

Advice

Producer Organisations under the Common Market Organisation in Fishery and Aquaculture Products

Brussels, 7 May 2025

I - Introduction

1. Background

Under Regulation (EU) No 1379/2013 on the Common Market Organisation in fishery and aquaculture products (CMO Regulation)¹, grouping of fishers and aquaculture farmers can be formally recognised as Producer Organisations (PO)s, which are expected to play a key role in the day-to-day implementation of the Common Fisheries Policy (CFP). In the pursuit of their objectives, POs must prepare Production and Marketing Plans (PMPs), which can be funded by the European Maritime, Fisheries and Aquaculture Fund (EMFAF).

In 2022, the Market Advisory Council (MAC) adopted advice on the functioning of the CMO², which recognised that POs must be equipped with an operational tool for organising and planning their missions, combined with appropriate financing. In 2023, inspired by its member EAPO (European Association of Fish Producer Organisations), the MAC adopted advice on raising

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](#)

² [MAC Advice on “2022 Report on the Functioning of the Common Market Organisation \(CMO\)” \(30 March 2022\)](#)

awareness on the role of POs³ and committed to the organisation of a workshop by Autumn 2024. In the past, the MAC issued guidance for POs and national administrations on PMPs⁴.

On 28 January 2025, the MAC and the South Western Waters Advisory Council (SWWAC) held the “Workshop on Producer Organisations under the Common Market Organisation in Fishery and Aquaculture Products”⁵. The aim of the workshop was to address some of the issues raised in the European Commission’s 2023 report on the implementation of the CMO Regulation⁶, such as differential treatment by national administrations, need to improve support for Transnational Producer Organisations (TPOs) and for Interbranch Organisations (IBOs), limited number of aquaculture POs, and the specificities of small-scale fishers.

In the context of the ongoing evaluation of the CFP⁷, the present advice aims to provide recommendations on improving the setting-up and recognition of TPOs and IBOs, the representation of small to medium-sized aquatic food production enterprises as well as on the implementation of PMPs, including funding, level-playing-field across the EU, and adaptation to the current status of the fisheries and aquaculture sector. The feedback provided, via breakout groups, by the participants of the previously workshop, which included stakeholder organisations, national authorities and EU institutions, was taken into account.

II – Functioning

1. Small-scale operators

³ [MAC Advice on “Awareness on the Role of Producer Organisations \(3 February 2023\)”](#)

⁴ [Production & Marketing Plans – Guidelines & Good Practices \(2018 – revised in 2022\)](#)

⁵ [Draft agenda, presentations, and report.](#)

⁶ [Report from the Commission to the European Parliament and the Council on “Implementation of Regulation \(EU\) No 1379/2013 on the common organisation of the markets in fishery and aquaculture products” \(21 February 2023\)](#)

⁷ <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14203-Common-fisheries-policy-evaluation>

According to the 2023 report⁸, small-scale fishery producers report that they do not always receive appropriate administrative and/or financial support to set up and operate POs. They also report that Member States do not take sufficient account of their specificities laying down criteria for recognition (e.g., sufficient economic activity in the area). The lower profit margins and limited administrative resources weaken the financial viability of their POs and their capacity to deal with legal and administrative requirements. The possibility for small-scale fishery producers to join an existing PO, resulting in a mixed PO (small-scale and medium to large fishers) does not always address their specific needs.

In the view of the MAC and of the SWWAC, producers should be made aware of the benefits of participating in a PO and of accessing funding. There are no major impediments or restrictions to the participation of small-scale fishers in POs. Since membership fees are generally related to the activity of the fishing vessels, the cost (based on gross value or tonnage or length) is not an issue. However, quota management within a PO can make it difficult to include new vessels, even if it is owned by a small-scale fisher. This challenge arises only when available quotas are highly restrictive for the activities of PO members, and, in a majority of cases, small-scale fishers are welcome in POs. The reluctance of small-scale operators to join POs may relate to a lack of clear short-term benefits, lack of awareness on the benefits, and misconceptions on the administrative burden. Additionally, the focus on non-quota species, which are less impacted by regulatory changes, can also reduce the need to join POs.

