

**Department for Environment, Food and Rural Affairs**

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

## **Summary of responses**

**July 2014**



Llywodraeth Cymru  
Welsh Government

## Contents

Introduction .....	1
Overview of responses .....	1
Summary of responses to consultation question .....	2
Response.....	3
Next steps.....	3
Annex A: List of respondents to the consultation .....	4

# Introduction

1. This document contains the summary of responses to the consultation on proposals to introduce proportionate legislation provisions to underpin the reformed Common Organisation of the Market (CMO) in fishery and aquaculture products marketing standards, and amend existing fish labelling legislation in England to reflect the new labelling requirements. It also contains the Government's response to the results of the consultation. . The CMO Regulation came into force on 1 January 2014. The provisions in the proposed domestic legislation in respect of labelling do not come into force until 13 December 2014. The consultation applied to England and Wales with regard to marketing standards; and to England only on fish labelling. The consultation was held from 31 March to 12 May 2014 inclusive.

2. The consultation set out the proposed enforcement framework to provide the Marine Management Organisation (MMO) and Trading Standards Officers (TSOs) in England with the power to ensure compliance with the marketing standards required by the new CMO Regulation and its accompanying implementing legislation. The MMO will be the principal enforcement body for marketing standards. The TSOs will have the power to enforce if they choose to do so.

3. The Government invited views on whether the approach it proposed to take to implementation and the introduction of powers to enforce the marketing standards and labelling requirements, was the best approach and if it was not what the Government should do instead.

4. A draft Impact Assessment (IA) relating to the additional costs to business in meeting the new requirements of the CMO, (but not going beyond the minimum EU requirements) was published alongside the consultation document. Views on it were welcomed from stakeholders.

## Overview of responses

5. Five responses to the consultation were received. They fell generally into 4 themes as follows:

- That the fish labelling legislation guidance needs amending as well as the legislation
- That the labelling requirements in respect of catch and production areas in Article 38 of 1379/2013 also need to be included in the labelling requirements, and
- That the IA is not reflective of the real financial impact on the retail sector
- There were additional comments made in relation to the role of Producer Organisations in implementation of the CMO which were also raised - issues which were outside the scope of the consultation.

## Summary of responses to 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?**

6. Four of the respondents were broadly in favour of the Government's proposals to implement and enforce the obligation to meet the marketing and labelling requirements in the new CMO. One respondent's comments related to the role of Producer Organisations and their role in achievement of the aims of the CMO which were more contextual to the purpose of the consultation.

7. The respondents were generally in favour of the new consumer (labelling) requirements that were coming into force on 13 December 2014 on the grounds that they provided consumers and seafood businesses with important information relating to the environmental sustainability of products available to them so they can make informed choices.

8. One respondent opposed the approach of enforcement through civil sanctions as proposed, however recognised that the proposed use of only one aspect of the civil sanction – the issue of an 'improvement notice' in the case of non-compliance – was a better alternative to the use of fixed and variable mandatory penalties. This respondent believed that the issuing of improvement notices under the civil sanction approach would increase the number of notifications issued and also that if the proposed approach was followed that safeguards should be included.

9. Two respondents commented that the cost to the retail sector to make the necessary changes were not accurately reflected in the impact assessment and questioned the assertions made in the draft impact assessment that the changes to labelling based on the CMO would be minor. There was also one comment about the difficulty with which compliance could be achieved in the time available.

10. A number of the responses commented that the current guidance on Fish Labelling will need updating to reflect and clearly explain the requirements in the new CMO. Suggestion was also made that the guidance should also include reference to the voluntary labelling requirements, the meaning of "terms understandable to the consumer" and to the enforcement regime and how it will work.

11. Two respondents suggested that the CMO requirements should be extended to products beyond those covered by the CMO and that the requirements in Article 38(a) "Indication of the catch or production area" mean that the label should include the sub-area and division of the FAO Fishing area along with a name or a map of the relevant area.

12. One respondent believed that there are aspects of the compliance history, current legislative status and representational nature of English and Welsh Producer Organisations which would undermine the Governments' efforts to implement the measures outlined in the CMO for these organisations.

## Response

13. The Government thanks those who responded to the consultation and considers that the approaches we are proposing are the least burdensome on those who will be affected. The use of improvement notices is a cost effective and proportionate way to ensure that businesses are aware that they are not meeting the requirements of the CMO and time to make the changes to their working practices, without immediately moving to prosecute minor infringements.

14. The Government agrees with a number of the respondents that the current guidance on fish labelling will need updating to reflect and clearly explain the new requirements in the CMO. Defra officials will work with colleagues in the Welsh Government, enforcement agencies and stakeholders in developing the improvement notices and associated guidance to accompany them so that those stakeholders and businesses most impacted by the new requirements are fully aware of the new procedures prior to the legislation coming into force.

15. The Government will also work with the Devolved Administrations, the MMO and other enforcement agencies to produce generic guidance on the new CMO, including the roles and responsibilities for Producer Organisations, particularly in relation to production and marketing plans.

16. With regard to extending the CMO requirements to products beyond those covered by the CMO, the Government has concerns over the potential costs and burdens this may place on the industry, particularly on smaller processors.

## Next steps

16. After careful consideration we have concluded that no changes are required to the proposals set out in the consultation document with regard to implementing the new CMO for marketing standards and labelling requirements as we believe these to be less burdensome on industry. We will now focus on drafting the appropriate legislation, ensuring that the measures are proportionate and reflect all the mandatory requirements in the new CMO. Consideration will be given on the labelling requirements in Article 38 (a) of the CMO Regulation; and we will seek to amend the fish labelling guidance, and produce guidance on all the new requirements of the new CMO that were not covered by the consultation so that these are clear to all those affected.

15. We have also considered the comments received relating to the draft Impact Assessment and have amended as necessary.

# Annex A: List of respondents to the consultation

British Retail Consortium

Client Earth

Co-operative Futures

Food and Drink Federation

Marine Conservation Society



© Crown copyright 2014

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence v.2. To view this licence visit [www.nationalarchives.gov.uk/doc/open-government-licence/version/2/](http://www.nationalarchives.gov.uk/doc/open-government-licence/version/2/) or email [PSI@nationalarchives.gsi.gov.uk](mailto:PSI@nationalarchives.gsi.gov.uk)

This publication is available at <https://www.gov.uk/government/consultations/implementing-marketing-standards-and-labelling-requirements-for-fishery-and-aquaculture-products>

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

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

Or email to:

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