

November 2004



منظمة الأغذية  
والزراعة  
للامم المتحدة

联合国  
粮食及  
农业组织

Food  
and  
Agriculture  
Organization  
of  
the  
United  
Nations

Organisation  
des  
Nations  
Unies  
pour  
l'alimentation  
et  
l'agriculture

Organización  
de las  
Naciones  
Unidas  
para la  
Agricultura  
y la  
Alimentación

## COMMITTEE ON FISHERIES

### Twenty-sixth Session

Rome, Italy, 7 – 11 March 2005

### DECISIONS AND RECOMMENDATIONS OF THE NINTH SESSION OF THE SUB-COMMITTEE ON FISH TRADE BREMEN, GERMANY, 10-14 FEBRUARY 2004

#### SUMMARY

This document contains the highlights of the topics discussed at the Ninth Session of the Sub-Committee on Fish Trade and makes references to its main recommendations. The full report is available as document COFI/2005/Inf.12. The Committee is invited to consider the recommendations of the Sub-Committee, particularly those contained in paragraphs 7 through 17.

#### INTRODUCTION

1. The Ninth Session of the Sub-Committee on Fish Trade of the Committee on Fisheries (COFI) was held in Bremen, Germany, from 10-14 February 2004 at the invitation of the Government of the Federal Republic of Germany<sup>1</sup>. The report of the Session is available as document COFI/2005/Inf.12.

#### MATTERS FOR INFORMATION OF THE COMMITTEE ON FISHERIES

##### Status and Important Recent Events Concerning International Trade in Fishery Products

2. During the course of the Sub-Committee's discussions, the delegations:

- noted the interdependencies within the value-chain, the paramount importance of fish trade to developing countries, and the large potential impact on trade from changes in regulatory requirements in major markets (para. 11).
- noted the growing influence of consumers on issues related to fish trade (para. 12).

<sup>1</sup> The Sub-Committee acknowledged the hospitality of the Free Hanseatic City of Bremen.

- noted that the use of fish products for food aid seems to have stabilized but at much below historic levels and underlined the importance of maintaining the role of fish in food aid and of sourcing more of the fish used in aid from developing countries (para.13).
- welcomed the establishment of an INFOPECHE office in Namibia (INFOSA) to cover the Southern African Development Community (SADC) region (para. 15).
- highlighted the importance of ongoing negotiations on the Doha Development Agenda, including on fisheries subsidies, in the WTO framework (para 16).
- renewed its support of FAO's work in the field of fish trade (para. 16).
- noted the growing contribution of aquaculture to production and trade and underlined the role of FAO in promoting sustainable aquaculture practices worldwide (para.17).

**A. SAFETY AND QUALITY, WITH PARTICULAR EMPHASIS ON FISHMEAL AND BSE**

3. The Sub-Committee expressed satisfaction and support for the work of FAO in capacity-building through training and technical assistance for developing countries, the FAO contribution to the work of the relevant Codex Committees and the Codex work on risk assessment and the development of Fishport, the web-based system for the timely dissemination of scientific information on fish safety and quality (para. 27).

4. Delegates strongly endorsed the main conclusions of the Secretariat's paper, i.e. that there is no epidemiological evidence of BSE being transmitted to ruminants or other animals by fishmeal and that there is likewise no evidence for the transmission to humans of the Creuzfeld Jacob disease (vCJD) caused by prions using fish or fish products as vectors (para. 31).

**COFI Sub-Committee on Fish Trade as International Commodity Body and its Relationship with the Common Fund for Commodities (CFC)**

5. The Sub-Committee expressed its appreciation of the finance provided by the CFC and approved the proposed projects (para. 55).

**Fish Trade and Food Security, Including Report on Findings of Expert Consultation**

6. The link between international fish trade and pressure on fish resources was noted, with delegations commenting on the need for sustainability in achieving long term food security. Several delegations mentioned examples of positive effects of trade on food security. Many delegations from developing countries highlighted the importance of fish trade for foreign exchange earnings, which are used to import lower priced food commodities for domestic consumption. International fish trade as a generator of continuous employment, especially for women, and as a means of promoting indirect food security was also underscored by these delegations (para. 59).