When a mixed PO is established, it is essential that all members feel represented, including through the democratic election of the board, and a balanced representation of different métiers in the board. In any case, almost all POs operate under the system of “one company, one vote”.

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As an example, in France, there are several mixed POs functioning well due to the professional complementarity and the shared challenges.

As the classification of operators can have effects in the support provided via POs, the Commission should take into account the work initiated by the SWWAC on the definition of “artisanal fishing”.

2. Aquaculture

In the context of aquaculture, POs are an important instrument for aggregation of ideas and for influencing policymaking, offering solutions to common problems, but are less relevant as aggregators of production. The current limited number of aquaculture POs in the EU reflects the need for growth in the sector, so that there are stronger companies and with higher income that can dedicate more resources to associativism. Presently, many aquaculture producers are micro-entrepreneurs and family-based cooperatives. In the case of larger companies, there could be disinterest due to the time investment required.

3. Democratic functioning

As legal associations, POs must have statutes, which must be complied with, and decisions must be made jointly and communicated, in respect to Articles 14 and 16 of the CMO Regulation. Each PO is free to decide on its own governance structure, which can account for specificities such as artisanal production, different fleets, or transnationality. Most POs follow a system of “one member, one vote”, allowing every member to participate in the decision-making. Other possible measures, such as undertaking an independent annual audit, can also further build trust and transparency. Overall, POs in the EU are well structured and with appropriate democratic participation.

It is also important to keep in mind that, in practice, the public administrations frequently participate in meetings of the various POs, controlling the legality of decisions, while also periodically undertaking wider reviews on the functioning and governance of POs (control of recognition).

4. Associations of Producer Organisations

According to Article 9 of the CMO Regulation, an Association of Producer Organisations (APOs) may be established at the initiative of POs recognised in one or more Member States. According to Article 10 of the same regulation, the APOs shall pursue the performance in a more efficient and sustainable manner the objectives of the member POs, and the coordination and development of activities of common interest. Besides the aforementioned national or transnational perspective, in the case of Spain⁹, APOs, which must be composed of at least three POs, can also be circumscribed to one regional authority (i.e., autonomous communities).

5. Transnationality¹⁰

Recital 12 of the CMO Regulation recognises the possibility of TPOs¹¹, while the Commission Delegated Regulation (EU) 2016/232¹² provides definitions of “transnational producer

⁹ [Real Decreto 664/2023](#)

¹⁰ On 24 May 2022, the MAC adopted [advice](#) on “Transnationality of Fishery and Aquaculture Producer Organisations and of Inter-Branch Organisations”, which called for a clearer legal framework.

¹¹ Recital 12 reads: “As fish stocks are shared resources, their sustainable and efficient exploitation can, in certain instances, be better achieved by organisations composed of members from different Member States and different regions. Therefore, it is also necessary to encourage the possibility of setting up producer organisations and associations of producer organisations at national or transnational level based, where appropriate, on biogeographical regions. Such organisations should be partnerships that seek to lay down common and binding rules and to provide a level-playing field for all stakeholders that are engaged in the fishery. In setting up such organisations, it is necessary to ensure that they remain subject to the competition rules provided for in this Regulation and that the need to maintain the link between individual coastal communities and the fisheries and waters that they have historically exploited is respected”.

¹² [Commission Delegated Regulation \(EU\) 2016/232 of 15 December 2015 supplementing Regulation \(EU\) No 1308/2013 of the European Parliament and of the Council with regard to certain aspects of producer cooperation](#)

organisation”, “transnational association of producer organisations”, and “transnational interbranch organisation”, and rules for their recognition.

In the view of the MAC and of the SWWAC, the current legal framework is not fit for purpose for the establishment and functioning of transnational associations, as there is a complex recognition process, conflicts between Member States, and a challenging decision-making process.

From the point-of-view of the management, the TPOs are managed by the public authorities of one of the Member States. The TPO cannot establish measures, including on fisheries management and on financing, for members coming from other Member States. As an example, in the case of TPOs with members in Spain and Portugal, there is duplication of management and difficulties due to differentiated deadlines and procedures as well as lack of coordination on fishing plans, while financing is only provided by the Spanish authorities.

