



07-07-2009

Dear colleagues,

Thank you for your written comments on the current draft guidelines on aquaculture certification. The FAO Secretariat has studied these comments thoroughly. We appreciate highly the time and efforts that went into scrutinizing the draft text and consulting the relevant stakeholders to provide national views on how to take these guidelines further in the consultative process and on future perspectives for their implementation.

All Members that have commented were satisfied with and supportive of the work that has been done and the achievements so far in preparing these guidelines. Many Members expressed their readiness to adopt them with only minor changes. However, some Members consider that the current draft guidelines for aquaculture certification could not be adopted without major changes, both of an editorial and substantive nature. Their concerns related to many chapters of the draft guidelines.

The Secretariat has incorporated into the attached draft the changes where we consider there is consensus and which will further improve the quality of the draft guidelines and further clarify the issues. For easy reference, these changes and amendments are underlined in the revised draft guidelines on aquaculture certification and the deleted texts are stricken through.

The Secretariat considers that other proposed substantive changes require further discussion and consultation among Members at the forthcoming technical consultation that was recommended by the 28th session of the FAO Committee on Fisheries. To facilitate this process, the Secretariat has summarized hereafter the major issues and concerns that were raised by some members and has provided additional information to explain the background and implications to be considered when discussing these issues. The justifications Members give for raising these issues can be consulted on the dedicated website (<http://www.fao.org/fishery/about/cofi/aquaculture/en>) and are not reported hereafter.

Before discussing the major issues and concerns raised, it is worth recalling that the current draft guidelines on aquaculture certification are the result of 6 expert workshops and/or consultative fora held during 2007 - 2008, respectively in Bangkok (Thailand, 27 - 30 March 2007), Fortaleza (Brazil, July 31 - August 3, 2007), Cochin (India, 23 November 2007), London (U.K, 28 - 29 February 2007), Beijing (China, 6 - 8 May 2008) and Silver Spring (Washington D.C, USA, 29 - 30 May 2008). The workshops held in Bangkok, Fortaleza, Cochin and Beijing focused on Asia and Latin America as major aquaculture producing regions of the world; whereas the two workshops held respectively in London and in Silver Spring focussed on Europe and North America as major global seafood markets and included many diverse stakeholders from the aquaculture supply chain, in particular representatives of importers, retailers and processors who showed a keen interest in the development of guidelines for aquaculture certification. At the conclusion of each workshop, the draft guidelines were revised by the Secretariat taking into consideration the relevant views and concerns of the participants, as well as comments received from the public. All draft versions of the guidelines

were circulated to over 300 individuals worldwide for comments and suggestions, pending the finalization of the version presented to the COFI Sub-Committee on Aquaculture in Puerto Varas, Chile in October 2008. The Secretariat strongly recommends that the Members consult the reports of these workshops before the next technical consultation to take advantage of the discussions that took place and the background presentations and information that were made available.

The major issues highlighted and the changes proposed by some Members are as follows:

**Issue 1: consistency of definitions, terminology and criteria with other guidelines or standards**

Some Members consider that several definitions, terms and criteria were not consistent with what has been agreed upon in other international instruments.

**Background from the Secretariat:** The guidelines for aquaculture certification have been drafted to deal with four areas: food safety and quality, animal health and welfare, environmental integrity and social responsibility. Different international organizations deal with these different areas and have developed definitions, terminology and criteria that were considered the most suitable to the subject treated but are not necessarily consistent and uniform across these four areas. During the expert workshops, the participants attempted to select the most suitable terms and criteria and adapt them to aquaculture certification, which led to terms and criteria that were not always fully consistent with existing terminology.

The Secretariat proposes to revisit this issue again during the technical consultation. To facilitate the process, the Secretariat will prepare a background document listing the definitions in use by Codex, OIE, ISO, SPS, TBT, ISEAL and others. When deciding on definitions and terminology, it may be useful to provide, on a case by case, an explanatory note after definitions if needed. This was used in the text of the TBT agreement<sup>1</sup>.