**MAJOR RECOMMENDATIONS AND SUGGESTIONS**

**CITES Issues With Respect to International Fish Trade and the CITES/FAO MoU**

7. The Sub-Committee unanimously agreed that FAO should convene the *ad hoc* Expert Advisory Panel for the Assessment of Proposals to CITES to review any proposals to CoP-13 for listing or delisting commercially-exploited species in accordance with the Terms of Reference agreed to by

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COFI and in time to be considered at CoP-13. The meeting recognized that the convening of the Expert Advisory Panel would probably become a regular high priority activity and should therefore receive funding from the FAO Regular Programme in the future (para. 20). The Panel consisting of 14 experts, subsequently met in July 2004, supported mainly by extra-budgetary funding, and considered four amendment proposals dealing with commercially-exploited aquatic species. These were the proposals to list white shark, humphead wrasse and Mediterranean date mussel on Appendix II and a proposal to amend the annotation related to the listing of coral families. The report of the Panel was sent to CITES and distributed to participants in the Thirteenth Meeting of the CITES Conference of the Parties (CoP 13) in October 2004.

8. There was consensus in the meeting to adopt an FAO proposal for a CITES/FAO MOU and on a process to reach agreement with CITES on the text of the MOU (para. 22). This was referred to the FAO Secretariat for appropriate action, including proper information to members at all stages and referral to the Twenty-sixth Session of COFI (para. 25). In accordance with these decisions, the FAO's Assistant Director-General for Fisheries negotiated a compromise text with the Chair of the CITES Standing Committee, based on the FAO proposal. The text is attached in Annex 1. The negotiated text was presented to the Fifty-first<sup>t</sup> Meeting of the CITES Standing Committee on 1 October 2004 but no agreement was reached there or at the Fifty-second Meeting of the Standing Committee two weeks later. The matter was referred to the Fifty-third Meeting of the Standing Committee, scheduled for June 2005, for further discussion.

9. Expert Consultations were held on "Implementation Issues Associated with Listing Commercially-exploited Aquatic Species on CITES Appendices" and on "Legal Issues Related to CITES and Commercially-exploited Aquatic Species". Copies of the draft reports from those Consultations were made available to CoP 13 and helped to inform discussions on relevant issues. In addition, CoP 13 adopted by consensus revised listing criteria that included the key recommendations from FAO related to commercially-exploited aquatic species. The FAO recommendations had been submitted to CITES by FAO after endorsement at the 8<sup>th</sup> Session of COFI-FT.

## **B. SAFETY AND QUALITY, WITH PARTICULAR EMPHASIS ON FISHMEAL AND BSE**

10. Many delegates raised concern over safety issues that have or may affect international fish trade and consumer perception of fish safety. These issues included dioxins and PCBs in salmon, fishmeal and BSE and residues of antibiotics in aquaculture products. FAO was requested to monitor developments, including scientific developments, in these areas and report to its Member States (para. 28).

11. Harmonization and equivalency were recognized as areas requesting further FAO attention, including capacity building (para. 30).

### **Traceability and Labelling In Fish Trade**

12. Many countries requested FAO to further coordinate with Codex Alimentarius Committees regarding traceability (para. 33).

### **Outcome of the Expert Consultation on the Development of International Guidelines for Eco-labelling of Fish and Fishery Products from Marine Capture Fisheries**

13. The Sub-Committee expressed appreciation for the work accomplished by the Expert Consultation and recommended that FAO organize a Technical Consultation to finalize the draft guidelines for their consideration by the 26<sup>th</sup> Session of COFI in March 2005 (para. 41).

14. The Technical Consultation on the Ecolabelling of Fish and Fishery Products from Marine Fisheries met in Rome, Italy on 19-22 October 2004. The Consultation completed the section of the guidelines dealing with procedural and institutional aspects of ecolabelling schemes but further negotiations are still needed on the part dealing with the minimum substantive requirements and criteria. It recommended that a two-day Technical Consultation be convened immediately before the Twenty-sixth Session of COFI.

