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COMMITTEE ON FISHERIES

SUB-COMMITTEE ON FISH TRADE

Thirteenth Session

Hyderabad, 20-24 February 2012

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

Executive Summary

This paper provides a summary of activities by FAO Members to support the implementation of article 11, Post-harvest Practices and Trade, of the Code of Conduct for Responsible Fisheries. The paper also highlights areas where implementation of article 11 poses a challenge for FAO Members. The paper also seeks guidance from the Sub-Committee on how to broaden implementation of article 11.

The Sub-Committee is invited to:

1. Provide guidance on how to broaden implementation of article 11 of the Code;
2. Note, in particular, the low level of implementation of measures that:
 - Assess and reduce post-harvest losses;
 - Evaluate and monitor the impacts of trade in fish and fisheries products (imports and exports) on food security;
3. Note that the IUU regulations and traceability requirements have been highlighted as emerging issues; and
4. Provide guidance on how to increase the response rate to the questionnaire.

INTRODUCTION

1. The Twelfth session of the Sub-Committee on Fish trade (COFI:FT) agreed to monitor the implementation of article 11, Post-harvest Practices and Trade, of the Code of Conduct for Responsible Fisheries (the Code). It also agreed that the trade-specific questionnaire should be biennial and alternate with the questionnaire monitoring overall implementation of the Code.

THE QUESTIONNAIRE

2. The information in the paper is collated and analyzed on the basis of self-assessment questionnaires submitted to FAO Members.

3. Responses were received from 15 Members and from one Member organization (the European Union (EU) responding in the name of its 27 Member states). The response rate, including the 27 Member states of the EU, equalled 22% of the FAO Members¹.

4. Article 11 of the Code is subdivided into three sections; 1) responsible fish utilization; 2) responsible international trade; and 3) laws and regulations relating to fish trade. The first three questions of the questionnaire requested Members to report on the extent to which they had implemented measures relating to these three sections, with possible responses ranging from 1 (not implemented, or just started) to 5 (almost all is done, or complete). A statistical summary of Members' responses to this section is available in Annex 1 of this paper².

5. The following six questions were open-ended questions asking Members³ to identify emerging issues and current challenges related to safety and quality assurance systems, the post-harvest sector, international trade in fish and fisheries products and laws and regulation.

6. The following sections in the paper analyze the results obtained from the questionnaire. Please note that due to the relatively low number of responses, they have not been sub-divided according to region. This would have enriched the analysis but would undermine confidentiality requirements. The responses have, however, been broken down according to whether the Members belong to the G77 or the OECD group.

RESPONSIBLE FISH UTILIZATION

7. This section is sub-divided into two components monitoring: 1) the implementation of measures related to safety and quality for fish and fisheries products, and 2) the implementation of measures related to the post-harvest sector.

To what extent have measures related to safety and quality for fish and fisheries products been implemented:

8. Members across the board reported a high level of compliance with the implementation of measures related to the safety and quality for fish and fisheries products. This is particularly the case for OECD countries. In the case of G77 countries the responses are more nuanced with a lower level of implementation for the following areas:

- National environmental and/or residue monitoring plan;
- HACCP-based quality management systems;

¹ The questionnaire was dispatched to FAO Members on 25 June 2011. Follow-up requests were dispatched on 23 August 2011. The closure date for acceptances was 2 September 2011.

² The EU responded to the questionnaire in the name of its 27 Member countries. This limits the responses from the Europe region to European non-EU Member countries and the EU itself. EU Member countries also responded to the questionnaire but were not included in the analysis since the EU responded on their behalf.

³ In this report, reference to "Members" refers to the FAO Members who responded to the questionnaire and whose responses were taken into account in compiling the report.

- Setting, monitoring and enforcement of standards for safety and quality of products in the domestic markets;
- Harmonization of national standards with Codex Alimentarius standards; and
- Participation in the Codex Alimentarius and other international standard setting bodies.

9. Interestingly, the G77 group reported a slightly higher level of implementation in relation to the adoption and enforcement of legislation of safety and quality systems than for the formulation and adoption of national policies on safety and quality assurance systems. This may indicate that the existence of enabling legislation is viewed as a priority over the development of national policies.

To what extent have measures been implemented in the post-harvest sector:

10. As in the previous case, the reported level of implementation of measures in the post-harvest sector was higher for the OECD group than for the G77 group. The overall level of implementation of measures in the post-harvest sector is lower than for measures related to the safety and quality for fish and fisheries products.

