Evaluation of the marketing standards framework for fishery and aquaculture products

Results of the Open Public Consultation
1. INTRODUCTION

The European Commission’s Directorate-General for Maritime Affairs and Fisheries published an Open Public Consultation (OPC) to gather the public’s feedback on marketing standards for fishery and aquaculture products. The OPC took place from 16 July to 9 October 2018. It aimed to gather feedback from the broadest possible range of stakeholders – both expert and non-expert stakeholders – and their views and opinions on the marketing standards, which will feed into the ongoing evaluation of the marketing standards framework for fishery and aquaculture products. The OPC also fulfilled the consultation requirement stipulated in the Better Regulation Guidelines.

The participants were invited to complete an online questionnaire, available in all official EU languages. In addition, the participants were able to submit contributions in any official EU language.

The OPC was disseminated by the European Commission and received a total of 155 responses from 19 EU Member States.

Specifically, the OPC questionnaire asked respondents about their own choices when buying seafood, their assessment of seafood quality and sustainability in their country and the EU, the need for standardisation, usefulness and impact of the marketing standards, and potential ways to improve them.

Respondents were able to provide additional comments when answering the questions and could also submit contributions. Out of those answering in professional capacity, 35 consented to having their contributions published with their details.

The summary of the survey results will contribute to further developing evidence-based policy making in improving the relevance, effectiveness, efficiency, coherence and EU added value of the current marketing standards for fishery products.

2. OVERVIEW OF PROFILE OF RESPONDENTS

In total, 155 respondents answered the OPC questions, with 89 of them responding in personal capacity and 66 in professional capacity. Out of the latter, ten were active in aquaculture, eight in catching, one in processing, three in trade and the rest in multiple sub-sectors (the largest of them was a combination of processing and trade – 10 respondents). Six represented micro enterprises, nine – small enterprises, three – medium enterprises, and five – large enterprises (23 answers). A third (23) of the organisations were included in the Transparency Register, another third (21) were not, and the rest said it was not applicable to them (22).
Out of those who responded in personal capacity (89 individuals), 16 hailed from Germany and France each, 15 from Italy, eight from Belgium, seven from Spain and fewer than five from other countries. Thus, the numbers are too small to conduct cross-country analysis.

Moreover, 32 individuals answered that they did not deal with any of the fisheries products mentioned in the survey, and 50 indicated dealing with fresh and chilled products covered by the EU marketing standards. Further 30 indicated dealing with canned tunas and bonitos and/or canned sardines.

Since both sub-groups are under a 100 respondents and are not statistically representative, only very clear trends are discussed below. All distributions of their responses are presented under ‘Statistical analysis’ below.

**2. Analysis by sub-group**

In this analysis, responses ‘very important’ and ‘rather important’, as well as ‘rather not important’ and ‘not important’ have been summed up for clarity and consistency. Since only 23 respondents representing organisations indicated the number of employees in their enterprise, analysis by size of enterprise was not possible.

Out of those answering in **professional** capacity (66 respondents), 21 represented private enterprises and 20 represented trade, business or professional associations (see chart below). Other categories (NGOs, universities, public authorities) came up fewer than 10 times, and 13 respondents out of the 66 said their organisations were not in the fisheries
or aquaculture sector. However, 6 of those, also answered they dealt with products covered by EU marketing Standards (2 NGOs, 1 university, 1 wholesale company, 2 retailers). The respondents with low self-reported understanding of EU marketing standards came from private enterprises, trade, business or professional associations (2 each) or research and academia (1). Most (48 respondents) reported good understanding of the marketing standards.