#### **Report on Collaboration with the World Custom Organization (WCO)**

15. Delegates recommended continued collaboration with the WCO (para. 45).

#### **Harmonization of Catch Documentation**

16. There was a general consensus that FAO should continue to work on Catch Documentation and it was agreed that the matter of Catch Documentation be raised at the Meeting of Regional Fisheries Bodies to be held the week prior to COFI26. COFI will give directions on future work (para.53).

#### **Issues of Small-Scale Fisheries Catch Access to International Trade**

17. Delegates concurred with the conclusions of the document and recommended that trade-related aspects of the sector be among the topics addressed in the FAO Expert Consultation for the Development of Guidelines on Increasing the Contribution of Small-Scale Fisheries to Food Security and Poverty Alleviation (para. 62).

#### **ANY OTHER MATTERS**

18. A delegation recommended that issues related to Genetically Modified Organisms be included in the agenda for the next Sub-Committee meeting (para. 66).

#### **DATE AND VENUE OF THE TENTH SESSION**

19. The Sub-Committee received two offers to host the Tenth Session of the Sub-Committee in 2006: one from the City of Bremen and one from the Government of Spain. The Secretariat requested that formal proposals be submitted to it by 30 September 2004 so that a decision on the venue and date can be made at COFI26 (para. 71).

#### **SUGGESTED ACTIONS BY THE COMMITTEE**

20. The Committee is invited to endorse the report of the Sub-Committee on Fish Trade and provide guidance with regard to the above mentioned issues, particularly in paragraphs 7 through 17.

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**Annex 1**

**DRAFT MEMORANDUM OF UNDERSTANDING  
BETWEEN THE UNITED NATIONS FOOD AND AGRICULTURE  
ORGANIZATION (FAO) AND THE CONVENTION ON INTERNATIONAL  
TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)<sup>2</sup>**

RECOGNIZING the primary role of sovereign States, FAO and regional fisheries management organizations in fisheries conservation and management and that peoples and States are and should be the best to conserve their own wild fauna and flora,

RECOGNIZING that the mission of FAO with respect to fisheries is to facilitate and secure the long-term sustainable development and utilization of the world's fisheries and aquaculture resources,

RECOGNIZING that the mission of CITES is to facilitate and secure international cooperation that is essential for the protection of certain species of wild fauna and flora that may be significantly affected by international trade,

RECOGNIZING FAO's three medium-term strategic objectives for fisheries namely: - Promotion of Responsible Fisheries Sector Management with priority given to the implementation of the Code of Conduct for Responsible Fisheries, Compliance Agreement, International Plans of Action, - Promotion of Increased Contribution of Responsible Fisheries and Aquaculture to World Food Supplies and Food Security and, - Global Monitoring and Strategic Analysis of Fisheries,

RECOGNIZING the role of CITES in regulating international trade in species threatened with extinction which are or may be affected by international trade and those that may become threatened with extinction unless international trade in specimens of such species is subject to strict regulation as well as other species which must be subject to regulation in order that international trade in specimens of certain species threatened with extinction may be brought under effective control,

RECOGNIZING that the CITES Parties have adopted criteria for the listing of species on its Appendices I and II and that for marine species, Article XV of the Convention requires the CITES Secretariat to consult inter-governmental bodies having a function in relation to those species especially with a view to obtaining scientific data these bodies may be able to provide and to ensure co-ordination with any conservation measures enforced by such bodies,

TAKING account of the positive results of the 8th Session of the FAO Committee on Fisheries Sub-Committee on Fish Trade held in Bremen, Germany from 12 – 16 February 2002 (which was endorsed by the Twenty-fifth Session of the Committee on Fisheries (COFI) held in Rome from 24 to 28 February 2003) that a Memorandum of Understanding be established between FAO and CITES (see FAO Fisheries Report 673, particularly Paragraph 18 and Appendix F),

