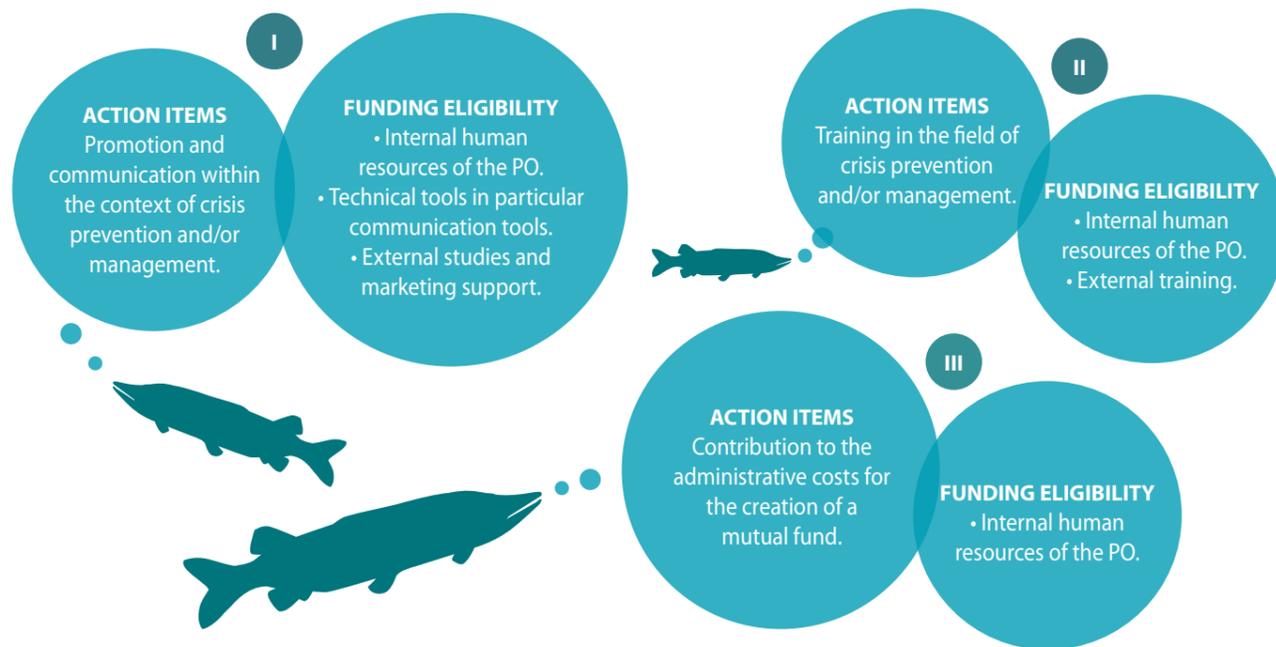
5 / MEASURES RELATING TO RESEARCH AND EXPERIMENTATION

The involvement of the fishermen in the technical and scientific programmes results in a sharing of knowledge and expertise and can complement the sampling and other research information. Such collaboration leads to decisions about more appropriate management measures.