**Issue 2: Consistency with the FAO guidelines on eco-labelling for marine capture fisheries**

Some Members consider that the draft guidelines on aquaculture certification should be made more consistent with, or even mirror, the guidelines on eco-labelling of fish and fishery products from marine capture fisheries.

**Background by the Secretariat:** From the first expert workshop held in Bangkok in 2007, the eco-labelling guidelines were used as starting point and a template for the development of the aquaculture certification guidelines. Care was exercised to ensure consistency between both sets of guidelines.

However, as the discussion progressed, it became evident that the 2 guidelines are dealing with different issues. The guidelines on eco-labelling of fish and fishery products from marine capture fisheries are applicable to eco-labelling schemes that are designed to certify and promote labels for products from well managed marine capture fisheries and focus on issues related to sustainable use of fisheries resources. They address a natural resource, the fisheries, and define criteria to certify its exploitation status and related management regime. On the other hand, the aquaculture certification guidelines address an aquatic animal production

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<sup>1</sup> The Agreement on technical barriers to trade: [http://www.wto.org/english/docs\\_e/legal\\_e/17-tbt.pdf](http://www.wto.org/english/docs_e/legal_e/17-tbt.pdf)

system and define criteria for farm inputs, facilities and practices that will ensure consumer protection (food safety and quality), animal health and welfare, environmental integrity and social responsibility.

In addition, while eco-labelling certification is voluntary and market driven, some aspects of aquaculture certification, for example food safety, are mandatory, regulated and implemented by governments. Consequently, the guidelines on aquaculture certification required the use of definitions, concepts and criteria that have been developed by other relevant international bodies such as Codex, OIE, ISO or ISEAL and adapting them to the wider scope and issues that are addressed by the guidelines on aquaculture certification.

Some Members argued that fisheries production forms a continuum from wild fishery to aquaculture (e.g., through ranching, enhancement, and also including inland fisheries). While agreeing that products from enhanced fisheries and ranching can be compared easily, products from aquaculture where hatchery produced or wild-caught fry and fingerling are raised under confined and controlled environment are very different to compare with those from capture fisheries. Aquaculture is a highly diverse production system, where an array of external inputs and resources are used during the production process and different production practices are utilised. The aquaculture certification guidelines provide guidance for the development, organization and implementation of credible aquaculture certification schemes and cover the range of issues which should be considered relevant for the certification in aquaculture.

Considering the existing wide diversity of aquaculture systems and practices, which is a main difference from marine capture fisheries, some quantitative criteria used in the Eco-labelling guidelines were not considered in order to avoid being prescriptive, in the context of aquaculture. For example in paragraph 90, the expression "*on a regular basis and as appropriate.*" was used instead of "*at least once every 6 months*"

The Secretariat recommends that in addition to the eco-labelling guidelines, other relevant international guidelines, codes and standards dealing with an array of different issues should be consulted and debated again during the coming technical consultation. The Secretariat recognizes that a plethora of standards and standard setting organizations exist and that the number is fast increasing. A careful, logical and practical approach is needed. Thus, the Secretariat strongly believes that the basis for definitions, scope and principles should be provided by the overarching framework of the SPS and TBT agreements. Codex and OIE texts should be used for specific definitions, criteria and certification respectively for food safety/quality and animal health. ISEAL texts are relevant to environmental and social issues. Relevant ISO guides and standards are appropriate for the institutional and procedural requirements. Other ISO standards, such as ISO 22000 for food safety management, although consistent with Codex, are beyond the scope of the guidelines on aquaculture certification as they are designed for voluntary certification, mainly B2B certification.

In addition, new terminology/concepts proposed by some Members, e.g. *aquaculture management regime, aquaculture/fisheries operations management systems*, will need to be further clarified to facilitate the discussions at the technical consultation.

**Issue 3: The guidelines on aquaculture certification should not address animal welfare and social responsibility.**

Some Members recommend that the guidelines on aquaculture certification should not address animal welfare and social responsibility, considering that the debates on these issues in international fora are not concluded or measurable. Some also consider that some social responsibility elements of the guidelines intrude into aspects of national sovereignty.

