

# The impact of the legal framework on the seafood sector

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# Agenda

- Institutions - the legal institutional framework for business
- Legal framework and the Canvas model
- 3 examples of legal framework impacting new businesses

## Conclusions:

- Recognise and know the relevant institutions and their rules and forms of policing in relation to your business
  - The institutions is the framework or context your business will have to operate under - and influence
- The legal framework is decisive
  - harmonising at international and EU level and still national and regional differences
  - > Be aware of the legal framework in your specific context

# Institutions coordinates behaviour in society

- Society need to have mechanisms to coordinate behaviour
  - To create and re-create social order
  - Avoid the chaos – if everybody follow their own short term interest
- Behaviour is formed by the institutional framework - which is created by the sum of individuals – a dialectic interaction.
- D. North: Football analogy
- <https://youtu.be/7vpG6w5mAOU>



# Aspects of “institutions”

- Routines and institutionalised behaviour makes life easier for the actors in the social life
  - Reduces the complexity in the interactions
- Regulative institutions: Formal sanctioned rules
  - Legal rules
  - Policing – courts
  - Fees - prisons



# Aspects of "institutions"

- Cognitive institutions: Shared understanding of the world – what is reality? - e.g. shared within a certain profession
- Conventions coordinates behaviour via regularities/rules e.g. a languish
- Normative institutions: A set of norms for what is the "acceptable"