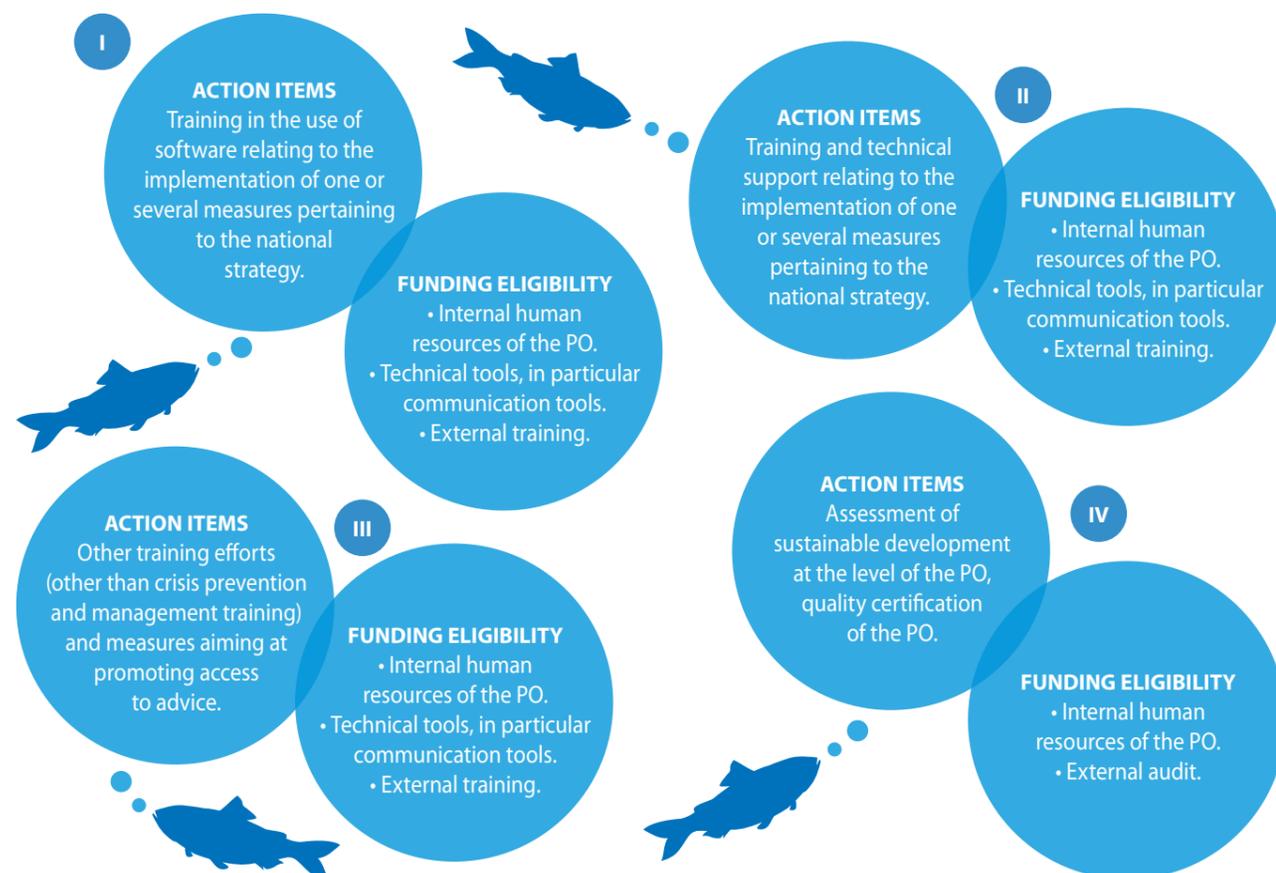


6 / MEASURES FOR THE PREVENTION AND MANAGEMENT OF CRISES

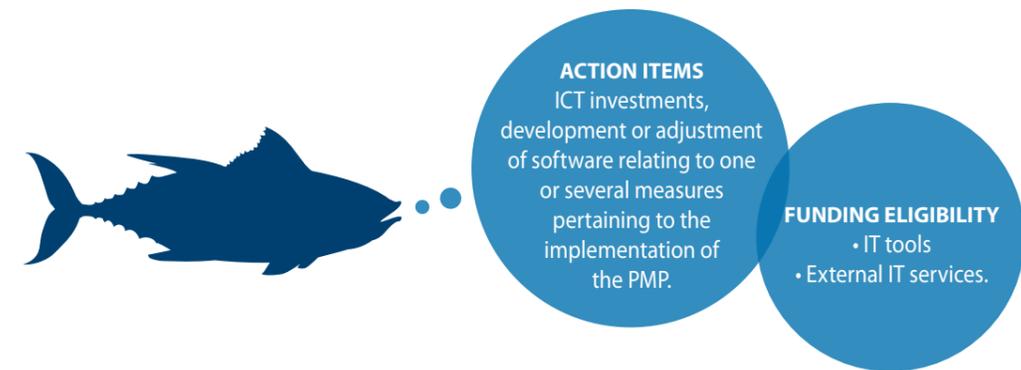
Fishery is a hunting activity and is as such subject to natural fluctuations. As the untreated product is highly perishable the balance between supply and demand is not always optimal. In case of cyclical weaknesses of the market or the hunting production, exceptional commercial operations can be activated in all levels of the value chain. Such activation should be planned and programmed before a crisis situation is appearing.



7 / TRAINING EFFORTS (other than crisis prevention and management training) and measures aiming at promotion access to advice.