11. This was particularly the case in relation to the implementation of measures taken to assess and reduce post-harvest losses, where the G77 group reported that “some implementation had been done, but still largely insufficient”.

RESPONSIBLE INTERNATIONAL TRADE

12. The OECD group reported a higher level of implementation of measures related to international trade compared to the G77 Group. Both groups reported lower level of implementation for the same areas:

- The impacts of trade in fish and fisheries products (imports and exports) on food security and income are evaluated and monitored; and
- That measures are in place to verify that fish and fisheries products originate from sustainable fisheries and aquaculture.

LAWS AND REGULATIONS RELATING TO FISH TRADE

13. This is the section with the highest level of implementation. The only shortcoming relates to the G77's group's notification of changes to trade laws and regulations, where applicable, to the WTO, interested States and other relevant international organizations.

EMERGING ISSUES IN THE IMPLEMENTATION OF ARTICLE 11 OF THE CODE

14. The first three questions in this section (ecolabels and certification requirements, IUU regulations, and traceability requirements) required yes/no answers. The remaining questions were open-ended questions without restrictions on the answers provided by Members. A synopsis of the answers received is provided for each question.

a) Ecolabels and certification requirements

15. Seventy seven percent of the Members reported that ecolabels and certification requirements were an emerging issue.

b) IUU regulations

16. Ninety two percent of the Members reported that IUU regulations were an emerging issue.

c) Traceability requirements

17. Ninety two percent of the Members reported that traceability requirements were an emerging issue.

d) Other

18. Other emerging issues reported by respondents, include the need to calculate the impact of fish and seafood products on climate impact (e.g. carbon footprint).

Current challenges related to quality and safety assurance systems

19. Members noted the cost of compliance with new safety and quality assurance requirements, highlighting the need to undertake an impact assessment before being introduced. The evolving nature of the international food safety legislative requirements has financial implications for inspections, monitoring and surveillance and requires continuous training of inspectors. The lack of equivalency in food certification systems among international trading partners was also noted as a concern.

20. The challenge of implementing quality and safety assurance systems for the domestic market was highlighted. The higher cost of producing good quality products may make them inaccessible for market segments with a limited purchasing power. The challenge of implementing safety and quality assurance systems in the small scale fisheries sector was also noted.

Current challenges in the post-harvest sector

21. The main challenge for Members in the post-harvest sector is to increase the value of the sector through the improved utilization of fish and fisheries products. This includes the implementation of measures to reduce post-harvest losses and to increase the production of value-added products. Examples of measures to reduce post-harvest losses include improved processing facilities, water quality and transport networks. The challenge this poses for small scale fisheries was highlighted.

Current challenges related to international trade in fish and fisheries products

22. Several Members expressed concern with the increase in non-tariff barriers. These include measures that are not in compliance with the principles contained in the WTO SPS agreement (including the use of food safety standards that do not align with Codex Alimentarius or that are not based on risk assessments). The implementation of catch certification schemes was also cited as a challenge by many. The lack of harmonization of requirements for certification and documentation in international trade was also noted.

Current challenges related to laws and regulations

23. The need to simplify regulatory frameworks was highlighted by Members. Concern with jurisdictional overlap and duplication of some regulations within and across jurisdictions was noted, as well as the imposition of unilateral markets measures.

Other

24. Some Members also noted that market access requirements are often set by importing developed countries. These Members also noted that producing countries, and especially developing countries, often lack the capacity to meet these requirements.

CONCLUSION

25. In relation to the three sections in article 11 of the Code; 1) responsible fish utilization, 2) responsible international trade, and 3) laws and regulations relating to fish trade, Members reported the highest level of implementation for measures related to safety and quality assurance under responsible fish utilization section. A high level of implementation was also reported for laws and regulation relating to fish trade. The lowest level of implementation related to the question on the measures in the post-harvest sector. Generally speaking, there is a higher level of implementation for mandatory measures and lower level of implementation for measures that are voluntary in nature (reduce post-harvest losses, promotion of value addition).

26. A very high percentage of Members identified the IUU regulations and traceability requirements as emerging issues in the implementation of article 11 of the Code. A somewhat smaller number of Members identified ecolabels and certification requirements as an emerging issue. The high level of concern with the IUU regulations and traceability requirements may be due to the fact that these are often mandatory market access requirements whereas ecolabels are voluntary.