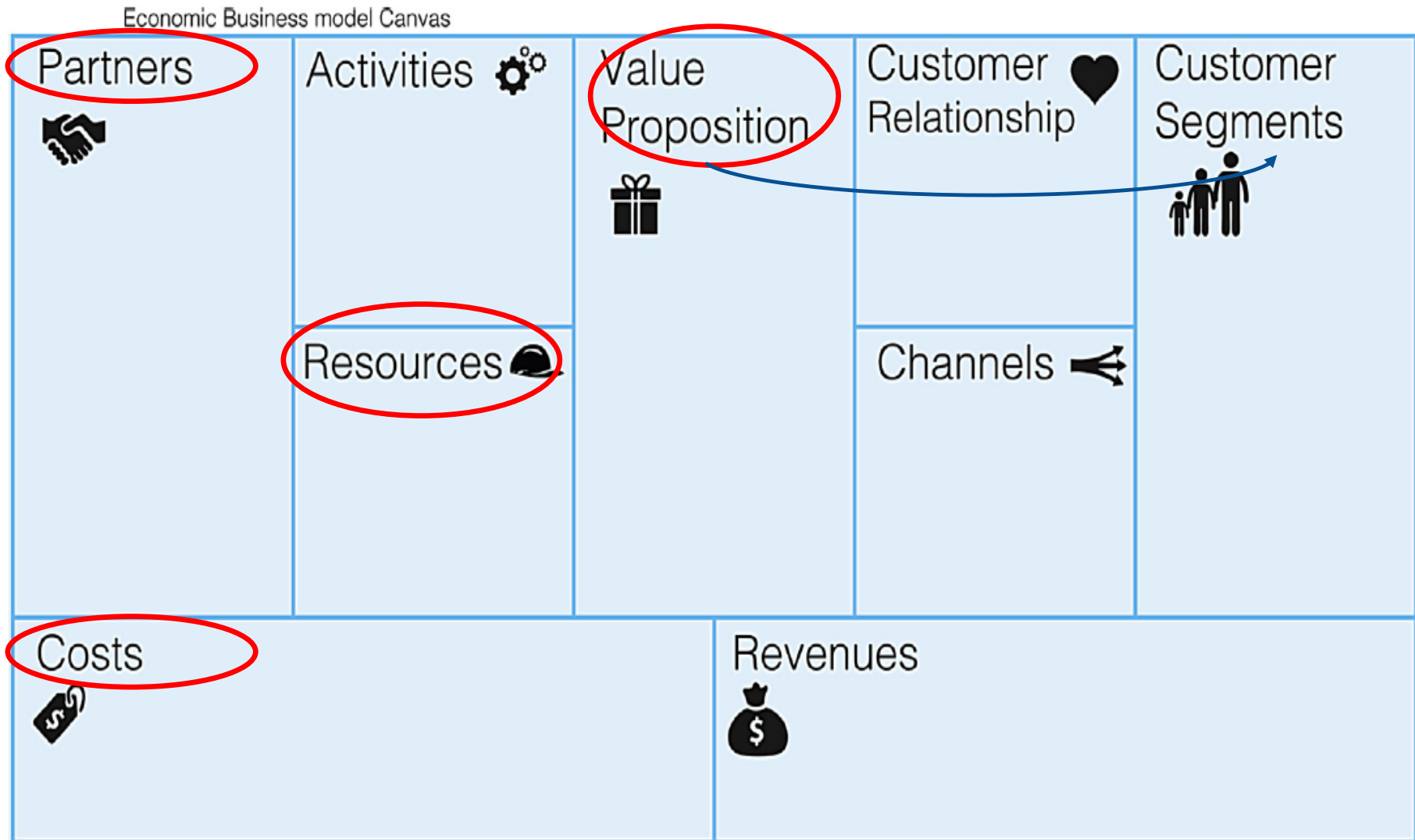




# Legal framework and competitiveness

- Barrier
- Cost – in time and money
- Game stopper
  
- Creation of a level playing field
- A (relative) stabile business climate
- Setting the “rules of the game”
  - To follow and/or consciously disrupt

# Legal framework and the canvas model



# Overview of legislation (attempt)

Governance level/policy area	Business	Environment/health	Social
Supranational	WTO (Duties)		
EU	EU-third party agreements - CETA  - TTIP    - EEA	CFP - Common Fisheries Policy WFD - Water Frame directive MSFD - Marine strategy Framework directive MSP - Marine Spatial Planning directive Health regulation (import)	Free movement of lab. - inter EU/EU external
National/local	National limitation on export of raw material Quota allocation	National implementation of the EU directives/policies Aquaculture sites: site allocations, licenses for water,	Non-EU labour reg. Labour market agreements/laws



## Other important legal framework

- European Maritime and Fisheries Fund. Support for developing of the fisheries sector. National priorities – go from the EU homepage:
  - [https://ec.europa.eu/fisheries/cfp/emff\\_en](https://ec.europa.eu/fisheries/cfp/emff_en)
- More general innovation funding from EU:
  - [https://ec.europa.eu/growth/industry/innovation/funding\\_en](https://ec.europa.eu/growth/industry/innovation/funding_en)
- EU regulation of ports – including links to legislation
  - [https://ec.europa.eu/transport/modes/maritime/ports/ports\\_en](https://ec.europa.eu/transport/modes/maritime/ports/ports_en)

## 3 examples to illustrate the legal framework

- Upscaling herring processing Denmark
  - Fish sourcing (including import), regulation of processing plant and value chain norms
- Aquaculture production in Spain
  - Establishing production, operation and export
- Import of pangasius to EU
  - Import MAdB and health – brief – More later



# Danish herring processor - upgrading

## Ressources



North Atlantic stocks –  
several countries.

N: Auction by law

DK: No regulation

Iceland:

From 15 February to 15

June: Free.

- rest: WTO tariff quota

## Processing



Working conditions and  
salaries:

Laws/agreements?

Recruitment:  
national/international?

Environmental  
regulation, sewage,  
energy etc.

## Product



Supplementing primary  
processing with end  
user products

## Customers /market



Bulk production AND  
final products?

Value Chain norms:  
compete with your  
customer?

Market niches etc:  
- Wednesday and  
Thursday



# Aquaculture in Spain – Sea bass

## Establishing plant



### National ownership

#### Inland:

- Occupation of public water area
- Construction permit
- Aut. For operation of aquaculture facility
- Environmental impact assessment

#### Marine:

- Concession public shoreline
- Intake and discharge of water

## Operation



#### Operate:

Hatchery/feeding plants – sea cages

Environmental regulation, sewage, energy etc.

## Market

Home/EU market

Anti-trust regulation – competition regulation

Anti dumping

# Import from 3. countries – Pangasius, Vietnam

Import

EU Import  
regulation

Packaging  
and selling

Food security regulations

Import duties



<http://madb.europa.eu/madb/indexPubli.htm>

Plan B



# Import of pangasius:

- 0302 72 00 Fish, fresh or chilled, *excluding fish fillets and other fish meat of heading* 8 %
- 0304 32 00 Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen: 9 %
- 0304 51 00 Filets, fresh or chilled: 8 %
- 0304 62 00 Frozen fillets 9 %
- Other frozen: 304 93 10: Surimi 14,2 %, 0304 93 90 other 8 %
- 0305 31 00. Fish fillets, dried, salted or in brine, but not smoked: 16 %
- 0305 52 00. Dried fish, other than edible fish offal, whether or not salted but not smoked: 12 %
- 0305 64 00 Fish, salted but not dried or smoked and fish in brine, other than edible fish offal: 12 %



# Sum up framework:

- Establishing:
  - National/local licenses and permits to operate
- Operation:
  - Social/labour regulations, environmental regulation and health/food security
- Trade regulations:
  - Import/export to/from EU, including health/food security
- Market:
  - Regulation of competition
- The value chain norms and conventions....

