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# COMMITTEE ON FISHERIES

## SUB-COMMITTEE ON FISH TRADE

### Sixteenth Session

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## MONITORING THE IMPLEMENTATION OF ARTICLE 11 OF THE CODE OF CONDUCT FOR RESPONSIBLE FISHERIES

### Executive Summary

This paper provides a summary of progress on implementing Article 11, Post-harvest Practices and Trade, of the Code of Conduct for Responsible Fisheries (the Code), and highlights areas where implementation poses a challenge for FAO Members.

### Suggested action by the Sub-Committee

- Provide guidance on how to strengthen and broaden implementation of Article 11 of the Code;
- Provide guidance on identifying areas where further work is required to improve the current questionnaire.

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## INTRODUCTION

1. The implementation of Article 11 by Members is monitored through a questionnaire, with a reporting system that moved to a web-based platform in 2015. This new on-line questionnaire is accessible through a dedicated portal on the FAO domain<sup>1</sup>, using unique usernames and passwords, and meets the necessary confidentiality, security and usability requirements.

2. The information in this paper has been collated and analysed based on self-assessment questionnaires completed and submitted on-line by FAO Members in the period between 20 February and 5 May 2017<sup>1</sup>.

3. Complete responses were received from 123 countries and from the European Union (Member Organization) (EU), responding in the name of its 28 Member States, totalling 151 countries, representing 77 percent of FAO Members.

Session	Responding members	Response rate
13 <sup>th</sup> Session - 2012	15 Members + 1 Member Organization	22% of FAO Members
14 <sup>th</sup> Session - 2014	88 Members + 1 Member Organization	60% of FAO Members
15 <sup>th</sup> Session - 2016	115 Members + 1 Member Organization	73% of FAO Members
16 <sup>th</sup> Session - 2017	123 Members + 1 Member Organization	77% of FAO Members

## QUALITY OF THE COMPILED QUESTIONNAIRES AND FURTHER IMPROVING THE REPORTING

4. On average, 94 percent of questions in the questionnaires submitted were answered, with the remaining 6 percent corresponding to “not applicable” replies (5 percent) or empty cells (1 percent).

5. The improved response rate and the completeness of the questionnaires, comments and data submitted constitute a very positive feedback with regard to the use of the on-line questionnaire and indicate a high level of interest and participation by Members.

6. The response rate within the different regions (percent of responding countries per region) was: 100 percent for North America, 81 percent for Near East, 79 percent for Latin America and the Caribbean, 78 percent for Africa, 74 percent for Asia, 64 percent for Europe<sup>2</sup> and 50 percent for South West Pacific.

7. The COFI Sub-committee on Fish Trade (COFI:FT) Secretariat is about to review the current questionnaire to make sure that this is clear and up-to-date. In particular, as suggested already by some Members, the following improvements are needed: to add more detail in the answering instructions, particularly in the benchmarking system, and to make sure the questions are clear and detailed.

## STRUCTURE

8. The questionnaire is subdivided into six sections:

- Section I - Responsible fish utilization
- Section II - Responsible international trade
- Section III - Laws and regulations relating to fish trade

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<sup>1</sup> The Questionnaire was circulated to all FAO Members (Government officials, FAO Country and Regional offices, Permanent Representatives, COFI and COFI:FT participants) on 20 February 2017. In the period between 20 February and 5 May 2017, “registration” and “submission” reminders were sent and support has been provided to the different countries to complete the questionnaire.

<sup>2</sup> The Europe region includes non-EU European countries and the EU itself, counted as one.

- Section IV - Emerging issues in the implementation of Article 11
- Section V - Current challenges
- Section VI - Additional comments

9. The first three sections request Members, through 29 different rating-scaled<sup>3</sup> questions, to report on the extent to which they had implemented measures relating to responsible fish utilization, responsible international trade and laws and regulations relating to fish trade.