TAKING account of the Decision of the 12th Conference of the Parties to CITES regarding the

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<sup>2</sup> Compromised text negotiated between the Assistant Director-General, FAO Fisheries Department, and the Chair of the CITES Standing Committee. The text adopted by the Ninth Session of the Sub-Committee on Fish Trade is given in Annex E in COFI/2005/Inf.12.

development of an MOU to establish a framework for cooperation between CITES and FAO,  
AFFIRMING the rights and duties of all States pertaining to fishing activities outlined in the UN Convention on the Law of the Sea, highlighting the goals of optimum utilization, conservation, and management of living resources and the duty of all States to cooperate when fishing on the high seas, and maintaining the goal of sustainable utilization as stated in the FAO Code of Conduct for Responsible Fisheries,  
NOTING that CITES cannot replace, but rather has sought to complement [has not sought to replace but rather to complement] traditional fisheries management in certain cases and recognizing the particular importance of consulting all relevant bodies associated with the management of the species when considering amendments to CITES appendices.  
BELIEVING that this MOU will strengthen the processes in CITES and FAO for scientific evaluation of proposals for amendment of Appendices I and II concerning commercially-exploited aquatic species and improve communication between fisheries agencies and CITES authorities at the national level.

**FAO AND CITES IN ORDER TO STRENGTHEN THE COOPERATION BETWEEN THEM HAVE DECIDED AS FOLLOWS:**

The signatories will communicate and exchange information regularly and bring to each other's attention general information of common interest and areas of concern where there is a role for the other to play or where there are implementation issues that need to be considered. The signatories will be invited as observers to meetings under their respective auspices where subjects that are of common interest will be discussed.

The signatories will cooperate as appropriate to facilitate capacity building in developing countries and countries with economies in transition on issues relating to commercially-exploited aquatic species listed on CITES appendices.

FAO will continue to provide advice to CITES and be involved in the process of revision of the CITES listing criteria. These criteria are the primary basis for the evaluation of proposals for amendment of the CITES Appendices.

The signatories will identify and work together to ensure adequate consultations in the scientific and technical evaluation of proposals for including, transferring or deleting commercially exploited aquatic species in the CITES Appendices based on the criteria as agreed by the Parties to CITES, and to address technical and legal issues of common interest affecting these species.

As is required by the Convention, the CITES Secretariat will continue to inform FAO of all proposals for amendment of Appendices I and II concerning commercially-exploited aquatic species. Such information shall be provided to FAO as soon as possible to allow FAO to carry out a scientific and technical review of such proposals in a manner it deems appropriate and for the resulting output to be transmitted to the CITES Secretariat. The CITES Secretariat shall communicate the views expressed and data provided from this review and its own findings and recommendations, taking due account of the FAO review, to the Parties to CITES.

In order to ensure maximum coordination of conservation measures, the CITES Secretariat will consider, to the greatest extent possible, the results of the FAO scientific and technical review

of proposals to amend the Appendices, and technical and legal issues of common interest and the responses from all the relevant bodies associated with management of the species in question [as well as the substance of the preambular paragraphs of this memorandum] in its advice and recommendations to the CITES Parties.

The Secretariats to CITES and FAO will periodically report on work completed under the MoU to the Conference of the Parties to CITES and the FAO Committee on Fisheries, respectively.

This MOU will take effect on the date of signature by both signatories. It will remain in force unless terminated by 90 days' written notice served by one upon the other, or replaced by another agreement. It may be amended by written mutual agreement.

Unless otherwise agreed, neither signatory will be legally or financially liable in any way for activities carried out jointly or independently under this MOU. Separate letters of agreement or other arrangements, with specific budgets and resource identification, will be concluded for individual activities involving the commitment of financial resources by either signatory.

Director General, FAO \_\_\_\_\_ Date: \_\_\_\_\_

Chair, Standing Committee of CITES \_\_\_\_\_ Date: \_\_\_\_\_