27. Both the G77 and the OECD Members reported a low level of implementation of measures to verify that fish and fisheries products originate from sustainable fisheries and aquaculture.

28. A lower level of implementation of article 11 requirements is also noted for fish and fisheries products entering onto the domestic market as opposed to international markets.

ANNEX I

<i>Benchmarks and what they stand for</i>			
	<i>in percentage values</i>	<i>in implementation terms</i>	<i>in qualitative terms</i>
1	0 - 20%	not implemented, or just started	not at all, or very little
2	20 - 40%	some done, but still largely insufficient	some, but not much
3	40 - 60%	about half of what is needed has been done	some, underway, quite substantial
4	60 - 80%	much of the needs addressed, but incomplete	much, or to a large extent
5	80 - 100%	almost all is done, or complete	very much, or completely
n.a.	not applicable: does not apply to the national or sub-national level, and forfeits all other answers to same question		

Responsible fish utilization

		AVERAGE		
Q1	To what extent do the following measures related to safety and quality assurance systems for fish and fisheries products apply?	ALL	G77	OECD
a	A national policy on safety and quality assurance system is formulated	4.5	4.0	5.0
b	A national policy on safety and quality assurance system is adopted	4.5	4.0	5.0
c	Legislation in support of a safety and quality system is promulgated	4.5	4.2	4.8
d	Legislation in support of a safety and quality system is enforced	4.7	4.6	4.8
e	An enabling institutional environment (e.g. a Competent Authority) is established and fully operational	4.9	5.0	4.8
f	Inspection services are carried out	4.7	4.6	4.8
g	Accredited laboratory services are established and fully operational	4.5	4.4	4.7
h	A national environmental and/or residue monitoring plan is enforced	4.2	3.5	4.8
i	HACCP-based quality management systems are in place	4.3	3.8	4.8
j	Standards for safety and quality of products in the domestic markets are set, monitored and enforced	3.9	3.0	4.8
k	Traceability requirements are implemented	4.5	4.2	4.8
l	A national food standard body is in place	4.4	4.0	4.8
m	National standards are harmonized with the Codex Alimentarius standards	4.2	3.8	4.5
n	Active participation in the Codex Alimentarius and other international standard setting bodies	4.3	3.8	4.8

		AVERAGE		
Q2	Which of the following measures have been taken in the post-harvest sector?	ALL	G77	OECD
a	Measures are taken to assess and reduce post-harvest losses	3.6	2.8	4.3
b	Value addition is promoted, especially for small-scale fisheries	3.8	3.3	4.3
c	Environmental impacts of post-harvest activities are monitored and addressed effectively	3.6	3.2	4.0
d	Human consumption of fish is actively promoted	3.9	3.6	4.3

Responsible international trade

		AVERAGE		
Q3	Which of the following measures have been taken in relation to international trade in fish and fisheries products?	ALL	G77	OECD
a	Measures are in place to verify that fish and fisheries products originate from legal fishing operations	4.7	4.5	4.8
b	Measures are in place to verify that fish and fisheries products originate from sustainable fisheries and aquaculture	3.9	3.4	4.5
c	Measures are in place to ensure that trade in fish and fisheries products does not undermine fisheries management measures, including those taken by international fisheries management bodies.	4.3	3.9	4.8
d	Statistics on international trade in fish and fisheries products are collected, disseminated and exchanged in a timely manner with relevant national and international institutions	4.3	3.7	5.0
e	The impacts of trade in fish and fisheries products (imports and exports) on food security and income are evaluated and monitored	3.5	3.0	4.0

Laws and regulations relating to fish trade

		AVERAGE		
Q4	Do the following statements apply to the legal framework for trade in fish and fisheries products?	ALL	G77	OECD
a	Laws and regulations are developed in consultation with relevant stakeholders	4.5	4.3	4.8
b	Laws and regulations are simple and transparent in their wording and structure (easily understandable)	4.2	4.0	4.5
c	Changes to trade laws and regulations provide for sufficient transitional periods, derogations and other similar arrangements	4.6	4.3	4.8
d	Changes to trade laws and regulations are notified, where applicable, to the WTO, interested States and other relevant international organizations	4.0	3.2	4.8
e	The national regulatory framework is harmonized with internationally recognized provisions on fish trade and the safety and quality requirements	4.6	4.4	4.8
f	Trade laws in support of conservation measures are equitable, non-discriminatory and in conformity with the provisions of regional and international organizations and agreements to which Members are party to.	4.8	4.5	5.0