



منظمة الأغذية  
والزراعة  
للأمم 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

Продовольственная и  
сельскохозяйственная  
организация  
Объединенных  
Наций

Organización  
de las  
Naciones  
Unidas  
para la  
Agricultura  
y la  
Alimentación

## COMMITTEE ON FISHERIES

### Twenty-eighth Session

Rome, Italy, 2 – 6 March 2009

### DECISIONS AND RECOMMENDATIONS OF THE ELEVENTH SESSION OF THE SUB-COMMITTEE ON FISH TRADE Bremen, Germany, 2 – 6 June 2008

#### SUMMARY

This document contains the highlights of the topics discussed at the Eleventh Session of the Sub-Committee on Fish Trade and makes reference to its main recommendations. The full report is available as document COFI/2009/Inf.8. The Committee is invited to consider the recommendations of the Sub-Committee, including adoption of the amendments to the Guidelines for Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries.

## **INTRODUCTION**

1. The Eleventh Session of the Sub-Committee on Fish Trade was held in Bremen, Germany from 2-6 June 2008 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/2009/Inf.8.

## **MAIN OUTCOMES OF THE SESSION**

### **Report on trade-related activities in FAO**

2. The Sub-Committee commended FAO for the broad range of trade-related activities carried out by the Fisheries and Aquaculture Department and for the high quality of the work, in particular related to the World Customs Organization and the many important elements in FAO's proposal to improve classification within the Harmonized System. (Para. 9)

3. The Sub-Committee welcomed the increased integration of FAO's work on fisheries with that of other FAO technical departments. (Para. 11)

### **Status and important recent events concerning international trade in fishery products**

4. Members welcomed further analysis of the relationship between the various stakeholders in the value-chain. (Para. 16)

5. The Sub-Committee supported FAO's efforts to increase value-chain consultation and noted the usefulness of the Consultative Industry Forums for the exchange of information and experience. (Para. 17)

6. Members welcomed further study of the beneficial aspects of fish consumption. (Para. 18)

7. The Sub-Committee supported the collaboration between FAO and the World Trade Organization (WTO) and FAO's role in providing technical inputs to the WTO's negotiations on fisheries subsidies. (Para. 20)

8. Members underlined the crucial role of developing countries in the production and trade of fish and fishery products. The Sub-Committee highlighted the need to fully integrate developing countries in world trade. (Para. 21)

### **Minimum substantive requirements and criteria for marine and inland capture fisheries ecolabels**

9. The Sub-Committee expressed widespread support for the amendments to the Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries<sup>2</sup> and many recommended forwarding them to the next session of COFI for adoption. (Para. 24)

10. The Sub-Committee endorsed the development of guidelines for the assessment of fisheries in data poor situations, including the application of suitable proxies to establish reference points and the application of risk assessment method, for ecosystem considerations. (Para. 25)

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

<sup>2</sup> The Secretariat draws attention to the recommendations on amendments to the Guidelines recommended by the Expert Consultation on the FAO Guidelines for Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries, 3-4 March 2008, which are included in the Annex.

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11. The Secretariat was encouraged to undertake studies about the extent to which the Guidelines were being used by private certification and ecolabelling schemes and whether claims by schemes that they were adhering to the Guidelines were being checked. (Para. 26)

12. The Sub-Committee agreed to another Expert Consultation to undertake further work on the draft guidelines for inland capture fisheries. (Para. 27)

13. The Sub-Committee agreed that it was premature to consider the development of a combined set of Guidelines for marine and inland capture fisheries. (Para. 28)

#### **CITES issues with respect to international fish trade**

14. The Sub-Committee congratulated the FAO ad hoc Expert Advisory Panel for the assessment of listing proposals to amend the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) appendices for its excellent work. (Para. 31)

15. There was widespread support that proponents of listing proposals could attend the ad hoc Expert Advisory Panel meetings, at their own expense, to answer any questions that may arise. (Para. 33)

16. The Sub-Committee acknowledged the slow progress in the implementation of the International Plan of Action for the Conservation and Management of Sharks and urged countries and RFMOs to increase their efforts in this regard where necessary. (Para. 34)

#### **Harmonization of catch documentation schemes**

17. The Sub-Committee noted that the harmonization of catch documentation schemes was desirable, but that for the time being, FAO's role in this regard should be limited. (Para. 38)

18. The Sub-Committee noted the strong support for the use of catch documentation schemes, but noted that they were not always the best solution. (Para. 39)

19. The Sub-Committee remarked that traceability in a number of areas was increasingly becoming a requirement in international trade and that efforts should be made to integrate traceability requirements in order to avoid unnecessary barriers to trade. (Para. 40)

20. The Sub-Committee suggested there could be a role for FAO to develop best practice guidelines for trade and catch documentation schemes, and for integrated traceability. (Para. 41)

