

Report of the

**EXPERT CONSULTATION ON THE DEVELOPMENT OF GUIDELINES
FOR THE ECOLABELLING OF FISH AND FISHERY PRODUCTS
FROM INLAND CAPTURE FISHERIES**

Rome, 25–27 May 2010



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PREPARATION OF THIS DOCUMENT

This is the report of the Expert Consultation on the Development of Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries, held in Rome, from 25 to 27 May 2010. The Expert Consultation was convened by FAO at the request of the Eleventh Session of the Committee on Fisheries' (COFI) Sub-Committee on Fish Trade (COFI:FT) and endorsed by the Twenty-eighth Session of COFI. COFI recommended that guidelines be prepared by FAO on the ecolabelling of fish and fishery products from inland fisheries.

FAO.

Report of the Expert Consultation on the Development of Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries. Rome, 25–27 May 2010.

FAO Fisheries and Aquaculture Report. No. 943. Rome, FAO. 2010. 37p.

ABSTRACT

In 2005 the Twenty-sixth Session of the Committee on Fisheries (COFI) adopted FAO Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries, and at the same time recommended that FAO prepare international guidelines on the ecolabelling of fish and fishery products from inland fisheries. In response FAO convened an Expert Consultation on the Development of International Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries in 2006. After considering the initial draft Guidelines produced by the 2006 Expert Consultation, COFI, at its Twenty-seventh Session, recommended that FAO undertake further work in relation to the minimum substantive requirements and criteria for both marine and inland capture fisheries and in 2008 FAO convened an Expert Consultation to address these issues. The 2008 Expert Consultation proposed revisions to the marine guidelines and draft inland guidelines and it requested further clarification on definitions and scope of the inland capture fishery guidelines, especially in regards to enhanced inland fisheries.

The COFI Sub-Committee on Trade (COFI:FT) at its Eleventh Session recommended that an Expert Consultation be convened to address these issues and the Twenty-eighth Session of COFI agreed that further work was needed. The Expert Consultation on the Development of Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries was convened in Rome, 25–27 May 2010.

The Expert Consultation reviewed the Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries (Revision 1) adopted by the Twenty-eighth Session of COFI and published by FAO in 2009, the report of the Expert Consultation on the FAO Guidelines for Ecolabelling Capture Fisheries (2008), the report of the Expert Consultation on the Development of International Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries (2006) and a background paper prepared by an FAO consultant that synthesized main points from the above documents.

The Expert Consultation reviewed and refined draft Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries for consideration by the Twenty-ninth Session of COFI. The draft Guidelines follow closely the structure, language and conceptual approach of the revised Marine Guidelines. Many changes to the draft Guidelines primarily relate to the scope and minimum substantive requirements for ecolabelling inland capture fisheries, especially regarding enhanced fisheries. Aquaculture and enhanced fisheries that are solely dependent on material originating from aquaculture were excluded from the scope of the guidelines.

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OPENING OF THE MEETING AND ARRANGEMENTS FOR THE SESSION

1. The Expert Consultation on the Development of Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries was held in Rome, Italy, from 25 to 27 May 2010.
2. The list of experts and other participants in the meeting is shown in Appendix B.
3. The meeting was called to order by Mr Ichiro Nomura, Assistant Director-General, Fisheries and Aquaculture Department, who delivered the opening statement. The text of his statement is reproduced in Appendix C.
4. Mr Sena De Silva was elected as Chairperson and Ms Nancy Gitonga as Vice-Chairperson.
5. The Agenda shown in Appendix A was adopted by the Expert Consultation.
6. Mr Rich Lincoln presented the salient features of the background document he had prepared for the Expert Consultation. A summary is provided in Appendix D.

INTRODUCTION OF THE BACKGROUND, OBJECTIVES AND EXPECTED OUTCOMES OF THE EXPERT CONSULTATION

7. This is the third Expert Consultation on ecolabelling of fish and fishery products to have dealt with inland capture fisheries. When adopting Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries, the Twenty-sixth Session of the Committee on Fisheries (COFI) requested that FAO also prepare guidelines for the ecolabelling of fish and fishery products from inland capture fisheries. An Expert Consultation was convened in 2006 for this purpose. After considering the draft Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries (hereinafter draft inland capture guidelines) produced by the 2006 Expert Consultation, COFI, at its Twenty-seventh Session, recommended that FAO “undertake further work in relation to the minimum substantive requirements and criteria for inland capture fisheries ecolabels”.¹
8. The second Expert Consultation convened to consider revisions to the marine guidelines and the draft inland capture guidelines, held in March 2008,² made some suggested revisions to draft inland capture guidelines. However, it was unable to complete the task and recommended that further work be undertaken.
9. The FAO Sub-Committee on Fish Trade at its Eleventh Session in 2008 agreed on the need to undertake further work on the draft inland capture guidelines, and that it should include the definitions and other matters related to their scope in relation to enhanced fisheries and address the use of introduced species. The Sub-Committee agreed to another Expert Consultation and this was endorsed by COFI in March 2009 at its Twenty-eighth Session.