10. The next three sections ask Members through five open-ended questions, to identify current challenges related to the implementation of Article 11 with regard to emerging issues, safety and quality assurance systems, post-harvest sector, international trade in fish and fisheries products, laws and regulations as well as an opportunity to provide additional comments.

### ANALYSIS OF THE RESPONSES

11. A detailed statistical analysis of responses to the rating-scale questions is available as COFI:FT/XVI/2017/Inf.9 to be read in conjunction with this document.

12. In general, Members, including several land-locked countries, reported a good level (3.45 on average) of compliance with the implementation of Article 11 and provided a good perspective on the global and regional situation of the post-harvest practices and trade sector, as well as key emerging issues, ongoing efforts and concerns.

13. In particular, implementation rates of measures related to the adoption of laws and regulations (3.62 on average), safety and quality assurance systems (3.54 on average) and international trade in fish and fisheries products (3.39 on average) seem to indicate the existence of an enabling institutional and technical environment at the global level.

14. Measures being implemented in the post-harvest sector (2.95) showed the lowest aggregate levels of implementation. In particular, the area reporting the lowest level of implementation is the effective monitoring and addressing of environmental impacts of post-harvest activities (2.51), followed by measures taken to assess and reduce post-harvest losses (2.82) and measures taken to promote value additions (2.89).

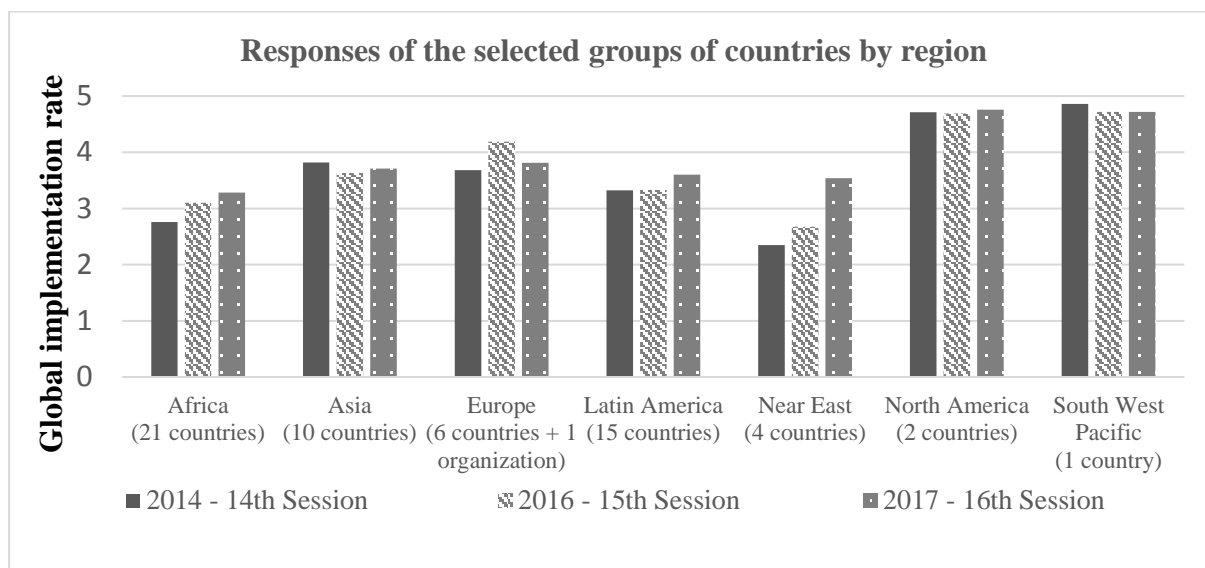
15. This is the fourth report prepared by the COFI:FT Secretariat on this subject. Due to the different response rates and composition of the responses (different countries replying), the table below compares and analyses the results of the last three editions only taking into consideration countries that have responded to the three of them (for a total of 59 Members + 1 Member Organization). The table provides an overview on how the global implementation of Article 11 has been reported by them during the years (simple averages), with possible responses ranging from 1 to 5.