# Conclusion:

- Recognise and know the relevant institutions and their rules and forms of policing in relation to your business
  - The institutions is the framework or context your business will have to operate under - and influence
- The legal framework is decisive
  - harmonising at international and EU level and still national and regional differences
  - > Be aware of the legal framework in your specific context
- The examples illustrates possible legal issues to take into consideration



## Links:

- European Commission – DG Trade: Market Access Database:

<http://madb.europa.eu/madb/indexPubli.htm>

- import and export, duties and other restrictions

- The PrimeFish deliverable 3.2:

[http://www.primefish.eu/sites/default/files/D3\\_2\\_Market\\_institutional\\_analysis.pdf](http://www.primefish.eu/sites/default/files/D3_2_Market_institutional_analysis.pdf)





Thanks for your attention

–questions and discussion

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# PLAN B – EU MARKET ACCESS DATABASE – [madb.eu](http://madb.eu)



## TRADE

### Market Access Database

[European Commission](#) > [Trade](#) > [Market Access database](#) > [EU Tariffs](#)

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This section provides information on tariffs and other import measures applied to a given product imported into the EU.

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Find the product code

pangasius

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| + Textiles and textile articles   | SECTION XI (50 - 63)   |
| + Footwear, headgear, umbrellas, sun umbrellas, walking sticks, seat-sticks, whips, riding-crops and parts thereof; prepared feathers and articles made therewith; artificial flowers; articles of human hair | SECTION XII (64 - 67)  |
| + Articles of stone, plaster, cement, asbestos, mica or similar materials; ceramic products; glass and glassware  | SECTION XIII (68 - 70) |
| + Natural or cultured pearls, precious or semi-precious stones, precious metals, metals clad with   | SECTION XIV (71)       |



Find the product code

pangasius

Search

Browse nomenclature

Search results

Showing 15 results for "pangasius"

Sort by:

Code

Description

Relevance

Tilapias (*Oreochromis* spp.), catfish (*Pangasius* spp., *Silurus* spp., *Clarias* spp., *Ictalurus* spp.), carp (*Cyprinus* spp., *Carassius* spp., *Ctenopharyngodon idellus*, *Hypophthalmichthys* spp., *Cirrhinus* spp., *Mylopharyngodon piceus*, *Catla catla*, *Labeo* spp., *Osteochilus hasselti*, *Leptobarbus hoeveni*, *Megalobrama* spp.), eels (*Anguilla* spp.), Nile perch (*Lates niloticus*) and snakeheads (*Channa* spp.), excluding edible fish offal of subheadings 0302 91 to 0302 99

03 02 710000 - 790000

*Live animals; animal products | Fish and crustaceans, molluscs and other aquatic invertebrates | Fish, fresh or chilled, excluding fish fillets and other fish meat of heading 0304*

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#### Catfish (*Pangasius* spp., *Silurus* spp., *Clarias* spp., *Ictalurus* spp.)

03 02 720000

*Live animals; animal products | Fish and crustaceans, molluscs and other aquatic invertebrates | Fish, fresh or chilled, excluding fish fillets and other fish meat of heading 0304 | Tilapias (*Oreochromis* spp.), catfish (*Pangasius* spp., *Silurus* spp., *Clarias* spp., *Ictalurus* spp.), carp (*Cyprinus* spp., *Carassius* spp., *Ctenopharyngodon idellus*, *Hypophthalmichthys* spp., *Cirrhinus* spp., *Mylopharyngodon piceus*, *Catla catla*, *Labeo* spp., *Osteochilus hasselti*, *Leptobarbus hoeveni*, *Megalobrama* spp.), eels (*Anguilla* spp.), Nile perch (*Lates niloticus*) and snakeheads (*Channa* spp.), excluding edible fish offal of subheadings 0302 91 to 0302 99*

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Tilapias (*Oreochromis* spp.), catfish (*Pangasius* spp., *Silurus* spp., *Clarias* spp., *Ictalurus* spp.), carp (*Cyprinus* spp., *Carassius* spp., *Ctenopharyngodon idellus*, *Hypophthalmichthys* spp., *Cirrhinus* spp., *Mylopharyngodon piceus*, *Catla catla*, *Labeo* spp., *Osteochilus hasselti*, *Leptobarbus hoeveni*, *Megalobrama* spp.), eels (*Anguilla* spp.), Nile perch (*Lates niloticus*) and snakeheads (*Channa* spp.), excluding edible fish offal of subheadings 0303 91 to 0303 99