¹ Paragraph 36. Report of the Twenty-seventh Session of the Committee on Fisheries. Rome, 5–9 March 2007. FAO Fisheries Report No. 830. Rome, FAO. 2007. 74p.

² Report of the Expert Consultation on the FAO Guidelines for Ecolabelling for Capture Fisheries. Rome, 3–5 March 2008. FAO Fisheries Report No. 864. Rome, FAO. 2008. 21p.

10. A Technical Consultation, held in February 2010, produced “Revised Draft Technical Guidelines on Aquaculture Certification”, which would have a bearing on the deliberations of this Expert Consultation.³

11. The Consultation was guided by advice from the COFI Sub-Committee on Fish Trade to ensure that the inland capture fishery guidelines were comprehensive and consistent with the marine guidelines. Drawing on the recommendations of previous Expert Consultations and the advice of the COFI Sub-Committee on Fish Trade and of COFI, the Secretariat summarised for the Expert Consultation what it needed to take into consideration when finalizing the Inland Guidelines for subsequent consideration by COFI:

- The draft guidelines produced by the 2006 Expert Consultation is the primary working text for the guidelines which followed closely the text of the 2005 Marine Guidelines.⁴
- The changes to the minimum substantive requirements for inland capture fisheries recommended by the 2008 Expert Consultation.⁵
- Changes made in the revised Marine Capture Fisheries Guidelines adopted by COFI at its Twenty-eighth Session in 2009, which may be relevant for the Inland Capture Fisheries Guidelines and which should be included for purposes of consistency with the Marine Guidelines.
- The background paper prepared for the Expert Consultation (Appendix D).

12. The Expert Consultation evaluated modifications to the Marine Capture Fisheries Ecolabelling Guidelines⁶ that were accepted by the Twenty-eighth Session of COFI and the suggested revisions to the draft inland guidelines from the Expert Consultation on the FAO Guidelines for Ecolabelling Capture Fisheries (2008). The resulting, proposed draft Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries are shown in Appendix E.

DISCUSSION OF BACKGROUND DOCUMENT AND OUTSTANDING ISSUES

13. Points raised during the discussion include the following:

- a) The Expert Consultation reiterated the point made by earlier Expert Consultations in 2006 and 2008 that the use of enhancement is common in inland fisheries and also discussed that practices range from no enhancement in pure wild production fisheries to highly controlled aquaculture systems. The Expert Consultation recognized the need to define carefully the scope of fisheries eligible for an ecolabel as related to, *inter alia*, the relationship between the type of enhancement activities or production system and the intent of management with respect to the “stock under consideration”. The Expert Consultation concluded that culture-based fisheries (CBF), specifically, those fisheries that are supported solely by stocking (i.e. with no associated management intent to sustain the natural reproduction components and capacity of the “Stock Under Consideration”), are clearly different than stock enhancement programs and would not fall within the scope of these draft inland capture guidelines.

³ Report of the Technical Consultation on the Technical Guidelines on Aquaculture Certification. TC-AC/2010. FAO, Rome, 15–19 February 2010.

⁴ Report of the Expert Consultation on the Development of International Guidelines for Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries. Rome, 23–26 May 2006. FAO Fisheries Reports No. 804. Rome, FAO. 2006. 30p.

⁵ Report of the Expert Consultation on the FAO Guidelines for Ecolabelling for Capture Fisheries. Rome, 3–5 March 2008. FAO Fisheries Report. No. 864. Rome, FAO. 2008. 21p.

⁶ See FAO–Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries (Revision 1). Directives pour l’étiquetage écologique du poisson et des produits des pêches de capture marines (Révision 1). Directrices para el ecoetiquetado de pescado y productos pesqueros de la pesca de captura marina (Revisión 1). Rome, FAO. 2009. 97p.

- b) The Expert Consultation noted that the CBF are becoming an increasingly important food fish production activity particularly in developing countries. CBF in developing countries are attractive to many governments as they involve low capital investment and entail use of small water bodies for the secondary purposes of food fish production, often managed under co-management regimes. Some CBF activities border on or fall within the realm of aquaculture. The Expert Consultation recommended that some other guidelines could be developed or used for certifying good management practice for CBF, either using aquaculture certification guidelines under development or by establishing a separate set of certification guidelines for this category of enhanced fisheries.
- c) The Expert Consultation noted the special challenges that many inland capture fisheries could face in being assessed against minimum substantive requirements due to data deficiencies. Potential concerns were discussed that many small scale, data deficient inland capture fisheries could have significant difficulty being assessed according to the minimum substantive requirements within the inland capture ecolabelling guidelines if requirements were interpreted to mean that intensive data collection and sophisticated management systems are required as evidence to demonstrate sustainable performance. The Expert Consultation noted that while, as a matter of practice, some data and information are needed to assess the management performance of any fishery, such data do not necessarily need to be sophisticated and extensive, with the quality and quantity of necessary information being dependent on the intensity of the fishery and related uncertainties about the consequence of its impacts on the “stock under consideration” and the ecosystem. The Expert Consultation confirmed that a variety of useful assessment tools for less intensive, small scale fisheries exist that can be used to evaluate performance, including risk based assessment approaches. At the same time the Expert Consultation noted that strengthening data collection, monitoring, surveillance, control, and enforcement are important needs for improving sustainable performance of many inland fisheries as well as their ability to successfully participate in ecolabelling programs. Capacity building in developing countries and countries in transition are needed to enable such fishery management improvements.