**Background by the Secretariat:** During the third session of the COFI Sub-Committee on aquaculture held in India in September 2006, the Sub-Committee commented that the emergence of a wide range of certification schemes and accreditation bodies was creating confusion amongst producers and consumers alike and stated that there was a need for more globally accepted norms for aquaculture production, which could provide more guidance and serve as a basis for improved harmonization and facilitate mutual recognition and equivalence of such certification schemes. In this respect, the Sub-Committee requested that FAO play a lead role in facilitating the development of guidelines which could be considered when national and regional aquaculture standards are developed.

During the consultative process undertaken in developing the aquaculture certification guidelines, participants to various meetings and workshops recommended that all major aspects being certified by existing certification standards and schemes should be included in the guidelines on aquaculture certification. As many existing aquaculture certification systems and certification standards, both government or private, include animal welfare and social responsibility in their scope, and define criteria and set standards for certification, the participants recommended that criteria for these two areas of aquaculture, animal welfare and social responsibility, should be included in the guidelines on aquaculture certification. By doing so, the guidelines under development would provide an international benchmark covering all aspects for standard setters and certifiers and would consequently assist in promoting harmonization between the various schemes and reducing confusion. If these or other criteria of aquaculture certification currently required by the market, are not included in the guidelines, the aquaculture standard setting and certification bodies will develop their own criteria, to their benefit, which may lead to their multiplicity, heterogeneity and further confusion in the markets. Producers, processors, importers and retailers expressed their concern in this regard.

Also, social responsibility in fisheries and aquaculture is referred to in the Code of Conduct for Responsible Fisheries and its relevant technical guidelines.

The Secretariat recommends a careful consideration of the implications before limiting the criteria for the aquaculture certification guidelines. The Secretariat considers that the international debate on social responsibility and to a lesser extent on animal welfare, is sufficiently advanced to enable the forthcoming technical consultation to discuss the issue and recommend inclusion or exclusion of animal welfare and social responsibility.

**Issue 4: Certification schemes should not be allowed to pick and choose between the 4 areas to certify against.**

Some Members consider that certification schemes should cover all of the areas included in the guidelines and should not be allowed to target one or a few of the following for certification: food safety and quality, animal health and welfare, environmental integrity and social

responsibility. They fear that this will create market confusion and consider that a standard is expected to apply to all certification schemes.

**Background by the Secretariat:** Aquaculture products are diverse and sold in different markets with different requirements. Currently, while all markets require certification against minimum substantive criteria for food safety, fewer buyers and markets require certification for aspects such as animal welfare or social responsibility. During the development of the guidelines for aquaculture certification, it was considered necessary to define minimum substantive criteria for the areas relevant to current aquaculture marketing, but provide flexibility for different aquaculture products to be certified against different requirements depending on the market/buyer targeted.

Although it is ideal to develop certification systems that certify against all four criteria presented in the draft guidelines, the Secretariat believes that there should be flexibility to choose what criteria to be certified, considering the current practices in international fish trade. The Secretariat agrees that, if Members decide that there should be flexibility, the existing text should be modified to eliminate any confusion and to ensure that labels and claims are explicit about the specific area certified against and that they should not convey misleading or confusing information, including by implying that they are as comprehensive as schemes certifying against a greater range of substantive criteria.

#### **Issue 5: The aquaculture certification guidelines should address only food safety, not food safety and quality and should not refer to HACCP**

Some members consider that quality is a subjective issue and that because there are different markets and buyers for different quality levels, minimum criteria related to quality should not be specified. Some others recommend deleting reference to HACCP principles because HACCP is not widely used in aquaculture.