#### **Trade-related measures for sustainability: Progress on a binding instrument on port state measures**

21. The Sub-Committee stressed the importance of the work to combat IUU fishing. (Para. 44)

#### **Review of market access requirements**

22. The Sub-Committee praised FAO both for the work in connection with Codex standard setting activities and the development of guidelines for ecolabelling, and for its fieldwork in capacity-building, technical assistance and training in developing countries. (Para. 48)

23. The Sub-Committee urged FAO to monitor and develop the necessary synergies with the Codex work, and encouraged all member countries to participate effectively in the deliberations of Codex. (Para. 50)

24. The Sub-Committee stressed the need for a close coordination with the COFI Sub-Committee on Aquaculture to ensure that the links between the guidelines for aquaculture and capture fisheries are understood in the guidelines on certification in aquaculture. (Para. 52)

25. The Sub-Committee requested FAO's Secretariat to assess ways and means to enable all concerned to be informed in a transparent manner about which schemes meet the requirements of FAO Guidelines on ecolabelling or certification in a credible manner. (Para. 53)

#### **Monitoring implementation of article 11 of the Code of Conduct for Responsible Fisheries (CCRF)**

26. The Sub-Committee agreed that a separate questionnaire should be developed to monitor implementation of article 11 of the Code of Conduct for Responsible Fisheries. (Para. 55)

27. The Sub-Committee requested that the questionnaire be biennial and updated to reflect current developments and the dynamic nature of trade in fish products. (Para. 56)

#### **COFI Sub-committee on fish trade as international commodity body and its relationship with the Common Fund for Commodities**

28. The Sub-Committee approved the proposed projects "Technical Assistance for the Upgrading of the Small-scale Fisheries and their Integration in the International Trade" and "Enhancing Amazonian Seafood Products on the World Market" for funding by the Common Fund for Commodities. (Para. 60)

#### **Technical guidelines for responsible fish trade**

29. The Sub-Committee adopted the Technical Guidelines for Responsible Fish Trade and recommended their publication. (Para. 64)

#### **DATE AND PLACE OF THE TWELFTH SESSION**

30. The Sub-Committee welcomed the generous offers by Argentina and Spain to host the twelfth session of the Sub-Committee. The exact date and venue of the twelfth session of the Sub-Committee would be determined by the Director-General in consultation with the Chairperson. The date of the next meeting should avoid conflicts with the international calendar of meetings. (Para. 66)

#### **SUGGESTED ACTION BY THE COMMITTEE**

31. 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, including adoption of the amendments to the Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries.

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## ANNEX

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### **Recommendations on Amendments to the Guidelines for Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries**

Following Expert and Technical Consultations in 2003, 2004 and 2005, FAO produced technical guidelines on the ecolabelling of fish and fishery products from marine capture fisheries. Those guidelines were adopted by the 26th Session of COFI in 2005. In adopting the guidelines, the 26<sup>th</sup> Session of COFI recommended that “FAO should review and further develop general criteria in relation to “stock under consideration” and serious impacts of the fishery on the ecosystem (paragraph 27 of the Guidelines)”. The recommendation from the 26<sup>th</sup> Session of COFI was subsequently endorsed by the 27<sup>th</sup> Session of COFI in March 2007, where it was agreed that FAO undertake further work in relation to the minimum substantive requirements and criteria for both marine and inland capture fisheries.

Following this request by the Twenty-Seventh Session of the Committee on Fisheries, the Expert Consultation on the FAO Guidelines for Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries was convened by FAO in Rome on 3-5 March 2008. The Expert Consultation reviewed the existing marine and inland capture fisheries guidelines and formulated recommendations to COFI to address COFI’s request on “stock under consideration” and “minimum substantive requirements”.

The proposed revised minimum substantive requirements for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries are listed below. The revisions are highlighted in “track mode”. The paragraph numbers are the same as in the FAO Guidelines for Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries.

#### **Unit of certification**

25. The “unit of certification” is the fishery for which ecolabelling certification is ~~called for~~ sought, as specified by the stakeholders who are seeking certification. The certification could encompass the whole fishery, where a “fishery” refers to the activity of one particular gear-type or method leading to the harvest of one or more species; a sub-component of a fishery, for example a national fleet fishing a shared stock; or several fisheries operating on the same resources. The “stock under consideration” exploited by this fishery (unit of certification) may be one or more biological stocks as specified by the stakeholders for certification. The certification applies only to products derived from the “stock under consideration” (see Para. 30). In assessing compliance with certification standards, the impacts on the “stock under consideration” of all the fisheries utilizing that “stock under consideration” ~~that stock or stocks over their~~ its entire area of distribution are to be considered.