8 / OTHER MEASURES



Together with these measures, and as an example for inspiration, the French POs have developed a set of measures common to all production and marketing plans. These could be addressed at POs discretion, together with the ones suggested above, and be established on a national basis depending on the needs of the POs.

MEASURES IN FAVOUR OF THE MANAGEMENT OF THE FISHERY RESOURCE

- Management of national and European fishing authorizations.
- Control of declarative obligations of members (log sheets, fishing logs, declarations of landing).
- Monitoring of subscribers' consumption of sub-quotas allocated to the PO and sub-quota exchanges.
- Establishment of annual management plans for sub-quotas of sensitive species.
- Contribution to a better knowledge of the resource by providing data on species and fishing areas to scientific organizations.
- Search for selective devices (fishing techniques and gear), which capture marketable species and filter out unwanted species.
- Legal watch on developments in national and Community law on marine fisheries. Information of members by mail, website, meetings.

MEASURES DEVOTED TO MARKET MANAGEMENT AND RECOVERY OF CATCHES

- Implementation or improvement of an input forecasting device.
- Accompanying members in their certification and labelling process (MSC, Label Rouge) designed to enhance the value of certain species or to guarantee the quality and freshness of production (Fil-ère Opale).
- Research of traditional commercial outlets in the direction of fishmongers' workshops, regional manufacturers for the production of soup or various processed fishery products, local restaurant owners via a charter. Research more innovative markets such as business restaurants, school canteens, animal nutrition or cosmetics.
- Promoting seafood products to the general public: participation of POs in thematic events, dissemination of leaflets informing about the seasonality of species, the origin of products and fishing techniques.

MEASURES RELATED TO ENVIRONMENTAL PROJECTS

- Monitoring projects related to marine protected areas and offshore wind turbines: the objective for the PO is to maintain fishing grounds that are both accessible to its fleet and in good ecological condition.
- Follow-up of research on ways to reduce the impact of fishing on the natural environment.

The measures included in the PMPs should adapt to the circumstances at the time. In this sense, the last PMPs drafted in 2017 include new measures such as those referring to Brexit costs, projects for developing code of conducts and apps aiming at facilitating the access of data for POs.

Key performance indicators are recommended in order to facilitate the evaluation of the implementation of the plan in the annual report. These indicators constitute a good practice that enables close monitoring of implementation and identification of shortcomings. The use of these indicators does not condition the financial support.

The MAC proposes a list of KPIs, based on the ones proposed by EAPO. As it happens with the measures, POs should be free to pick and choose the appropriate KPIs.

MARKET RELATED ACTIVITIES

1. Production.
 - 1.1. Number of stock/fishery plans produced.
 - 1.2. Number of special licenses allocated.
 - 1.3. Number of quota transfers facilitated.
 - 1.4. Quantity Produced.
 - 1.4.1. Quantity produced from fisheries at or above MSY.
 - 1.4.2. Quantity produced from fisheries subject to analytical TAC.
 - 1.4.3. Quantity produced from certified product.
 - 1.4.3.1. Environmental certification.
 - 1.4.3.2. Quality certification.
 - 1.4.4. Quantity produced chilled.
 - 1.4.5. Quantity produced frozen.
 - 1.4.6. Quantity produced with other preservation measures.
 - 1.5. Quantity of production subject to intervention (%).
 - 1.6. Number of actions directly influencing production planning.

MARKET CONFIDENCE AND INFORMATION

- 2.1. Number of fisheries in assessment for or holding certification.
- 2.2. Number of fisheries involved in fisheries improvement projects.
- 2.3. Number of fully documented fisheries.
- 2.4. Number of market events or studies.
- 2.5. Number of generic promotions.
- 2.6. Number of promotions of product with a quality or eco-label.
- 2.7. Number of promotions of products with designation of origin or PO brand.



FUNDING OF PMPS

With respect to the funding of PMPs, it is essential to highlight the difficulties the EMFF has been entailing for those wishing to benefit from the fund. This issue has been stressed in different forums and by different stakeholders and organisations and finds its roots in flaws throughout the implementation process of the EMFF. According to the Commission's Open Data Platform, in 2017 only 11 % of the total 2014-2020 allocation was decided, i.e. distributed among the selected projects, and 3 % was reported as spent. These figures are eloquent in indicating that the implementation of the fund is not properly functioning.