The Expert Consultation discussed the potential similarities and differences between the draft inland guidelines and the draft technical guidelines for aquaculture certification. The inherent difference between these is that the former relates to ecolabelling intended to promote the sustainable management of harvest on species naturally reproducing in aquatic ecosystems, while the latter is a certification of farming systems for aquatic organisms. The areas of minimum substantive requirements differ in these guidelines. For example, the “stock under consideration” in the draft inland guidelines has no relevance to aquaculture, while the draft aquaculture guidelines at the time of this Expert Consultation define minimum substantive requirements for areas of animal health and welfare, food safety, and socio-economic aspects that are not contained within the inland capture fishery guidelines. While the two sets of guidelines share some common intent with respect to their intent to avoid or manage adverse impacts to the aquatic environment, and each references Article 9 of the Code of Conduct for Responsible Fisheries in doing so, the two guidelines’ respective scopes are quite different. As a result the degree of possible consistency between these respective ecolabelling and certification guidelines is practically limited. The Expert Consultation used the definition of aquaculture contained within the most recent draft of the aquaculture guidelines.

14. In light of the special characteristics and complexities of inland capture fisheries, the Expert Consultation considered it appropriate to include an “Introduction” that focuses on these aspects and sets the stage for the use of these draft inland capture guidelines.

SCOPE, PRINCIPLES, GENERAL CONSIDERATIONS, AND MINIMUM SUBSTANTIVE REQUIREMENTS AND CRITERIA FOR THE ECOLABELLING OF FISH AND FISHERY PRODUCTS FROM INLAND CAPTURE FISHERIES

15. The Expert Consultation appreciated and commended the work of the 2006 and 2008 Expert Consultations. Changes to the Scope, Principles, General Considerations, and Minimum Substantive Requirements and Criteria for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries are detailed below.

General Considerations

16. The Expert Consultation agreed with the 2006 Expert Consultation that Regional Fisheries Management Organizations (RFMOs) do not exist for most inland capture fisheries. Therefore, the Expert Consultation agreed to adopt throughout the text of the guidelines the wider term of regional fishery bodies (RFB) and text suggested from COFI:FT to include relevant regional commissions and other organisations which applied to RFMOs as well as to bodies having purely advisory functions (paragraphs 5 and 27).

Terms and definitions

17. The following terms were added and are defined in the draft inland capture guidelines (Appendix E):

- Aquaculture;⁷
- Natural reproductive component.

18. The following terms were modified and are defined in the draft inland capture guidelines (Appendix E):

- Enhanced fisheries;
- Inland fisheries;
- Stocking.

19. The Expert Consultation noted that CBF are defined as enhanced fisheries which are maintained solely by stocking with material originating from aquaculture installations. Because CBF are a subset of enhanced fisheries and were determined to be outside the scope of the guidelines, the term was deleted from all sections of the draft inland capture guidelines.

Minimum substantive requirements and criteria

20. The Expert Consultation reviewed and accepted the majority of changes adopted in the Marine Guidelines and those suggested for inland capture fisheries by the 2008 Expert Consultation.

21. In regards to fisheries where conventional fishery data may be insufficient or lacking, the Expert Consultation adopted expanded references to relevant traditional, fisher or community approaches to management, monitoring, surveillance, control and enforcement, provided their performance could be objectively verified (paragraph 29.5).

22. The Expert Consultation agreed that a fishery management system for enhanced fisheries should take into account that:

- stocking material originating from aquaculture facilities should meet relevant provisions of Article 9 of the Code of Conduct for Responsible Fisheries (paragraphs 29.7, 30d);

⁷ As defined in Draft Aquaculture Technical Guidelines see footnote 3.

- natural production processes should be maintained and adverse impacts on ecosystem structure and function minimized (paragraph 29.8).

23. The Expert Consultation noted that aquaculture certification guidelines are being developed by FAO and that those guidelines when agreed should be consulted in regards to enhanced fisheries.

24. In regards to species introductions the Expert Consultation realized that there may be circumstances where countries with depauperate inland fauna or modified aquatic ecosystems may wish to introduce new species to increase production and value from these areas. The 2006 Expert Consultation felt that, if these introductions followed international guidelines and risk assessment, the associated fisheries should be eligible for an ecolabel. However, the 2008 and current Expert Consultations felt that application of guidelines, risk assessment and subsequent monitoring and enforcement were not sufficiently established to ensure adequate protection of aquatic ecosystems. Therefore, the Expert Consultation agreed that new introductions for fisheries would fall outside the scope of the guidelines (paragraph 30a).