### **MINIMUM SUBSTANTIVE REQUIREMENTS AND CRITERIA FOR ECOLABELS FOR MARINE CAPTURE FISHERIES**

#### **Introduction**

26. The following sets forth the minimum substantive requirements and criteria for assessing whether a fishery can be certified and an ecolabel awarded to a fishery. Ecolabelling schemes may apply additional or more stringent requirements and criteria related to sustainable use of the resources. The requirements and criteria presented below are to be based on and interpreted in accordance with the current suite of agreed international instruments addressing fisheries, in particular the 1982 UN Convention on the Law of the Sea, the 1995 UN Fish Stocks Agreement and the 1995 Code of Conduct for Responsible Fisheries, as well as related documentation including the 2001 Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem.

27. Requirements are specified for each of three areas: the management systems, the ~~stock or stocks~~ fishery and associated “stock under consideration” for which certification is being sought (~~subsequently referred to as “stock under consideration”~~), and consideration of serious impacts of the fishery on the ecosystem. Criteria and related measurable performance indicators and a corresponding monitoring system should be established in order to assess the conformity of the fishery concerned with the requirements and the criteria of the ecolabelling scheme. In developing and applying the criteria and assessing the conformity of the fishery with the standard of certification, the views and opinions of States, RFMOs and FAO should be fully considered.

### **Management systems**

28. Requirement: The fishery is conducted under a management system which is based upon good practice and that ensures the satisfaction of the requirements and criteria described in Paragraph 29. The management system and the fishery operate in compliance with the requirements of local, national and international law and regulations, including the requirements of any regional fisheries management organization that manages the ~~target stocks~~ fisheries on the “stock under consideration”.

28.1 For the “stock under consideration” there are documented management approaches with a well based expectation that management will be successful taking into account uncertainty and imprecision.

28.2 There are objectives, and as necessary, management measures to address pertinent aspects of the ecosystem effects of fishing as per paragraph 31.

29. The following criteria will apply to management systems for any fisheries, but it must be recognized that special consideration needs to be given to small-scale fisheries with respect to the availability of data and with respect to the fact that management systems can differ substantially for different types and scales of fisheries (e.g. small scale through to large scale commercial fisheries).

29.1 Adequate data and/or information are collected, maintained and assessed in accordance with applicable international standards and practices for evaluation of the current state and trends of the stocks<sup>3</sup> (see below: Methodological aspects) This can include relevant traditional, fisher or community knowledge, provided its validity can be objectively verified.

29.2 In determining suitable conservation and management measures, the best scientific evidence available is taken into account by the designated authority, as well as consideration of relevant ~~traditional knowledge~~, fisher or community knowledge, provided its validity can be objectively verified, in order to evaluate the current state of the “stock under consideration”<sup>4</sup> in relation to, where appropriate, stock specific target and limit reference points.<sup>5</sup>

29.2bis: Taking due account of paragraph 32, for the “stock under consideration” the determination of suitable conservation and management measures should include or take account of:

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<sup>3</sup> After Code of Conduct for Responsible Fisheries, Article 7.4.4.

<sup>4</sup> Code of Conduct for Responsible Fisheries, Articles 6.4 and 7.4.1.

<sup>5</sup> Code of Conduct for Responsible Fisheries, Article 7.5.3.

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- Total fishing mortality from all sources is considered in assessing the state of the “stock under consideration”, including discards, unobserved mortality, incidental mortality, unreported catches and catches in other fisheries.
  - Management targets are consistent with achieving MSY (or a suitable proxy) on average, or a lesser fishing mortality if that is optimal in the circumstances of the fishery (e.g. multi-species fisheries) or to avoid severe adverse impacts on dependent predators.
  - The management system should specify limits or directions in key performance indicators (see 30.2), consistent with avoiding recruitment overfishing or other impacts that are likely to be irreversible or very slowly reversible, and specify the actions to be taken if the limits are approached or the desired directions are not achieved.

29.3 Similarly, data and information, including relevant traditional, fisher or community knowledge, provided its validity can be objectively verified, are used to identify adverse impacts of the fishery on the ecosystem, and timely scientific advice is provided on the likelihood and magnitude of identified impacts (see Paragraph 31).

29.4 The designated authorities adopt and effectively implement appropriate measures for the conservation and sustainable use of the “stock under consideration” based on the data, information and scientific advice referred to in the preceding bullets.<sup>6</sup> Short-term considerations should not compromise the long-term conservation and sustainable use of fisheries resources.