Session	Global implementation rate
14 <sup>th</sup> Session - 2014	3.26
15 <sup>th</sup> Session - 2016	3.48
16 <sup>th</sup> Session - 2017	3.58

16. To further enrich the analysis, the graph below provides an overview on how these results have been reported at regional level.

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<sup>3</sup> Possible responses range from 1 (not implemented, or just started) to 5 (almost all is done, or complete). Not applicable (n/a) replies are also accepted, when the question does not apply to the national or sub-national context.



## CHALLENGES IN THE IMPLEMENTATION OF ARTICLE 11

17. A qualitative analysis of the open-ended responses received is provided below. The detailed comments that were received have been translated, summarized and reported below in order to highlight, as much as possible, areas where implementation of Article 11 poses a challenge for Members.

18. Members recognize the importance of fishery governance as the sum of the legal, social, environmental, economic and political arrangements used to manage fisheries, at the international, national and local levels. As such, they welcome Article 11 as an integral part of the Code covering all the different aspects related to post-harvest activities and as a means to improve practices, integrate social and environmental concerns associated with the post-harvest sector, support the sustainable, responsible and safe use of aquatic resources and, most of all, promote and protect human health.

19. The establishment of institutions, policies and processes is recognized and reported as fundamental for effective fisheries management, together with the need for multilateral engagement, cooperation, and harmonization of requirements.

20. The main issues reported at national level include the lack of resources, competencies and physical infrastructures and the complications arising from poor coordination and overlapping of roles and responsibilities among the different ministries/departments involved.

21. Most of Article 11 is implemented in many countries, although major issues and current challenges were reported, as summarised in the following sections.

### Current challenges related to quality and safety assurance systems

22. Many countries still lack national food safety and quality assurance systems and reported several efforts to review the structural, administrative and legal framework to promote the quality and safety of fish and fishery products along the value chain and to protect consumers' rights. In some cases, work is underway to upgrade and update national standards and legislation in order to comply with international requirements and Codex Alimentarius guidelines.

23. In many countries, food safety and quality systems are reported to be in place, but most of the time they are not sufficiently developed and/or systematically implemented due to budget constraints, absence of a competent authority, inadequate infrastructure and facilities (from on-board handling to transportation, markets, processing and storage) and lack of skilled operators/inspectors, especially for artisanal fisheries.

24. In particular, interruption and failure of the cold chain is one of the main factors reported affecting safety and quality together with the limited adoption of Standard Operating Procedures and Hazard Analysis and Control of Critical Point systems.
25. Most countries mentioned the high costs (from equipment to energy consumption) and difficulties (i.e. stable electricity supply) of developing and implementing quality and safety assurance operations, including control and surveillance systems, especially for small-scale fisheries.
26. The lack of investment and research in fish technology has been largely attributed to the absence of programmes (and incentives) to improve post-harvest handling and to the poor participation of private sector investors in the fisheries sector.
27. The absence of awareness programmes and appropriate training (from fishers to operators, inspectors and final consumers) in the fields of hygienic practices, safety and quality assurance, and minimum quality standards, was reported by almost all Members. Some Members mentioned the need to expand knowledge on good handling practices and to introduce modern post-harvest practices and services, mainly in artisanal and small-scale fisheries, to achieve proper conservation and increase safety and quality of fish and fishery products.
28. The issue of inadequate or ineffective laboratory services and facilities at national level to monitor the conditions/situation and prevent emerging risks related to seafood safety, was reported by many countries. Other issues reported include the weakness/absence of data management systems, the reliability of laboratory results, the effectiveness of analytical methods used and the sampling schemes applied.
29. Some countries reported the need to harmonize legal frameworks and standards within their countries in relation to the safety and quality assurance of fish and fish products, as different procedures and standards are reported to be applied within the same country to fish products destined to international markets and to those to be consumed domestically. Taking advantage of a weak sanitary control system for locally consumed/sold products, the handling and processing of fish is often carried out under poor hygienic conditions, resulting in unsafe and low quality fish and fishery products being supplied to the domestic market.