**Figure 3: Types of responding organisation**

Twenty-nine fishery and aquaculture organisations and five organisations outside this sector responded that the marketing standards improved their profitability. The main reasons provided were the improvement of quality and transparency, which leads to less product rejections, the possibility to rely on common criteria in contracts, the fact that greater sizes and freshness obtain better prices and the fact that they limit unfair competition. Only 8 out of 66 organisations, all fisheries-related and mostly from the catching sector, indicated that the marketing standards reduce their profitability. Two of them provided explanations directly related to marketing standards, stating that the freshness criteria is only valid for a very short period of time and that the professionals of the sectors know how to assess the quality of products and do not need to be imposed any standards. Other comments relate to broader issues, such as differences in requirements and production costs between EU and non-EU products, taxes and discards.

Out of those representing **fishery and aquaculture organisations (53 respondents)**, nearly two thirds believed that definitions of quality grades for fresh seafood products (34 respondents) and canned seafood (35 respondents) should be established at EU level. Thirty-five respondents from fishery and aquaculture organisations believed that standard definitions related to the quality of seafood products should be established by the industry itself, seven neither agreed nor disagreed, and ten disagreed. However, 22 respondents agreed both that the industry should establish the standards and that they should be established at the EU level.

Representatives of the sector tended not to use other quality-related norms or standards (31 out of 53) and to agree (29 out of 53) that EU marketing standards were coherent with international standards (18 responded that they did not know and nobody strongly disagreed). Over a half of them (33) supported the establishment of common marketing standards for fresh and chilled fish currently not covered to a large extent or completely. Thirty-five held the same opinion regarding frozen products, 37 for processed products, and 34 for aquaculture products. Of the 14 aquaculture organisations, 10 either agreed or
strongly agreed with the need for standardisation, two were neutral, one strongly disagreed with the possibility to standardise aquaculture products, and one did not know.

When buying fresh products, nearly all individuals responding in personal capacity looked at origin (82 respondents) and appearance (83). A vast majority took species (75), method of production (66) and date of capture/slaughter (65) into account. Size was by far the least important in their decisions (34 respondents). One of the individuals commented that it was difficult to find seafood products without a negative impact on the environment “because the conditions are mostly not clear,” and another one asked for more sustainability-related information. This is very different from the answers of the individuals answering in professional capacity: the latter paid the most attention to appearance (63 out of 66), origin (60 out of 66) and species (59 out of 66), and the least to environmental certification (36) and size (43).

A third of respondents answering in individual capacity believed that EU rules could be replaced by national standards, but there was also some strong support expressed for EU standards. In the words of one of them, “National standards stop at borders, codes of practice are ineffective since they rarely can be enforced by authorities and private standards are usually a joke.” Out of the 19 individuals who admitted to not understanding the marketing standards, most were unsure whether public authorities should control their implementation. Meanwhile, those with good self-reported understanding of the marketing standards tended to trust public authorities (see Table 1).

Beyond those who explicitly answered that they did not have a good understanding of the EU marketing standards, some comments also show that there can be some confusion between marketing standards and other EU rules. As an example, one of the respondents who neither agreed nor disagreed when asked about their understanding of EU marketing standards commented that labelling according to the marketing standards should be visible to the end-user, which would require making it mandatory in supermarkets and restaurants, but it is not clear whether the respondent’s comments refer specifically to the EU marketing standards criteria, or more generally to consumer information rules. A few asked for clear labels on products to help consumers in their purchasing choices (e.g. sustainability, traceability).

Table 1: Understanding of marketing standards and trust in public authorities (respondents answering in personal capacity)

<table>
<thead>
<tr>
<th>I understand what EU marketing standards for fishery products are</th>
<th>1 - strongly disagree</th>
<th>2 - disagree</th>
<th>3 - neither agree nor disagree</th>
<th>4 - agree</th>
<th>5 - strongly agree</th>
<th>Don't know</th>
<th>Total Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - strongly disagree</td>
<td>2</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 - disagree</td>
<td>1</td>
<td>2</td>
<td>5</td>
<td>1</td>
<td>2</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>3 - neither agree nor disagree</td>
<td>1</td>
<td>5</td>
<td>6</td>
<td>1</td>
<td>13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 - agree</td>
<td>1</td>
<td>6</td>
<td>6</td>
<td>16</td>
<td>4</td>
<td>33</td>
<td></td>
</tr>
<tr>
<td>5 - strongly agree</td>
<td>2</td>
<td>5</td>
<td>4</td>
<td>6</td>
<td>17</td>
<td></td>
<td></td>
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<tr>
<td>Don't know</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Result</td>
<td>5</td>
<td>13</td>
<td>27</td>
<td>28</td>
<td>15</td>
<td>1</td>
<td>89</td>
</tr>
</tbody>
</table>
3. **Statistical Analysis**