29.5 An effective legal and administrative framework at the local, national or regional level, as appropriate, is established for the fishery<sup>7</sup> and compliance is ensured through effective mechanisms for monitoring, surveillance, control and enforcement (see Paragraph 6).<sup>8</sup>

29.6 In accordance with the Code of Conduct Article 7.5, the precautionary approach is being implemented to protect the “stock under consideration” and to preserve the aquatic environment. Inter alia this will require that the absence of adequate scientific information should not be used as a reason for postponing or failing to take conservation and management measures.<sup>9</sup> Further, relevant uncertainties are being taken into account through a suitable method of risk assessment. Appropriate reference points are determined and remedial actions to be taken if reference points are approached or exceeded are specified.<sup>10</sup>

### **“Stocks under consideration”**

30. Requirement: The “stock under consideration” is not overfished, and is maintained at a level which promotes the objective of optimal utilization and maintains its availability for present and future generations,<sup>11</sup> taking into account that longer term changes in productivity can occur due to natural variability and/or impacts other than fishing. In the event that biomass drops well below such target levels, management measures (Code of Conduct Article 7.6) should allow for restoration within reasonable time frames of the stocks to such levels (see also paragraph 29.2 bis).

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<sup>6</sup> Based on Code of Conduct for Responsible Fisheries, Article 7.1.1.

<sup>7</sup> Code of Conduct for Responsible Fisheries, Article 7.7.1.

<sup>8</sup> Code of Conduct for Responsible Fisheries, Article 7.1.7.

<sup>9</sup> Code of Conduct for Responsible Fisheries, Article 7.5.1.

<sup>10</sup> Code of Conduct for Responsible Fisheries, Article 7.5.2.

<sup>11</sup> Code of Conduct for Responsible Fisheries, Article 7.1.1.

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The following criteria are applicable:

30.1 The “stock under consideration” is not overfished if it is above the associated limit reference point (or its proxy).

30.2 If fishing mortality (or its proxy) is above the associated limit reference point, actions should be taken to decrease the fishing mortality (or its proxy) below that limit reference point.

30.3 The structure and composition of the “stock under consideration” which contribute to its resilience are taken into account.

30.4 In the absence of specific information on the “stock under consideration”, generic evidence based on similar stocks can be used for fisheries with low risk to that “stock under consideration”. However, the greater the risk the more specific evidence is necessary to ascertain the sustainability of intensive fisheries.

### **Ecosystem considerations**

31. Requirement: Adverse impacts of the fishery on the ecosystem should be appropriately assessed and effectively addressed.<sup>12</sup> Much greater scientific uncertainty is to be expected in assessing possible adverse ecosystem impacts of fisheries than in assessing the state of target stocks. This issue can be addressed by taking a “risk assessment/risk management approach”. For the purpose of development of ecolabelling schemes, the most probable adverse impacts should be considered, taking into account available scientific information, and ~~local~~ traditional, fisher or community knowledge provided that its validity can be objectively verified. Those impacts that are likely to have serious consequences should be addressed. This may take the form of an immediate management response or further analysis of the identified risk. In this context, full recognition should be given to the special circumstances and requirements in developing countries and countries in transition, including financial and technical assistance, technology transfer, and training and scientific cooperation.

The following criteria are to be interpreted in the context of avoiding high risk of severe adverse impacts.

31.1 Non target catches, including discards, of stocks other than the “stock under consideration” are monitored and should not threaten these non-target stocks with serious risk of extinction; if serious risks of extinction arise, effective remedial action should be taken.

31.2 The role of the “stock under consideration” in the food-web is considered, and if it is a key prey species in the ecosystem, management measures are in place to avoid severe adverse impacts on dependent predators.

31.3 There is knowledge of the essential habitats for the “stock under consideration” and potential fishery impacts on them. Impacts on essential habitats and on habitats that are highly vulnerable to damage by the fishing gear involved are avoided, minimised or mitigated (Code of Conduct 7.2.2). In assessing fishery impacts, the full spatial range of the relevant habitat should be considered, not just that part of the spatial range that is potentially affected by fishing.

31.4 In the absence of specific information on the ecosystem impacts of fishing for the unit of certification, generic evidence based on similar fishery situations can be used for fisheries with low risk of severe adverse impact. However, the greater the risk the more specific evidence is necessary to ascertain the adequacy of mitigation measures.

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<sup>12</sup> Code of Conduct for Responsible Fisheries, Article 7.2.

## **Methodological aspects**

### **Assessing current state and trends in target stocks**

32. There are many ways in which state and trends in stocks may be evaluated, that fall short of the highly quantitative and data-demanding approaches to stock assessment that are often used for large scale fisheries in developed countries. Use of less elaborate methods for stock assessment should not preclude fisheries from possible certification for ecolabelling. However it should be noted that, to the extent that the application of such methods results in greater uncertainty about the state of the “stock under consideration”, more precautionary approaches to managing fisheries on such resources will be required which may necessitate lower levels of utilization of the resource. There is a variety of management measures commonly used in small scale or low value fisheries that nonetheless can achieve quite adequate levels of protection for stocks in the face of uncertainty about the state of the resource.

A past record of good management performance could be considered as supporting evidence of the adequacy of the management measures and the management system.