25. The quality of stocking material for enhanced fisheries or CBF fundamentally relates to traits necessary for survival in the wild, but not to traits relevant to aquaculture (e.g. fast growth and late age at maturity). The 2006 Expert Consultations noted that fitness in the wild is an important consideration for many stocking activities. The Expert Consultation noted the difficulty in ensuring fitness in the wild, and that there may be other objectives to a stocking programme other than ensuring fitness in the wild. The Expert Consultation agreed that aquaculture facilities should strive to provide organisms of sufficient quality to meet the objectives of the stocking programme or fishery enhancement (paragraph 30d).

26. The Expert Consultation provided explicit criteria to determine whether an inland fishery fell within the scope of these Guidelines (paragraph 30b). These criteria focus on maintaining natural ecosystem processes and reproduction of the “stock under consideration”, but also allow for some types of enhancement.

27. Additionally, the Expert Consultation felt that minimum substantive requirements for enhanced fisheries had not been adequately addressed by previous Expert Consultations, especially in regards to stocking material derived from wild populations and on the possibility of stocked material displacing wild populations. Enhanced fisheries may be supported in part by stocking of organisms produced in aquaculture facilities or removed from wild stocks other than the “stock under consideration”. In such cases it will be necessary to manage the enhanced stock and supporting stocks to protect natural reproductive processes and to avoid over-fishing (paragraphs 30c, 30d).

28. In assessing the state and trend in target stocks, the Expert Consultation acknowledged that there are less elaborate means used in developing countries that could be suitable (paragraph 32a). This same consideration could be applicable to enhanced fisheries with a mixture of organisms originating from aquaculture and natural reproduction components, where it would be important to consider the relative contributions of each (paragraph 32b).

PROCEDURAL AND INSTITUTIONAL ASPECTS FOR THE ECOLABELLING OF FISH AND FISHERY PRODUCTS FROM INLAND CAPTURE FISHERIES

29. The Expert Consultation agreed with the 2008 Expert Consultation that most of the provisions on procedural and institutional aspects applied equally to both marine and inland capture fisheries.

30. Reference to certification of stocking material was deemed inappropriate at present and has been deleted (paragraph 101), due to the facts that no internationally agreed hatchery certification guidelines exist at present and that enhanced fisheries eligible for certification have been described.

ADOPTION OF THE REPORT

31. The report of the Expert Consultation, including the proposed draft Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries, was adopted on 27 May 2010.

APPENDIX A

Agenda and timetable

Tuesday, 25 May 2010

Morning

08.30–09.15	Arrival and registration
09.15–09.45	Welcome by Ichiro Nomura (Assistant Director-General, FAO Fisheries and Aquaculture Department) Introduction of participants
09.45–10.00	Nomination of Chairperson and Vice-Chairperson of the meeting
10.00–10.15	Adoption of the agenda
10.15–10.45	Coffee break
10.45–11.00	Guidance on the deliberations of the Expert Consultation
11.00–11.30	Presentation of background paper to be addressed by the Expert Consultation
11.30–12.30	Discussion on the background paper and outstanding issues
12.30–14.00	Lunch break

Afternoon

14.00–15.30	Discussion on the background paper and outstanding issues (cont.)
15.30–16.00	Coffee break
16.00–17.30	Discussion and drafting of outstanding issues – Minimum substantive requirements, modifications to marine guidelines.

Wednesday, 26 May 2010

Morning

09.00–10.30	Discussion and drafting of outstanding issues – Enhanced and culture-based fisheries.
10.30–11.00	Coffee break
11.00–12.30	Discussion and drafting of outstanding issues – Enhanced and culture-based fisheries (cont.)
12.30–14.00	Lunch break

Afternoon

14.00–15.30	Discussion and drafting of outstanding issues – Enhanced and culture-based fisheries (cont.)
15.30–16.00	Coffee break
16.30–17.30	Discussion and drafting of outstanding issues – Consistency with aquaculture certification.

Thursday, 27 May 2010

Morning

09.00–10.30	Consistency with the marine guidelines – additional issues for consideration
10.30–11.00	Coffee break
11.00–12.30	Secretariat revises draft Guidelines Secretariat presents consolidated draft report

12.30–14.00 Lunch break

Afternoon

14.00–15.30 Plenary discussion/adoption of final report and draft Guidelines

15.30–16.00 Coffee break

16.00–17.00 Closing of meeting

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APPENDIX C

Opening statement by Mr Ichiro Nomura, Assistant Director-General, FAO Fisheries and Aquaculture Department

Ladies and Gentlemen,

Welcome to Rome and welcome to FAO.

I'm very grateful that you have accepted to serve as Experts in this Consultation and I wish to thank you for doing so. I also would like to express my thanks to your organizations or governments which have agreed to your participation.