03 03 230000 - 290000

*Live animals; animal products | Fish and crustaceans, molluscs and other aquatic invertebrates | Fish, frozen, excluding fish fillets and other fish meat of heading 0304*

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and Citharidae), excluding edible fish offal of subheadings 0302 91 to 0302 99

+ Tunas (of the genus <i>Thunnus</i> ), skipjack or stripe-bellied bonito ( <i>Euthynnus</i> ( <i>Katsuwonus</i> ) <i>pelamis</i> ), excluding edible fish offal of subheadings 0302 91 to 0302 99	03	02	310000 - 390000
+ Herrings ( <i>Clupea harengus</i> , <i>Clupea pallasii</i> ), anchovies ( <i>Engraulis</i> spp.), sardines ( <i>Sardina pilchardus</i> , <i>Sardinops</i> spp.), sardinella ( <i>Sardinella</i> spp.), brisling or sprats ( <i>Sprattus sprattus</i> ), mackerel ( <i>Scomber scombrus</i> , <i>Scomber australasicus</i> , <i>Scomber japonicus</i> ), Indian mackerels ( <i>Rastrelliger</i> spp.), seerfishes ( <i>Scomberomorus</i> spp.), jack and horse mackerel ( <i>Trachurus</i> spp.), jacks, crevalles ( <i>Caranx</i> spp.), cobia ( <i>Rachycentron canadum</i> ), silver pomfrets ( <i>Pampus</i> spp.), Pacific saury ( <i>Cololabis saira</i> ), scads ( <i>Decapterus</i> spp.), capelin ( <i>Mallotus villosus</i> ), swordfish ( <i>Xiphias gladius</i> ), Kawakawa ( <i>Euthynnus affinis</i> ), bonitos ( <i>Sarda</i> spp.), marlins, sailfishes, spearfish ( <i>Istiophoridae</i> ), excluding edible fish offal of subheadings 0302 91 to 0302 99	03	02	410000 - 490000
+ Fish of the families Bregmacerotidae, Euclichthyidae, Gadidae, Macrouridae, Melanonidae, Merlucciidae, Moridae and Muraenolepididae, excluding edible fish offal of subheadings 0302 91 to 0302 99	03	02	510000 - 590000
+ Tilapias ( <i>Oreochromis</i> spp.), catfish ( <i>Pangasius</i> spp., <i>Silurus</i> spp., <i>Clarias</i> spp., <i>Ictalurus</i> spp.), carp ( <i>Cyprinus</i> spp., <i>Carassius</i> spp., <i>Ctenopharyngodon idellus</i> , <i>Hypophthalmichthys</i> spp., <i>Cirrhinus</i> spp., <i>Mylopharyngodon piceus</i> , <i>Catla catla</i> , <i>Labeo</i> spp., <i>Osteochilus hasselti</i> , <i>Leptobarbus hoeveni</i> , <i>Megalobrama</i> spp.), eels ( <i>Anguilla</i> spp.), Nile perch ( <i>Lates niloticus</i> ) and snakeheads ( <i>Channa</i> spp.), excluding edible fish offal of subheadings 0302 91 to 0302 99	03	02	710000 - 790000
+ Other fish, excluding edible fish offal of subheadings 0302 91 to 0302 99	03	02	810000 - 890000
+ Livers, roes, milt, fish fins, heads, tails, maws and other edible fish offal	03	02	910000 - 990000
+ Fish, frozen, excluding fish fillets and other fish meat of heading 0304	03	03	000000
+ Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen	03	04	000000
+ Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; flours, meals and pellets of fish, fit for human consumption	03	05	000000

250

221






Megalobrama spp.)

 Eels (Anguilla spp.)

03 02 740000

 Other

03 02 790000

Other fish, excluding edible fish offal of subheadings 0302 91 to 0302 99

Livers, roes, milt, fish fins, heads, tails, maws and other edible fish offal

## EU Import duties

Origin	Measure Type	Tariff	Conditions	Footnote	EU Law
Any Country	Third country duty	8.00%			<a href="#">R1110060</a>
European Economic Area	Tariff preference	2.40%	<a href="#">Show</a>	CD303	<a href="#">D9400010</a>
Any Country	Import control - CITES		<a href="#">Show</a>	CD370	<a href="#">R1701600</a>

## Footnotes

Code	Description
CD303	The relief from or reduction of customs duties shall be subject to the specific request expressed by the declarant in box 44 "Additional information/Documents produced/Certificates and authorisations", of the Single Administrative Document (SAD)
CD370	If the product is mentioned in the list annexed to Regulation (EC) No 338/97 and its last amendments, an import authorization must be presented.

Source: [DG-TAXUD \(TARIC\)](#), last update 05 Jul 2018