

EVALUATION AND FITNESS CHECK (FC) ROADMAP			
TITLE OF THE EVALUATION/FC	Evaluation of marketing standards (contained in the CMO Regulation, the "breakfast directives" and CMO secondary legislation)		
LEAD DG RESPONSIBLE UNIT	AGRI – C.4	DATE OF THIS ROADMAP	28/06/2017
TYPE OF EVALUATION	[Select the category that applies from each line]  Evaluation,  Interim,	PLANNED START DATE	Q4 2017
		PLANNED COMPLETION DATE	Q4 2018
		PLANNING CALENDAR	<a href="http://ec.europa.eu/smart-regulation/evaluation/index_en.htm">http://ec.europa.eu/smart-regulation/evaluation/index_en.htm</a>
<b>This indicative roadmap is provided for information purposes only and is subject to change.</b>			

A. Purpose
(A.1) Purpose
<p><i>The reformed Single Common Market Organisation, operational since 2014, includes marketing standards by sectors or products. Those standards are a part of the agricultural product quality policy. Their purpose is to take into account the expectations of consumers and to contribute to the improvement of the economic conditions for the production and marketing of agricultural products and their quality (rec. 65, Reg 1308/2013).</i></p> <p><i>The objective and scope of marketing standards related to agricultural product quality policy, has been defined as follows: "Marketing standards should apply to enable the market to be easily supplied with products of a standardised and satisfactory quality, and in particular should relate to technical definitions, classification, presentation, marking and labelling, packaging, production method, conservation, storage, transport, related administrative documents, certification and time limits, restrictions of use and disposal." (Rec 71 Reg 1308/2013).</i></p> <p><i>Marketing standards established by the so called "Breakfast Directives" have been justified by the fact that differences between national laws could lead to unfair competition, mislead consumers, and thereby have a direct adverse effect on the establishment and functioning of the common market. (whereas (3) of Dir 2001/112; whereas (2) of Dir 2001/110, 111, 113 and 114; )</i></p> <p><i>The purpose of this evaluation is to determine to what extent the EU marketing standards for food products:</i></p> <ul style="list-style-type: none"> <li>- <i>are delivering to achieve the fixed objectives;</i></li> <li>- <i>are useful in this sense for the stakeholders (consumers, producers, traders, packers, retailers).</i></li> </ul> <p><i>The evaluation should also assess the need and direction of changes in order to improve the application of the marketing standards.</i></p> <p><i>The evaluation will examine the effectiveness, efficiency, relevance, coherence and EU added value of marketing standards in order to:</i></p> <ul style="list-style-type: none"> <li>- <i>Support the management of the measures related to marketing standards policy;</i></li> <li>- <i>Enhance accountability; and</i></li> <li>- <i>Improve the application of this policy</i></li> </ul> <p><i>The results of the evaluation might serve as a basis for the reflection on the need for regulatory changes related to marketing standards.</i></p>
(A.2) Justification
<p><i>Marketing standards so far have not been subject to a horizontal and comprehensive evaluation. This evaluation study will contribute to fulfil a performance check required in the Commission's policy making cycle.</i></p> <p><i>In accordance with the better regulation requirements, the evaluation should help to assess the coherence between the various pieces of legislation drafted at different times and conditions as well as to identify potential</i></p>

for simplification.

It will also contribute to policy making and reflection and might result in adjustments of this policy. Depending on the conclusions reached and the required follow up, its results might feed into a Commission report to the EP and to the Council which according to Article 75.6 of Regulation 1308/2013 is required before any change in the list of products covered by marketing standards.

## B. Content and subject of the evaluation

### (B.1) Subject area

*This evaluation covers marketing standards which are a part of EU agricultural product quality policy, and are underpinned by the following legal acts:*

#### 1) The Common Market Organisation (CMO)

*Regulation 1308/2013 of the Council and European Parliament includes a specific Chapter (Part II, Title II, Chapter I, Section 1) regrouping in particular marketing standards for: olive oil and table olives; fruit and vegetables; processed fruit and vegetable products; bananas; live plants; eggs; poultry meat; spreadable fats intended for human consumption and hops.*

*It lays down rules concerning marketing standards divided between:*

- *obligatory rules, and*
- *optional reserved terms. (Art 73 – scope)*

#### 2) The Commission Regulations

*Agricultural rules on marketing standards are currently defined by the following Commission Regulations:*