For statistical analysis, all respondents, whether answering in personal or professional capacity, are treated as a single batch, thus allowing an analysis of trends from the sample of 155.

**Consumption of seafood**

It is clear that appearance and origin are the most important criteria when buying fresh seafood products for most respondents (see the figure below). Size and, notably, price are less important.

Only two respondents provided other criteria: the sanitary conditions for bivalve molluscs and species being on the WWF Fish Guide.

**Figure 4: Criteria when buying fresh seafood products**

*Question: What do you look at the most when you buy fresh seafood products? [criterion]*

The respondents were the most satisfied with the quality of fresh seafood in their countries, but most had doubts about the sustainability of fresh and canned seafood. The majority felt that information on seafood quality was not easily accessible.

**Figure 5: Assessment of seafood quality**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>5 - strongly agree</th>
<th>4 - agree</th>
<th>3 - neither agree nor disagree</th>
<th>2 - disagree</th>
<th>1 - strongly disagree</th>
<th>Don't know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessible information on seafood quality</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Sustainable source of canned seafood in EU</td>
<td></td>
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<td></td>
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<tr>
<td>Sustainable source of canned seafood in my country</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Sustainable source of fresh seafood in EU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sustainable source of fresh seafood in my country</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fresh seafood available in EU is good</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fresh seafood available in my country is good</td>
<td></td>
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</tbody>
</table>
Questions: To what extent do you agree or disagree with the following statements?: Fresh seafood available in my country/ in the EU is of good quality; Fresh seafood available in my country/ in the EU comes from sustainable fishery and aquaculture; Canned seafood available in my country/ in the EU comes from sustainable fishery and aquaculture; Information on seafood products quality is easily accessible

When asked about the trust in various actors in ensuring that seafood is up to a standard, most respondents supported standardisation and did not trust points of sales to ensure this without standards. In landlocked countries in particular, no respondent agreed that they trusted the points of sales to ensure the quality of seafood products. Public authorities were trusted more to control the implementation of the standards than private certification bodies.

**Figure 6**: Trust in various actors

![Trust in various actors chart](chart)

Questions: To what extent do you agree or disagree with the following statements?: I trust the points of sales to be able to assess the quality of fresh fish without relying on standard definitions; I trust public authorities to control the implementation of marketing standards & I trust private certification bodies to control the implementation of marketing standards (e.g. national organisations for standardisation, ISO, etc.)

**Effectiveness of the criteria**

In a series of questions, the respondents were asked to indicate how useful the EU marketing criteria for fresh (size and freshness) and preserved products (detailed description of commercial presentation, culinary presentation, weight post-sterilisation) were. Very few respondents answered negatively about the usefulness of the criteria, but the number of respondents who did not know or were neutral about them was significant. Overall, the standards criteria for fresh products are considered useful by a larger number of respondents. Among respondents from the fishery and aquaculture sector and dealing with canned bonitos/tunas or sardines in their work, 13 out of 17 found at least one criteria useful (with the weight ratio being the criteria considered as most useful), 3 did not know or had a neutral opinion and one respondent answered that none of the criteria were useful. Among respondents from the fishery and aquaculture sector and dealing with fresh products covered by marketing standards in their work, 27 out of 38 found at least one
criteria useful (with slightly better grades for freshness than size), 3 had a neutral opinion and 7 answered that the criteria were not useful.