**Background by the Secretariat:** Inclusion of food safety and quality in the guidelines on aquaculture certification is consistent with the SPS<sup>1</sup> and TBT<sup>2</sup> agreements of the WTO. These two agreements refer to *Codex Alimentarius* as an international body which sets standards, codes of practice and guidelines for food safety and quality. The Codex requirements for quality are minimum substantive criteria that reflect good practices along the aquaculture value chain, including during production. Codex also recommends the use of HACCP to manage food safety and quality in aquaculture.

The Secretariat considers that the guidelines for aquaculture certification should define criteria for quality that reflect good practices during aquaculture production, in conformity with Codex and relevant WTO agreements. Universal requirements for Good practice would imply a fair and level playing field among aquaculture producers.

#### **Issue 6: The guidelines mixes core government functions and voluntary issues**

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<sup>1</sup> The agreement on sanitary and phytosanitary measures: [http://www.wto.org/english/docs\\_e/legal\\_e/15-sps.pdf](http://www.wto.org/english/docs_e/legal_e/15-sps.pdf)

<sup>2</sup> The Agreement on technical barriers to trade: [http://www.wto.org/english/docs\\_e/legal\\_e/17-tbt.pdf](http://www.wto.org/english/docs_e/legal_e/17-tbt.pdf)

Some Members are concerned that the guidelines on aquaculture certification deal with aspects such as food safety that are regulated and inspected for by governments and others such as social responsibility that are voluntary and market driven.

**Background by the Secretariat:** From the beginning, it was recognized that current voluntary standards and certification schemes address the four areas mentioned above, but that some of them like food safety and animal health are prerogatives of Governments. Likewise, the expert workshops were informed that several Members have developed national standards that go beyond the areas usually dealt with by Government. The main concern was then how to ensure that there is no duplication between national and private standards and certification activities and how to promote synergy and complementarity between government and private standards.

The Secretariat recommends devoting further discussion to this issue to clarify the roles of governments and that of private schemes. The SPS and TBT agreements contain several provisions that may be useful. These provisions delineate the role and responsibility of central governments, regional governments and non government organizations in charge of setting standards, technical regulations and conformity assessment procedures.

**Issue 7: References to special needs of small scale aquaculture or developing countries should not be included in the guidelines**

Some members consider that reference to the needs for technical assistance of developing countries and small scale farmers should not be required for aquaculture certification and should therefore be deleted from the guidelines.

**Background by the Secretariat:** The SPS and TBT agreements address respectively sanitary measures (food safety and animal health), technical regulations and voluntary standards for processes and products. Both agreements recognize the need for technical assistance and special and differential treatments of developing countries, in particular the least developed ones (Articles 9 and 10 of the SPS and 11 and 12 of TBT).

In addition, the Code of Conduct for Responsible Fisheries in its Article 5 - *Special Requirements for Developing Countries* - outlines provisions for preferential treatment and assistance for developing countries for implementing the CCRF.

Likewise, the Guidelines for eco-labelling of fish and fishery products from marine capture fisheries, in paragraph 6, refer to the "special conditions applying to developing countries and countries in transition" under the section on "General considerations". They recognize that in order to benefit from applying eco-labelling schemes, States, relevant intergovernmental and non-governmental organizations and financial institutions should provide developing countries and countries in transition with financial and technical assistance to develop and maintain appropriate management arrangements that will allow them to participate in such schemes.

The guidelines for aquaculture certification attempted to capture the same idea and principles. If this is retained, the text should be made clear that technical assistance is not pre-requisite for certification and that certification of an aquaculture product means conformity of the product

and production process to the requirements of the guidelines, regardless of whether the operation is small or large scale in a developing or developed country.

Finally, the Secretariat is pleased to announce that the EC, Norway and Australia have replied positively to the FAO request for financial support, up to the amount of Euros 140,000. We hope that other donors will contribute the remaining needed funds to enable us to hold a technical consultation soon to advance further and hopefully finalize the development of the international guidelines for aquaculture certification.

Best regards

A handwritten signature in blue ink, appearing to read 'Rohana' with a stylized flourish above the name.

Rohana Subasinghe  
Secretary  
COFI Sub-Committee on Aquaculture