6. Interbranch Organisations

According to Article 12 of the CMO Regulation, the objectives of IBOs are to “improve the coordination of, and the conditions for, making fishery and aquaculture products available on the Union market”.

In the view of the MAC and of the SWWAC, IBOs play an important role in the structuring of the fisheries and aquaculture sector by integrating both upstream and downstream actors. Nevertheless, their establishment and recognition face several challenges across EU member States, particularly in terms of legal clarity and access to financing, as the EU legal framework remains underdeveloped. Some historical IBOs, for example in France, structured themselves similarly to agricultural IBOs, but lack proper equivalence to fishery and aquaculture POs.

Additionally, IBOs lack direct access to financial mechanisms, particularly under PMPs, which makes it difficult to plan and execute long-term actions, including participation in joint projects.

7. Transnational Associations of Producer Organisations

According to point b) of Article 2 of the Commission Delegated Regulation (EU) 2016/232, “transnational association of producer organisations” means any association of producer organisations of which the member organisations are located in more than one Member State”.

In the view of the MAC and of the SWWAC, TAPOs lack a clear legal framework. The EU-level legal framework, including the CMO Regulation, does not provide specific provisions on their setting-up and functioning. The lack of formal recognition mechanisms makes their setting-up highly challenging. More clarity is also needed on whether TAPOs should consist of TPOs or national POs or both.

TAPOs face very significant financial barriers. There is a lack of direct access to EU funding, particularly through the EMFAF. Presently, TAPOs require funding from multiple Member States, leading to increased administrative complexity and duplication of paperwork.

8. Exceptions to the application of competition rules

Article 41 of the CMO Regulation foresees exceptions to the application of competition rules to agreements, decisions and practices of recognised POs concerning the production or sale of fishery and aquaculture products, and the use of joint facilities for the storage, treatment or processing. Exceptions also apply to certain agreements, decisions and practices of IBOs.

In the view of the MAC and of the SWWAC, the exceptions are a beneficial and necessary mechanism that allows for better market management, price stability, better product valorisation, alignment of production level and market demand, sustainable use of resources, including through the collective management of fishing opportunities and avoidance of overfishing, and controls from the catching to the landing. It is important to keep in mind that, under the current framework, antitrust rules still apply, but with a more flexible threshold.

Through the establishment of a diversity of organisations for a variety of species, the risk of dominant positions can be reduced.

In the case of aquaculture production, the determination of the production volumes placed on the market is more complex, as the quantification is not done in real time.

III – Production and Marketing Plans

1. Scope

In accordance with Article 28 of CMO Regulation, each PO shall submit a PMP for, at least, its main marketed species to its competent national authorities for approval by the competent national authorities. The PO may receive financial support for the preparation and implementation of the PMP.

In the view of the MAC and of the SWWAC, the framework for PMPs is generally adaptable and useful. The framework allows for sufficient flexibility to the various markets, production methods, and PO needs, while also allowing adjustments when necessary. At the same time, it is necessary to ensure that the criteria for evaluating PMP measures by the competent authorities is clear, while also allowing for differentiation between small-scale and large-scale operators. The framework should also make collaboration between POs easier, for example through the possibility of funding for joint projects, minimising duplication and costs.

2. Level-playing-field in the financial support to POs

Through the shared management foreseen for support to POs under the EMFAF, Member States manage funds based on their national operational programs, allowing them to set specific eligibility criteria.

In the view of the MAC and of the SWWAC, among the EU Member States, there are significant differences in the financial support provided to POs and the eligibility criteria followed, which can impact the fairness and effectiveness of the CMO. The funding mechanisms vary not only between Member States, but also within individual countries, for example in Spain, depending on the regional authorities and management bodies. At the same time, the differences are also relevant to reflect the different national priorities.

As an example of differences in implementation, in Denmark, there can be multiple modifications to the PMPs, while, in Spain, only one modification is allowed. As an example of differences in the activities that qualify for funding, Spain allows the financing of personnel exclusively dedicated to the development and implementation of the PMPs, while France does not. The rates of financing also vary across the Member States.