**Figure 7: Usefulness of the marketing standards**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>5 - very useful</th>
<th>4 - rather useful</th>
<th>3 - neutral</th>
<th>2 - rather not useful</th>
<th>1 - not at all useful</th>
<th>Don't know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weight post sterilisation : net weight</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Culinary preparation</td>
<td></td>
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<tr>
<td>Detailed description of commercial presentation</td>
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<tr>
<td>Freshness</td>
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<td></td>
<td></td>
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<tr>
<td>Size</td>
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</table>

Questions: In your view, how useful are the criteria used for EU marketing standards for fresh products? [criterion] & In your view, how useful are the criteria used for EU marketing standards for preserved products? [criterion]

When asked about the impacts of the EU marketing standards, ‘harmonisation of trade description and composition provision for preserved products’ and ‘protect consumers against the marketing of products unfit for consumption’ were the effects that most respondents agree with. Then came ‘improve quality’, ‘avoid fraudulent practices’ and ‘fair competition in the EU’. The opinion of respondents on sustainability of seafood products was more mitigated and the contributions that respondents agreed the least with were ‘level-playing field between EU and non-EU products’ and ‘profitability of the EU producers’. Answers from professionals of the fishery and aquaculture sector were similar to those provided by the whole sample. They considered that EU marketing standards contributed first to protect consumers against products unfit for consumption (47 out of 53 respondents), then to improve quality, harmonise descriptions for preserved products and avoid fraudulent practices (respectively 38, 38 and 37 answers out of 53), then to ensure fair competition between EU products. Answers were more mitigated regarding the contribution of EU marketing standards to the sustainability of seafood products (29 respondents agree out of 53), the level-playing field between EU and non-EU products (28 respondents who agree) and the profitability of EU producers (26 respondents who agree).

**Figure 8: Contributions of the marketing standards**
Questions: To what extent do you agree or disagree with the following statements: EU marketing standards contribute to...? [options]

16% of respondents indicated there were other effects of the EU marketing standards. However, other effects mentioned were not always directly related to EU marketing standards. The respondents specified that other effects were:

- consumer awareness, trust between producers and consumers;
- industrial awareness and promotion of end-product strategies, vertical integration in value chain, better price transparency for intermediaries (and less waste generated in the process), better image and social acceptability of seafood and aquaculture products.
- bureaucracy and administrative burden (two responses),
- consumer indifference due to broad categories and confusion due to excess information;
- unequal competition: respondents from Italy, Spain (two responses) and Slovenia pointed out that stricter rules within the EU and difficulties in enforcing the same standards in third countries make competition unequal; weight and length confusion was also pointed out in response to this question by Belgian and Dutch respondents, the latter pointing out that the same fish could be discarded in Belgium and acceptable in the Netherlands.

Likewise, the difficulties in implementing or controlling the marketing standards often related to other aspects of the common fisheries policy, labelling rules or food law. Respondents mentioned:

- complexity (e.g. names, areas, methods),
- technology, distinctions among fishery and aquaculture products,
- lack of information about EU regulations, lack of country of origin and fishing gear labelling, lack of any kind of labelling for consumers in small shops (two similar responses); mislabelling origin (Romania), and even “blatant cheating”
- reluctance or lack of resources in the industry to implement them, lack of enforcement (including in third countries),
- price pressures;
- differences in application: issues with taxonomy (e.g. ‘white fish’ in Italy and ‘light tuna’, which does not correspond to any species, in Spain), loss of catch due to cross-country differences (again Belgium and the Netherlands, two responses), difficulties in determining the origin in territorial waters (two responses from Spain),

Answers about possible improvements were also primarily related to consumer information, labelling, sustainability and conservation issues rather than marketing standards themselves. The respondents suggested:

- Technological improvements: obligation of electronic communication on traceability, utilising internet of things to track freshness, using colour codes or third-party certification, One respondent pointed out that with technological improvements, freshness categories are becoming outdated.
- Increasing the transparency for consumers, especially with better information on the origin – including the case of processed products. Another respondent suggested including vernacular names in the labels, as scientific names can be confusing for consumers. One respondent suggested expanding the marketing standards to restaurants and requiring them to label whether fish was caught or farmed, and another one asked for preventing the use of antibiotics. Clear labelling of origin, gear/ method (five responses) and even transportation.
• Integrating more sustainability labelling, including energy efficiency labels, provisions against overfishing, information about fish stocks of the species and the impact of various transportation methods (“Fresh is not necessarily good for the environment, so do not spread this myth. Do not discount the value of properly frozen products”). One respondent suggested including information on labour standards, especially for products from non-EU countries. For another one, unfair competition from non-EU countries was also a major concern, and the respondent believed that this is where enforcement should be strengthened. Two called for preferential treatment of EU produce against non-EU.

• More harmonisation (EU and imported products), extension towards other products (“canned mackerel, smoked products, pickled or raw”, “bivalve molluscs, cephalopods, etc”).

• Three respondents, one from Belgium and two from Spain, called for deregulation, and one of them suggested “leaving the fishing sector itself to establish its rules of traceability and commercialization”, a proposal that many others consider would not create a level playing field.

• Better enforcement, veterinary controls, notably on non-EU imports.

• Harmonising with public policies and research policy.

Efficiency of the criteria

Over a third of the respondents thought it possible 1) to simplify freshness and size criteria without compromising the effectiveness of marketing standards; 2) to simplify freshness and size criteria to improve the effectiveness of marketing standards; and 3) to simplify EU marketing standards for preserved products without compromising their effectiveness. In each question, between a fifth and a fourth of them chose the ‘don’t know’ answer, and around one in five believed that such simplifications were not possible.

Most comments were related to EU marketing standards for fresh and chilled products, they included the following recommendations for simplification:

- Freshness criteria: refer to date of capture/slaughter and landing, plus maybe other relevant information, such as conservation methods (e.g; freezing, antibacterial mats, controlled atmospheres...), only refer to minimum criteria
- Size criteria: define only three categories: small, medium and large (possibly using a logo for each scale) and mention minimum size if applicable (in cm only);
- Define only minimum criteria and leave it to the market to define relevant segmentations;
- Avoid duplicate controls by different public authorities for the same matters;

The difficulty to manage two minimum size criteria, one expressed in weight and one in cm was highlighted by several respondents.

On the opposite three respondents recommended going beyond current EU marketing standards (for fresh and chilled products) by:

- Providing detailed technical sheets per species or group of species as for marketing standards for fruits and vegetables;
- Investigating and developing chemical parameters with objective values in order to reduce the subjectivity in current organoleptic tables;
- Expanding to more commercial species.

Other comments were more related to improving labelling and consumer information.
**Coherence with other EU rules**

The respondents could not say much about the coherence of the marketing standards and other standards. Very few of them tended to find them incoherent with any of them. The other standards mentioned were bio and organic standards, as well as BRC, IFS, EMAS, HACCP, MSC (most common), R (CE) 404/2011, AERNO Standard on Tuna from Responsible Fisheries in Spain, RSPCA, ASC, Global GAP, BAP, national standards, AMA Gütesiegel ISO 9001, ISO 9001:2015, QIM. They were either seen as complementary to the EU standards or the respondent did not know. Some respondents also mentioned internal or client-based, as well as national and regional standards. The EU standards were generally considered as a minimum common reference. Additional norms are derived from client relations (proximity, ‘culture’, ‘honesty’, ‘reputation’, sensory evaluation). One respondent mentioned good practices. The only contradicting standard was identified as “organic, short circuit, local production.”