This is the third Expert Consultation on ecolabelling of fish and fishery products to have dealt with inland capture fisheries. Although some of you will be familiar with the history of the process, let me briefly outline the background to the convening of this Expert Consultation. The Twenty-sixth Session of the FAO Committee on Fisheries, that is COFI, adopted Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries in March of 2005. These guidelines were revised by an Expert Consultation in March 2008 and adopted by COFI in 2009. The marine guidelines have been made available to you and will form an important basis of your work during the coming days.

COFI also recommended that international guidelines be prepared by FAO on the ecolabelling of fish and fishery products from inland fisheries. This was a request, I believe, that was first proposed by one of our African Members in view of the special importance of, in particular, the great lakes to the fisheries in many African countries. This proposal found ready acceptance across our entire membership as, clearly, inland fisheries are of great importance also in Asia, North and South America and Europe. Thus, in 2006, FAO held an Expert Consultation on the development of similar guidelines for inland capture fisheries.¹ COFI subsequently recommended, at its Twenty-seventh Session, that FAO “undertake further work in relation to the minimum substantive requirements and criteria for inland capture fisheries ecolabels”.² Thus the March 2008 Expert Consultation³ sought to further develop the work on Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries and made some suggested revisions. However, it was unable to complete the task and recommended that further work be undertaken on them.

The FAO Sub-Committee on Fish Trade at its Eleventh Session in 2008 reported:

Members took note of the continuum between aquaculture and capture fisheries, and the need to consider the many fisheries and operations that fall between these two. There was agreement on the need to undertake further work on the draft guidelines for inland capture fisheries, including the definitions and other matters related to the scope of the guidelines in relation to enhancement of fisheries. The Committee agreed to another Expert Consultation. Related to this, there was also agreement on the need to include criteria on species introductions, including consideration of the displacement of indigenous species resulting from species introductions.”

¹ Report of the Expert Consultation on the Development of International Guidelines for Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries. Rome, 23–26 May 2006. FAO Fisheries Report No. 804. Rome, FAO. 2006. 30p. <ftp://ftp.fao.org/docrep/fao/009/a0741e/a0741e00.pdf>

² Paragraph 36, Report of the Twenty-seventh session of the Committee on Fisheries. Rome, 5–9 March 2007. FAO Fisheries Report. No. 830. Rome, FAO. 2007. 74p.

³ Report of the Expert Consultation on the FAO Guidelines for Ecolabelling for Capture Fisheries. Rome, 3–5 March 2008. FAO Fisheries Report No. 864. Rome, FAO. 2008. 21p.

In February 2010, a Technical Consultation produced “Revised Draft Technical Guidelines on Aquaculture Certification”. The process leading to adoption of these Guidelines by COFI still needs to be concluded, but they are being made available because of their relevance to aspects of inland capture fisheries.

COFI, at its Twenty-eighth Session in March 2009, “agreed that additional work should be carried out in relation to the Guidelines”.⁴ This is why you are gathered here today. The 2006 draft Guidelines and revisions proposed so far together with other relevant documentation have been made available to you and will also be an important basis for your discussions.

The ecolabelling debate has been controversial at times and focused on four areas of concern, as follows:

- the concern that ecolabelling schemes are used, or may be used, as new forms of barriers to trade;
- the scientific basis of certification standards and criteria;
- the potential difficulties for developing countries to participate in such schemes, especially the small-scale producers in these countries;
- the potential confusion among traders and consumers which may derive from the utilization of a number of various and diverse product labels, themselves relating to different criteria and standards.

Given the appearance in the market place of a great variety of labelling schemes, of corporate sustainability supply standards, as well as purchasing guides of environmental non-governmental organizations, FAO Members have recognized the advantages that an international set of agreed guidelines offers to address several of the above concerns.

When adopting the guidelines, COFI noted the special circumstances, conditions and concerns applying to developing countries and countries in transition that required time, financial and technical assistance to develop and maintain appropriate fisheries management arrangements in order to participate in, and benefit from, voluntary ecolabelling schemes. COFI also agreed that direct support towards the often high cost of accreditation and certification would be necessary.

Although I believe many of you are familiar with FAO rules and procedures, nonetheless I would like to clarify your role in this Expert Consultation which you attend in your individual capacity and not as representative of your government or organization. There is no difference in status between those of you who work with government or those of you who work with a private or non-governmental entities.

Your task over the coming three days is to advise the FAO Fisheries and Aquaculture Department and the next session of COFI in 2011, on the possible contents of ecolabelling guidelines for fish and fishery products from inland fisheries. I should mention here that, given the similarities between capture fisheries in marine and inland waters, many of the procedural provisions concerning accreditation and certification of the marine ecolabelling guidelines should apply equally to inland fisheries. However, earlier consultations did take note of the significant production that comes from enhancements of inland fisheries through aquaculture stocking programs and habitat modification. Therefore, your task is likely to be one of identifying specific sustainability features of inland fisheries that warrant modifications to the minimum substantive requirements and criteria for ecolabelling of inland fisheries and in defining what inland fisheries fall within the scope of these guidelines.

⁴ Paragraph 28, Report of the Twenty-eighth session of the Committee on Fisheries. Rome, 2–6 March 2009. FAO Fisheries and Aquaculture Report No. 902. Rome, FAO. 2009. 64p.