3. Impact of delays with the adoption of the EMFF/EMFAF on the PMPs

In the view of the MAC and of the SWWAC, delays in the adoption of the funding programmes can significantly affect the ability of POs, particularly those with limited financial capacity (e.g., new PO, reduced number of members), to execute their planned activities, as certainty is needed. In practice, there was no major impact during the transition period from the EMFF to the EMFAF, as there was no interruption in the access to funding. The application of the N+2 or N+3 rule (allowing funding from the previous period to be used while awaiting new allocations) helped mitigate the effects of delays.

4. Collaboration with competent authorities

The PMPs provide a structured tool that strengthens communication, including through regular dialogue, between POs and authorities, ensuring that the needs of the sector are better understood. At the same time, the staffing levels and administrative resources of each Member

State how effective the PMPs are in fostering collaboration. As there are other factors impacting the economic sustainability of the sector, it is also important to maintain dialogue beyond the framework of the PMPs.

5. Adaptation to ongoing and future realities

In the view of the MAC and of the SWWAC, the PMPs are a useful tool to address the immediate needs of the sector, ensuring compliance with EU standards and sustainability objectives. When facing unforeseen challenges, the PMPs provide some flexibility for a reactive response. As an example, the PMPs were useful to address the crises caused by the COVID-19 pandemic and Russia's war of aggression against Ukraine. The development of multiyear PMP could facilitate forward-looking strategies to face ongoing and future challenges effectively, for example on climate change, generational renewal, and the blue economy.

IV - Recommendations

The MAC and of the SWWAC believe that, in the context of the legal framework of Producer Organisations under the Common Market Organisation in fishery and aquaculture products, the European Commission and the Member States should:

- a) Raise awareness among fishery and aquaculture producers, particularly among small-scale operators, about the advantages of establishing/participating in POs, for example through bilateral meetings, training sessions, exchanges with other interprofessional organisations, and provision of examples and good practices;
- b) Increase the attractiveness of POs, for example through a reduction of the administrative burden, faster financing, and provision of advanced payments;
- c) Develop an EU-level guide with examples on good governance and internal functioning for POs, including on democratic decision-making;

- d) Improve the legal framework for the setting and functioning of transnational associations, particularly addressing duplications in management, differences in administrative procedures, and lack of coordination, and allow TPOs to submit their PMPs to several Member States, while providing EU-level mediation;
- e) To enhance the role of IBOs, develop a more comprehensive legal framework on their setting-up and functioning, provide equal treatment in comparison with POs, allow access to financial support via PMPs or a specific mechanism, and update the existing lists of recognised IBOs;
- f) Facilitate the setting-up and functioning of TAPOs, including through a clearer EU-level regulatory framework, access to direct EU funding, simplified administrative procedures, and reduction of duplication across Member States;
- g) Maintain the existing exceptions to the application of competition rules, while ensuring a balanced application of the exclusion, preventing potential market distortions or anti-competitive behaviour;
- h) Ensure clear and transparent evaluation criteria for PMP measures at the national levels;
- i) Improve the level-playing-field in the financial support to POs across the EU, including through the provision of similar funding intensities, the setting of a minimum financial allocation per recognised PO, the development of clear guidelines on eligible actions, close monitoring by the Commission services of the national implementations, and the establishment of a database with comparative funding data;
- j) To avoid potential negative impacts due to delays in the adoption of funding mechanisms, guarantee the continuity of funding, including through the access of funding from the previous period, the provision of advanced payments, particularly for small-scale operators, and the use of alternative funds to cover gaps;
- k) Through the PMPs, maintain a proactive collaboration between public authorities and operators, ensuring alignment of goals on environmental, social, and economic

sustainability, while also revising the legal framework to foresee a legal obligation for national authorities to provide funding to POs through the PMPs;

- l) To ensure adaptability to ongoing and future realities, allow the adoption of PMPs with a multi-year proactive framework, while also providing for flexibility in updates to the PMPs due to unforeseen circumstances
- m) Promote a level-playing-field across the EU through similar interpretation and implementation of the rules, including on financing, by the national authorities of the various Member States;
- n) Take into account the work initiated by the SWWAC on the definition of “artisanal fishing”.