**Figure 9 : Coherence with other standards**

![Coherence with other standards](image)

**Questions: To what extent are EU marketing standards for fishery products coherent with...?** [instrument]

**Comparison with alternative standards and norms**

Codes of practice were seen as the most possible ‘candidate’ to replace the EU marketing standards, but none of the options received 40% or more positive answers. The reasons why these could not replace EU standards had to do with:

- The cross-border nature of the fishery and aquaculture market, respondents doubted the objectivity of national standards and expected enforcement to be uneven if left to national authorities only. Regarding private standards, respondents pointed out the lack of trust in private businesses, susceptibility to downward price pressures, and limitations to specific market niches (e.g. private standards would be lacking in middle- and low-price range products). If there were a multitude of private standards, it would be confusing for the industry.

- Fair competition: without standards, the differences among countries could lead to discrimination and unfair disadvantage. National authorities are assessed to be more vulnerable to pressures for deregulation, and businesses are assessed to be mostly interested in profit margins rather than the wellbeing of consumers and fish stocks.

- Minimum standards: the common EU marketing standards do not preclude the Member States from setting stricter rules. Having EU standards makes it easier for non-EU suppliers to enter the EU market without the confusion of diverse national rules.
On the other hand, the following explanations were provided to support replacing EU standards with other instruments:

- Private and national bodies know the workings of the industry better.
- National norms would be stricter, whereas EU norms are influenced by business interests.
- National standards are sensitive to the local context.

**Figure 10**: What could replace EU marketing standards

<table>
<thead>
<tr>
<th>5 - strongly agree</th>
<th>4 - rather agree</th>
<th>3 - neither agree nor disagree</th>
<th>2 - rather disagree</th>
<th>1 - strongly disagree</th>
<th>Don't know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private standards</td>
<td>Codes of practice</td>
<td>National standards</td>
<td></td>
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</tbody>
</table>

**Question**: Do you agree or disagree that the following rules could replace EU standards with the same results for operators?: [options]

**Possible extension of the scope of EU marketing standards**

The respondents were overwhelmingly supportive of expanding them, especially for aquaculture. Comments show, however, that what is expected is not necessarily to expand current rules to other products. Instead, common definitions and rules should be established in a more general way in order to guarantee minimum quality for consumers across the EU, protect EU producers from unfair competition, in particular from non-EU producers, increase transparency among stakeholders, contribute to better-quality products and therefore increased added-value, and increase sustainability. A few respondents stressed however that common standards should leave enough flexibility to adapt to the specific needs of national and local markets. The respondents who believed that marketing standards should be expanded tended to say they should encompass all the categories. One respondent also highlighted that the categories currently not covered represented a significant share of the market and were for a large part, imported from non-EU countries. Some of the comments were more related to labelling and consumer information rules than actually to establishing common standards and definitions (e.g. information on origin, production methods, etc. for processed and frozen products). Other comments were more related to establishing common rules on certain processing methods, such as glazing, water injection, use of phosphates and citric acids. Respondents who were against expanding marketing standards generally argued that there were already a lot of rules and norms in place (in particular for aquaculture), that contexts and markets were very different among EU MS.
Figure 11: Support for extending marketing standards

Question: To what extent would you support the establishment of common marketing standards for: [option]

Conclusion

Overall, the respondents were rather supportive both of the continuation of the current EU marketing standards and their further expansion. Most of them recognised that fisheries and aquaculture are transnational, and a patchwork of national or private frameworks can and does distort competition and threaten sustainability. Their main concerns tended to be insufficient enforcement, lack of flexibility and up-to-date definitions, and coherence with industrial practices (e.g. the use of weight vs length).

Sustainability, transparency and fair competition emerged as key drivers of the generally favourable view of standardisation. Although some mentioned that relationships across the supply chain work better than top-down norms, the survey shows that points of sales are less trusted than public authorities. Lack of clarity, harmonisation and enforcement may mean that seafood generated from unsustainable and deceptive practices can enter the market and challenge norm-abiding businesses. Moreover, transparency for the end-user was strongly encouraged.