- *Olive Oil – Commission Implementing Regulation 29/2012, 2568/91*
- *Fruits and vegetables & processed fruits and vegetables – Commission Implementing Regulation 543/2011 and Commission Regulation 1666/1999;*
- *Bananas – Commission Implementing Regulation 1333/2011;*
- *Eggs – Commission Implementing Regulation 589/2008;*
- *Hatching eggs – Commission Implementing Regulation 617/2008;*
- *Poultry meat – Commission Implementing Regulation 543/2008;*
- *Bovine meat – Commission Implementing Regulation 566/2008;*
- *Hops – Commission Regulation 1850/2006 (for certification of hops);*
- *Spreadable fats, milk products – Commission Regulation 445/2007.*

#### 3) "Breakfast Directives" and Regulation on food information to consumers (Regulation 1169/2011)

*Seven so called "Breakfast Directives" establish rules on description, definition and characteristics of certain products as well as their labelling. They concern:*

- *Coffee and chicory extracts (Directive 1999/4/EC);*
- *Cocoa and chocolate products (Directive 2000/36/EC);*
- *Sugars intended for human consumption;(Directive 2001/111/EC);*
- *Fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption (Directive 2001/113/EC);*
- *Dehydrated milk (Directive 2001/114/EC);*
- *Fruit juices (Directive 2001/112/EC);*
- *Honey (Directive 2001/110/EC).*

(B.2) Original objectives of the intervention

*Marketing standards were adopted for different products/sectors at different times and conditions.*

*1) The objectives of marketing standards are spelt out in the recitals of the Regulation 1308/2013 and its article 75.2 in the following way:*

- contribute to improve the economic conditions for production and marketing. This includes providing a level playing field for producers and operators*
- contribute to improve the quality of such products in the interest of producers, traders and consumers;*
- taking in this way into account the expectations of consumers (it is in their interest to receive adequate and transparent product information – Art 75.5.b of 1308/2013);*
- should apply to enable the market to be easily supplied with products of a standardised and satisfactory quality*

*2&3) As to the Commission Regulations (2) and "Breakfast Directives" (3), they have been drafted on a case by case basis with specific justification provided for each act. They aim at better informing the consumer about the concerned products and their characteristics and to ensure fair trade practices.*

(B.3) How the objectives were to be achieved

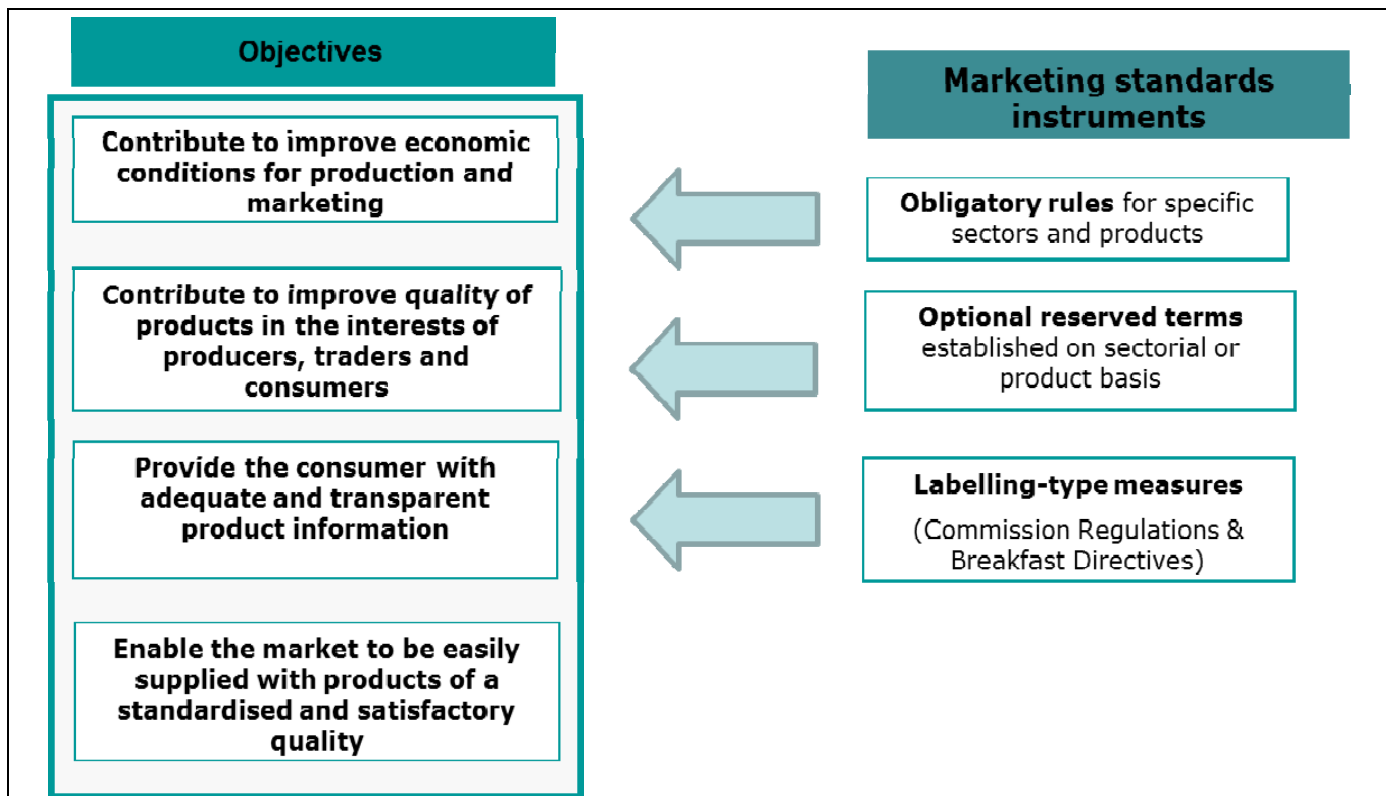
*1) The objectives of marketing standards defined under Regulation 1308/2013 are spelt out in its recitals and cited in section B.2 of the roadmap.*