I wish you fruitful deliberations over the coming days and look forward with interest to the results of your work. In closing, I should mention that the report of your Consultation will be published by FAO and will also be made available on our home page.

I hope you'll have an enjoyable stay in Rome in spite of all the work to be done.

Thank you very much for your attention.

APPENDIX D**Summary of the presentation of salient points of the background document
by
Mr Rich Lincoln**

1. Culture-based fisheries (CBF) are maintained solely by stocking with material originating from aquaculture installations. They typically have a maximum utilization goal without an objective to maintain the target population at some optimal level related to a biologically based biomass or abundance requirement for self-sustaining, natural reproduction such as maximum sustained yield (MSY). The 2006 Expert Consultation noted that CBF are a special case – different from other fisheries to be assessed under either the marine or inland capture guidelines: *sustainability of the target species (“stock under consideration”) would not be the ecolabelling focus or intent*. Given this definition and context for CBF in the 2006 draft inland capture guidelines, these fisheries have features more aligned with aquaculture, on a production spectrum that ranges from pure wild production to highly controlled aquaculture systems described spectrum. Several options were provided for possible treatment of CBF with respect to the guidelines.
2. Assessing markedly different types of fisheries (e.g. culture-based vs other types of capture fisheries) for the purpose of ecolabelling, which would have very different minimum substantive requirements, has the potential to create inequitable performance requirements among producers and related competitive economic advantages and disadvantages in the context of ecolabelling and related market access and benefits.
3. Capture guidelines should have defined scope criteria related to various features of enhanced fisheries – examples of possible criteria were provided that relate to elements such as naturally reproducing stock components, geographical origin and history of species stocked, use of enhancement to avoid responsible harvest management actions, and whether habitat modifications related to enhancement result in any serious or irreversible harm.
4. With respect to possible consistency between draft inland capture ecolabelling guidelines and draft aquaculture certification guidelines, a number of inherent differences in scope between these respective guidelines make it difficult to adequately review and compare them. The most relevant aspect of the aquaculture guidelines that could contribute to finalizing the inland capture guidelines is the definition of aquaculture that is available in the latter.
5. Concerns have been raised in the past that ecolabelling schemes could result in obstacles to trade for developing countries and countries in transition because achieving certification could be difficult due to data deficiencies typical of fisheries in these areas. At the same time companion concerns also have been expressed that inappropriate ecolabels could adversely affect the sustainability of the resource, in opposition to their objectives, by establishing different performance requirements depending on the location, size and development status of any particular fishery. The most practical solution to these combined challenges is to use a common performance standard by which to assess all fisheries, but enable flexible assessment approaches for data deficient fisheries that can utilize different types of information and tools by which to evaluate performance toward achieving a given standard. Examples were provided within the existing marine and draft inland capture guidelines where flexible assessment concepts have been incorporated. Additional efforts are also underway to develop tools for assessing fisheries in data-poor situations. These include an ongoing FAO initiative to develop assessment guidance for data deficient fisheries, and trial assessment approaches by current ecolabelling schemes.

APPENDIX E

Proposed Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries¹

INTRODUCTION

- i. Inland fisheries have long provided an important source of food and economic opportunity. They are characterized by a diverse range of fish species, gears, environments in which they are used and socially and culturally complex societies within which they operate. There is often significant production from inland fisheries that have been enhanced by inputs from aquaculture or from habitat modification. Inland fisheries exist in natural waters such as streams, rivers, swamps, lakes and inland seas, temporary water bodies such as floodplains and seasonal water bodies, and also in man-made and modified habitats such as irrigation systems, rice paddies, reservoirs and enclosed natural water bodies. Fishing techniques also range from small hand held nets to industrial scale trawlers on inland seas. In aggregate inland fisheries may be massive suppliers of food and income even though at the individual fisher level they may not be great generators of wealth. Inland fisheries often provide important food and nutritional security to many remote and rural areas. In many of these areas monitoring and reporting are difficult or non-existent and the fishery management operations are wide ranging, including government, community and co-management systems.
- ii. A vitally important aspect of the sustainability of inland fisheries is that production of fish and other aquatic organisms from inland waters is often profoundly affected by features of their catchments and by significant anthropogenic impacts that can adversely affect sustainability. Inland fishes have been identified as the most endangered group of vertebrates used by people. Often the most significant impacts, such as competition for water resources, land recovery, damming for power generation and water supply, pollution, eutrophication, and climate change originate from outside the sector. In inland capture fisheries managers and fishers may have little control over major factors determining production of inland fishery resources.
- iii. While inland fishery management can not by itself prevent such impacts, recognition of sustainable performance through ecolabelling schemes can provide important incentives for protecting inland aquatic ecosystems from external impacts.
- iv. The following guidelines should be viewed in the context of the above characteristics of inland fisheries and the conservation of inland aquatic ecosystems.