### **Current challenges in the post-harvest sector**

30. Inadequate expertise, equipment (freezing facilities on-board, landing services, refrigerated transportation) and infrastructure (roads, markets, storage structures) were reported by most countries as the main challenge in the post-harvest sector to guarantee the correct handling of a perishable product such as fish, especially for traditional fishing communities and small-scale fisheries.
31. Many countries reported on efforts to strengthen the operational, institutional and legal frameworks to improve the production, conservation, processing and marketing of fishery products. Challenges were reported in relation to improvement of cold chains, promotion of fish consumption, adoption of value-chain analysis, reduction of fraud, encouraging the use of by-catch and introducing new technologies to facilitate the production of value-added products in an environmentally sound manner.
32. Post-harvest losses were still reported as an issue by many countries in terms of quantifying losses along the fish supply chain from harvesting to consumption, diversifying processing techniques and improving understanding and knowledge on the impacts of post-harvest losses on the environment and the economics of operators.

33. Eco-labels and certification requirements were still reported as an issue as is the difficulty to achieve certification due to the complexity and variety of the existing standards (i.e. overlapping of compulsory and non-compulsory certificates). Despite that, Members seem to be aware of their importance in terms of sustainability and responsibility and as a marketing tool to add value to fish products.

34. Traceability of fish and fishery products is still not fully guaranteed in either fisheries or aquaculture, as reported by many Members. There is a recognized need to strengthen traceability systems, introduce catch documentation schemes and develop efficient strategies to verify fishery products throughout the supply chain to prevent illegal, unreported and unregulated (IUU) fishing at national and international levels. The challenge is mainly seen in small-scale fisheries and artisanal fisheries.

35. In terms of post-harvest knowledge, some countries reported the lack of data and capacities to investigate current challenges, future risks, trends and issues in the post-harvest sector in both capture fisheries and aquaculture. In particular, the need for assessing/reducing the environmental impact of fishing and practices continues to be reported as a challenge by many countries in the post-harvest sector, together with the lack of food safety monitoring systems.

36. In terms of sustainable fisheries management, most countries reported the lack of expertise and qualified human resources as the main challenges in measuring the environmental impact of fisheries and fishing activities and in calculating and mitigating the impact of climate change on fisheries, especially in relation to the small-scale sector. Another factor impacting the sustainability of fisheries operations was reported to be the inadequate regulatory framework to manage and control IUU fishing, which directly impacts efforts to optimize the sustainability of wild fish resources.

37. Regarding aquaculture, the high costs of the operations and the need for broodstock management were highlighted. In most cases, broodstock is not produced locally, which has an impact in terms of costs and adaptation to local conditions (exposing the stocks to repeated epidemic diseases).

### **Current challenges in international trade**

38. Almost all countries reported the lack of reliable market information and market intelligence and stressed the importance of this information (including trade and market information, price reports, procedures and documents required for custom clearance, import conditions, tariffs, trade barriers, rules of origin, fisheries statistics) to facilitate access to foreign markets, especially for artisanal and small-scale fisheries.

39. Some countries reported lack of proper infrastructure/facilities and necessary equipment to facilitate access to international markets. The high costs of transportation and communication, as well as the lack of funds for skilled human resources and investments in new technologies, are challenges reported.

40. Some countries highlighted the impact of fisheries subsidies on fisheries development. They reported subsidies as a significant problem not only because they contribute to overfishing, overcapacity and IUU fishing, but also because they create an advantage for some countries allowing them to operate with lower costs, which reflects in unfair competition and additional difficulties for all those countries not using subsidies.