It seems obvious the importance of receiving funds on time or in sufficient quantity to ensure compliance with the obligations laid out in the CFP and CMO. All these inconveniences also prevent the sector from requesting these financial resources, which may lead to policy makers questioning the need for such funds.

The main reason for this weak implementation has been a chain reaction of delays: the late adoption of the 2014-2020 MFF, the late agreement on the EMFF regulatory framework, the late approval of Operational Programmes and the delay by the Member States in the instrumentation of the EMFF measures. The overlapping with the previous programming period and the difficulties encountered to adapt to the new rules and administrative requirements, considered particularly complex, contributed to the poor implementation of the fund.

Regarding funding of PMPs, the MAC approved an opinion to the Commission on post-2020 EU funding for fisheries and maritime sectors that could be useful to understand the whole picture on the deficiencies of the implementation of the EMFF.

GOOD PRACTICES

POs have encountered important difficulties while drafting and implementing their PMPs. Based on these, the MAC has selected the following good practices in order to avoid them.

1 / SIMPLIFICATION

Simplification on the administrative processes to draft the PMPs is needed, together with the simplification of costs reflected in the plans. The French example could be leading the way in this regard. The streamlining of the plans and annual reports respond to three objectives, namely:

- Give better visibility to the measures presented by the PO.
- Establish definitions of expected results for the measure, followed by an evaluation of that result in the annual report.
- Develop less detailed documents that will ultimately reduce the work of POs and administration.

Adequate templates should be drawn up for mandatory measures in order to facilitate the drafting of the plans.

2 / LINK BETWEEN MEASURES AND OBJECTIVES

Result indicators are highly recommended in order to be able to evaluate the implementation of the plan in the annual report. A PMP cannot be reduced to a strategic document: its implementation is fundamental. Performance criteria or indicators would facilitate the draft of the annual report. As stressed before, the inclusion of these indicators does not involve any financial consequence in case of not reaching the objectives.

3 / HARMONIZATION IN DRAFTING PMPS

Although PMPs should adapt to the needs and objectives of all POs, the difference in content and extent of the plans among POs/MS is considerable. The "one size fits all" approach should not apply given the huge differences between POs and precisely because of these differences; guidance at regional level is advisable.

However, taking into account all of the stated above and the guidelines proposed here, a common ground could be found in order to standardize the requirements and red tape applicable to all POs in all MS.

4 / BOTTOM-UP APPROACH

PMPs should follow a bottom-up approach as POs know best what to do, which measures to include and how to achieve their objectives based on their particular circumstances and conditions.

5 / FOLLOW COMMISSION RECOMMENDATIONS

These foster a homogeneous implementation of PMPs, help POs in reaching the objectives of the CMO providing examples of measures illustrating how they could concretely contribute to these, facilitate the monitoring of the PMPs and help national authorities in assessing the implementation of the plans.

6 / ONLINE TOOLS

Promoted already in some countries, online platforms are a useful tool to access all documentation related to PMPs, to improve operational coordination with authorities, to access information related to POs and PMPs and to improve the management of the financial aid.

At the same time, the European Commission should establish an online database for POs at European level with information on the evolution of the number of POs, valid contact details, and representativeness (number and type/sector of members, fleet size, production capacity for aquaculture, volume and value of production, and other relevant information).

7 / FINANCIAL SUPPORT

On the one hand, the EMFF should ensure the continuity of the financial support improving the implementation of the fund. In this regard, delays in funding should be addressed. It is also significant for controlling bodies or auditors at national level to become aware that expenditures are eligible according to their destination (i.e. necessary to reach an objective) and not according to their nature. Understanding this would decrease the fear of a possible correction, which has slowed down the implementation previously.

On the other hand, it is advisable to mention in the plans other resources or projects (including Article 66 support, other EMFF support, self-funded actions), linking objectives and the respective articles of the EMFF, as this inclusion does not imply an approval of those resources or projects but help in having a full picture of the funding of the plan.

8 / SHARED EXPERIENCE

To ensure the effectiveness of the exercise of reflecting on lessons learnt during the whole process of implementing PMPs, it is fundamental that the word is spread. The identification of good practices should be followed by a widespread dissemination among stakeholders. It is therefore advisable to encourage pedagogy, exchanges and experience-sharing between actors at national and transnational level.



DISCLAIMER

This document intends to reflect solely the opinion of the Market Advisory Council.

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