SCOPE

1. These guidelines are applicable to ecolabelling schemes that are designed to certify and promote labels for products from well-managed inland capture fisheries and focus on issues related to the sustainable use of fisheries resources.

¹ Revisions and additions to the Proposed Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries produced by the 2006 Inland Fisheries Expert Consultation are in red.

PRINCIPLES

2. The following principles should apply to ecolabelling schemes for inland capture fisheries:
 - 2.1a Be consistent with the FAO Code of Conduct for Responsible Fisheries, the Convention on Biodiversity, the Ramsar Convention on Wetlands, and the World Trade Organization (WTO) rules and other relevant international instruments.
 - 2.1b Take into account the provisions of relevance for the management of inland capture fisheries contained in the 1982 United Nations Convention on the Law of the Sea and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.
 - 2.2 Recognize the sovereign rights of States and comply with all relevant laws and regulations.
 - 2.3 Be of a voluntary nature and market-driven.
 - 2.4 Be transparent, including balanced and fair participation by all interested parties.
 - 2.5 Be non-discriminatory, do not create unnecessary obstacles to trade² and allow for fair trade and competition.
 - 2.6 Provide the opportunity to enter international markets.³
 - 2.7 Establish clear accountability for the owners of schemes and the certification bodies in conformity with international standards.
 - 2.8 Incorporate reliable, independent auditing and verification procedures.
 - 2.9 Be considered equivalent if consistent with these guidelines.
 - 2.10 Be based on the best scientific evidence available, also taking into account traditional knowledge of the resources provided that its validity can be objectively verified.
 - 2.11 Be practical, viable and verifiable.
 - 2.12 Ensure that labels communicate truthful information.
 - 2.13 Provide for clarity.
 - 2.14 Be based, at a minimum, on the minimum substantive requirements, criteria and procedures outlined in these guidelines.

3. The principle of transparency should apply to all aspects of an ecolabelling scheme including its organizational structure and financial arrangements.

GENERAL CONSIDERATIONS

4. Ecolabelling schemes should take into account that principles, minimum substantive requirements, criteria and procedures set out in this document will apply equally for developed, transition and developing countries.

5. Bearing in mind that ecolabelling schemes relate to fisheries management, and rights and duties of States,⁴ it is recognized that the involvement of States in ecolabelling schemes is desirable and should be encouraged. It is also recognized that States and, as appropriate, regional fishery bodies (RFB), **(which includes Regional Fishery Management Organizations), relevant regional commissions or other organizations or arrangements** may develop ecolabelling schemes in a manner consistent with these guidelines. Ecolabelling schemes should give full consideration to the recommendations and advice by States, and, as appropriate, **RFBs, relevant regional commissions or other organizations or arrangements and FAO.**

² Consistent with the WTO Agreement on Technical Barriers to Trade.

³ See Code of Conduct for Responsible Fisheries Para. 11.2

⁴ In these Guidelines, the reference to States includes the European Community in matters within its competence.

6. In accordance with Article 5 of the Code of Conduct for Responsible Fisheries, and recognizing that all countries should have the same opportunities, and in view of the special conditions applying to developing countries and countries in transition and their important contribution to international fish trade, it is acknowledged that in order to benefit from applying ecolabelling 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 fisheries management systems and arrangements that will allow them to participate in such schemes. Such assistance should also consider direct support towards the often high costs of accreditation and certification. Development agencies and donor institutions are encouraged to support FAO in facilitating financial and technical assistance to developing countries and countries in transition.

TERMS AND DEFINITIONS

7. For the purpose of these International Guidelines, the following terms and definitions apply.

Accreditation

8. Procedure by which a competent authority gives formal recognition that a qualified body or person is competent to carry out specific tasks.
(Based on ISO/IEC Guide 2:1996, 12.11)

Accreditation body

9. Body that conducts and administers an accreditation system and grants accreditation.
(Based on ISO Guide 2, 17.2)

Accreditation system

10. System that has its own rules of procedure and management for carrying out accreditation.

11. Note – Accreditation of certification bodies is normally awarded following successful assessment and is followed by appropriate surveillance.
(Based on ISO Guide 2, paragraph 17.1)

Arrangement

12. A cooperative mechanism established by two or more parties be they governmental, private or non-governmental entities.

Audit

13a. A systematic and functionally independent examination to determine whether activities and related results comply with planned objectives.
(Based on Codex Alimentarius, Principles for Food Import and Export Certification and Inspection, CAC/GL 20)

Aquaculture:

13b The farming of aquatic organisms involving intervention in the rearing process to enhance production and the individual or corporate ownership of the stock being cultivated.

Certification

14. Procedure by which a third party gives written or equivalent assurance that a product, process or service conforms to specified requirements. Certification may be, as appropriate, based on a range of inspection activities which may include continuous inspection in the production chain.
(Based on ISO Guide 2, 15.1.2 and Principles for Food Import and Export Certification and Inspection, CAC/GL 20)

Certification body

15. Competent and recognized body that conducts certification. A certification body may oversee certification activities carried out on its behalf by other bodies.