*As to the way how marketing standards should contribute to the achievement of the objectives of the policy, this is outlined in Article 75 of Regulation 1308/2013. Article 73 of the same Regulation specifies that marketing standards rules shall be divided between:*

- obligatory rules for specific sectors and products*
- optional reserved terms established on sectorial or product basis*

*Rules for marketing standards do not concern all agricultural produce. The concerned sectors and products are listed in Regulation 1308/2013.*

*2&3) As to the Commission Regulations (2) and "Breakfast Directives" (3), they were drafted on a case by case basis according to particular needs identified for certain sectors or products. They contain definitions and labelling type measures. They serve the objective of avoiding unfair competition in the single market and of better informing the consumer about the characteristics of products concerned.*



### C. Scope of the evaluation/FC

#### (C.1) Topics covered

*The evaluation covers marketing standards as defined by the legal acts described in the section B.1 of the roadmap:*

- *Regulation 1308/2013*
- *Commission Regulations*
- *"Breakfast Directives"*

*As the range of relevant legal acts is very broad, the evaluation should, for certain aspects, focus on a selection of measures or sectors. The measures and issues to be examined will be selected by the Commission services and listed in the tender specifications. The evaluation will include several case studies illustrating certain specificities of the chosen sectors.*

*All Member States will be covered.*

*The evaluation will be limited to the effects of the policy on the internal market.*

*The wine sector will not be treated by the evaluation as its specificities are only partially covered by the concerned legislation.*

#### (C.2) Issues to be examined

*Starting from a theory-based analysis of the marketing standards, detailed intervention logic should be developed demonstrating the relevant linkages between the objectives of the policy and its measures.*

*The assumptions underlying the intervention logic will be tested using a combination of evaluation tools based on evidence collected from different sources.*

*The evaluators should back their findings with quantified evidence, indicating any limitations of the value or soundness of the results obtained and supporting the quantitative evidence collected with a well-reasoned qualitative answer assessment.*

The following aspects need to be addressed during the evaluation:

#### **Effectiveness**

*To what extent the current framework of marketing standards has been successful in contributing to the achievement of the objectives of quality policy by:*

- Contributing to give a fair return to farmers and producers reflecting the agricultural product quality;
- Helping the consumers to receive reliable information on agricultural product characteristics and farming attributes

To what extent the current framework of marketing standards has been successful in achieving the objectives of the marketing standards policy:

- Contributing to improve the economic conditions for production and marketing, in particular creating a level playing field for producers and operators;
- Contributing to improve the quality of such products in the interest of producers, traders and consumers;
- Meeting the expectations of consumers of receiving adequate and transparent information as a product description tool;
- Enabling the market to be easily supplied with products of a standardised and satisfactory quality.