41. IUU fishing was mentioned as an issue by several members, not only in relation to domestic fishing practices but also with respect to trade of IUU products. The need for strong cooperation between all States was recognised by many countries.

42. High tariffs for certain fish and fishery products, as well as price fluctuations, are also considered important issues. In addition, many countries perceive an increase of non-tariff barriers which has negative impacts on international trade, especially for smaller exporters.

43. As reported by most countries, certification and other requirements continue to represent one of the main challenges in terms of international trade in fisheries. Exporting countries are being asked to comply with an increasing number of unilateral fish and seafood market access measures and processes, which are rapidly and constantly changing. This is a problem for some developing countries, which have limited capacity to access, understand and comply with these standards and the often complicated documentation requirements.

44. Some countries reported the need for transparency of requirements and uniformed standards in the international definitions and multilateral agreements.

45. As reported by some countries, Sanitary and Phytosanitary (SPS) requirements for artisanal producers should be simplified when compared to the requirements applied to industrial producers.

46. Some countries highlighted that, in general, the sustainability requirements should be risk-based and not create unnecessary barriers to trade.

### **Current challenges in laws and regulations**

47. The importance of reviewing and expanding national laws and regulations to cover all the main actors and aspects of post-harvest activities (social dimension, economy of scale and environmental issues) and achieve full control of fish and fishery products and operations, was reported by many countries.

48. Some countries reported a lack of knowledge and capacity in the field of laws and regulations applied to safety and quality standards, SPS measures, IUU fishing and Codex Alimentarius, which makes the revision of the legal framework very challenging.

49. At national level, countries reported the significant challenge of poor coordination between different government agencies and departments concerned.

50. The importance of harmonizing national with international standards was reported by several Members, together with the need for strengthened coordination, multilateral engagement and cooperation between government agencies in all the different aspects of post-harvest operations.

### **USE OF THE RESULTS AND FAO WORK**

51. FAO supports the implementation of Article 11 in a variety of ways, including through the Regular Programme and donor-funded activities. Specific activities include the organization of international, regional and national workshops to disseminate and deepen the understanding of the Code, studies to develop technical guidelines to facilitate the implementation of the Code, capacity building, training and technical support.

52. This support will be further channelled and improved, thanks to the inputs that have been provided by Members and summarized in this paper.

53. In addition, FAO Members are encouraged to seek support through FAO country and regional offices worldwide for the development of their fisheries and aquaculture sector.

54. In particular, document COFI:FT/2017/Inf.10 provides all the necessary information for Members to request FAO assistance.

### **CONCLUSION**

55. Members reported a number of issues, challenges, ongoing efforts and concerns in implementing Article 11 and provided a good perspective on the global and regional situation of post-harvest practices and trade in the fisheries and aquaculture sectors.

56. Several land-locked countries have responded to the questionnaire, showing the relevance and importance of Article 11 in creating an enabling environment and guiding aquaculture operations and post-harvest processes along value chains, and regional and international trade.

57. In general, continuing efforts will be needed to: create an enabling operational and institutional framework; improve data management and information system for catches, markets and trade; implement quality and safety assurance systems, especially for those products consumed in the domestic markets; increase controls mechanisms; support fishing communities and small-scale operators; limit post-harvest losses; promote value addition support implementation of traceability requirements; and promote investment into the sectors.

58. Almost all countries stressed the need for an updated and improved legal framework, which will help in the correct implementation and control over national and international regulations and in the promotion of sustainable practices.

59. Strong support and cooperation among governments and international organizations, together with an increased awareness and ownership by stakeholders and operators along the value chain, will be required in order to fully achieve the potential of the post-harvest and trade sector by protecting consumers' health, promoting efficient and inclusive food systems and ensuring sustainable management of aquatic resources and ecosystems.

60. Production of this document was only possible thanks to the Members' generous efforts in providing such numerous and detailed comments to the questionnaire. This feedback is a fundamental source of national and regional information on a significant number of key issues related to the implementation of Article 11.