Has the fact of replacing specific marketing standards for 26 types of fresh fruit and vegetables by a general marketing standard altered the effectiveness of the policy? If yes, in which way?

### **Efficiency**

To what extent the following incurred costs are justifiable and proportionate to the benefits achieved:

- Cost and usefulness of labelling requirements;
- Cost of compliance with marketing standards for Member States and for food business operators.

### **Coherence**

To what extent the various instruments of Marketing Standards policy provide for an internally coherent intervention?

To what extent are they coherent with other EU rules (e.g. EU rules on food safety, geographical indications or organic products)?

To what extent are EU instruments coherent with international marketing standards (Codex, UNECE, etc) as well as with private marketing standards?

### **Relevance**

To what extent the existing marketing standards framework corresponds to the actual needs of stakeholders?

### **European added value**

To what extent separate EU Marketing Standards are justifiable and provide added value in addition to international marketing standards (Codex, UNECE, etc) and the applicable private standards?

Are public standards a pre-condition for the system of applicable private standards?

The above aspects might be further detailed in the methodology to be prepared by the evaluators for this assignment.

(C.3) Other tasks

## **D. Evidence base**

(D.1) Evidence from monitoring

The evaluation will use data from Member states' reports regarding Fruit and vegetables' and olive oil's marketing standards controls as well as the available evidence for the other sectors/products.

(D.2) Previous evaluations and other reports

The following relevant evaluations and reports previously conducted can provide input to this evaluation:

- Study on marketing standards in the fruit and vegetable sector:

[http://ec.europa.eu/agriculture/sites/agriculture/files/external-studies/2010/fruitveg-markets/fulltext\\_fr.pdf](http://ec.europa.eu/agriculture/sites/agriculture/files/external-studies/2010/fruitveg-markets/fulltext_fr.pdf)

- Evaluation of the market implication of veal and young cattle meat marketing standards (final doc September 2014):

[http://ec.europa.eu/agriculture/evaluation/market-and-income-reports/veal-marketing-standards-2014\\_en.htm](http://ec.europa.eu/agriculture/evaluation/market-and-income-reports/veal-marketing-standards-2014_en.htm)

(D.3) Evidence from assessing the implementation and application of legislation (complaints, infringement

procedures)
<i>Relevant infringements and complaints.</i>
(D.4) Consultation
<p><i>The aim of the envisaged consultation is to gather information and feedback from the relevant stakeholders and wider public opinion in relation to the effects of EU marketing standards. In the context of the external study work, consultation activities will target the following main stakeholders: consumers, producers, traders and relevant Member States authorities. These consultation activities will take the form of workshops, surveys and interviews.</i></p> <p><i>Relevant Civil Dialogue Groups (such as on Horticulture or Animal Products) gathering civil society representatives will be consulted on the implementation and results of the EU marketing standards.</i></p> <p><i>In parallel, during the works on the evaluation, an open, internet-based public consultation will be conducted in relation to practical experience with the implementation and effects of the EU marketing standards, within the 1<sup>st</sup> quarter of 2018. This consultation will be made available on the Public consultations website<sup>1</sup> in all official EU languages for 12 weeks. The questionnaire will be developed by the consultants working on the evaluation in cooperation with the evaluation Steering Group. Depending on the number of answers, its results will be processed either by the Commission services or by external consultants other than those working on the evaluation. The results will feed into the preparation of the Staff Working Document.</i></p> <p><i>At the end of the consultation work, an overall synopsis report will be drawn up covering the results of the different consultation activities that took place. It will be made available on the consultation website<sup>2</sup>.</i></p>
(D.5) Further evidence to be gathered
<i>Further country specific evidence will be gathered through case studies as part of the present evaluation.</i>

<b>E. Other relevant information/ remarks</b>

<sup>1</sup> [http://ec.europa.eu/info/consultations\\_en](http://ec.europa.eu/info/consultations_en)

<sup>2</sup> [http://ec.europa.eu/agriculture/consultations/public/index\\_en.htm](http://ec.europa.eu/agriculture/consultations/public/index_en.htm)