(Based on ISO Guide 2, 15.2)

Chain of custody

16. The set of measures which is designed to guarantee that the product put on the market and bearing the ecolabel logo is really a product coming from the certified fishery concerned. These measures should thus cover both the tracking/traceability of the product all along the processing, distribution and marketing chain, as well as the proper tracking of the documentation (and control of the quantity concerned).

Complaint

17. An objection by a person or body to a decision regarding accreditation, de-accreditation, certification or de-certification.

Conformity assessment

18. Any activity concerned with determining directly or indirectly that relevant requirements are fulfilled.

19. Notes: Typical examples of conformity assessment activities are sampling, testing and inspection; evaluation, verification and assurance of conformity (supplier's declaration, certification); registration, accreditation and approval as well as their combinations.

(ISO Guide 2, 12.2)

Culture based fisheries

~~19b. Capture fisheries which are maintained solely by stocking with material originating from aquaculture installations.~~

Decision

20. Any resolution by an accreditation or certifying body or arrangement concerning the rights and obligations of a person or body.

Ecolabelling scheme

21. Ecolabelling schemes entitle a fishery product to bear a distinctive logo or statement which certifies that the fish has been harvested in compliance with conservation and sustainability standards. The logo or statement is intended to make provision for informed decisions of purchasers whose choice can be relied upon to promote and stimulate the sustainable use of fishery resources.

Enhanced fisheries

21b. Fisheries that are supported by activities aimed at supplementing or sustaining the recruitment of one or more aquatic organisms and raising the total production or the production of selected elements of a fishery beyond a level which is sustainable by natural processes. **Enhancement ~~it~~ may entail stocking with material originating from aquaculture installations, translocations from the wild and habitat modification.**

Inland capture fisheries

21c. ~~The removal of fish and other aquatic organisms from natural or enhanced inland fisheries, but excluding aquaculture.~~ The extraction of living aquatic organisms from natural or man-made inland waters, but excluding those from aquaculture facilities.

Introduced species (alien species⁵)

21d. Species, (including associated races or strains) that are intentionally or accidentally transported and released by humans into an environment outside their natural range.

Naturally reproductive stock component

21e. In fisheries enhanced through stocking, that component of the total stock that is maintained by natural reproduction. This component may include organisms derived from natural reproduction of stocked fish

Standard for certification

22. Document approved by a recognized organization or arrangement, that provides, for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not mandatory under international trade rules. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method.

(Based on TBT agreement, Annex 1, para.2)

In these guidelines, unless otherwise qualified, the word standard refers to a standard for certification. The standard for certification will include requirements, criteria and performance elements in a hierarchical arrangement. For each requirement, one or more substantive criteria should be defined. For each criterion, one or more performance elements should be provided for use in assessment.

Standard-setting organization or arrangement

23. Organization or arrangement that has recognized activities in standard setting.

(Based on ISO Guide 2, paragraph 4.3)

Stocking

23b. ~~Refers to the repeated injection of fish into an ecosystem in which a population of that species already exists from one external to it.~~ The release of cultured or wild aquatic organisms at any life stage into an aquatic ecosystem for the purpose of enhancement, stock rebuilding or biological control.

Third party

24. Person or body that is recognized as being independent of the parties involved, as concerns the issue in question.

(ISO/IEC Guide 2:1996)

Translocations (transfers)

24b. Movement of individuals of a species or population, intentionally or accidentally transported and released within their natural range.

Unit of certification

25. The “unit of certification” is the fishery for which ecolabelling certification is 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, including all life stages, are to be considered.

⁵ Adapted from Article 8(h) of the Convention on Biological Diversity.

MINIMUM SUBSTANTIVE REQUIREMENTS AND CRITERIA FOR ECOLABELS

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 including the 1995 Code of Conduct for Responsible Fisheries, the Convention on Biodiversity, the Ramsar Convention on Wetlands, as well as provisions of relevance for the management of inland capture fisheries contained in the 1982 UN Convention on the Law of the Sea and the 1995 UN Fish Stocks Agreement.

27. Requirements are specified for each of three areas: the management systems, the fishery and associated “stock under consideration” ~~stock or stocks~~ for which certification is being sought (subsequently referred to as “stock under consideration”), and consideration of serious impacts of the fishery on the ecosystem including stock enhancement activities. 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 RFBs, relevant regional commissions or other organizations or arrangements** 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 laws and regulations, including the requirements of any regional fisheries management agreement that directs the management of the fisheries on the “stock under consideration” ~~target stocks~~.

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, and the multipurpose nature of the use patterns in inland waters.

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, which are prevalent in inland capture 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.

29.1 Adequate and reliable 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 stocks⁶ (see below: Methodological aspects). This can include relevant traditional, fisher or community knowledge, provided their validity can be objectively verified.

⁶ After Code of Conduct for Responsible Fisheries, Article 7.4.4.

29.2a 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, **fisher or community** knowledge, provided their validity can be objectively verified, in order to evaluate the current state of the “stock under consideration”⁷ in relation to, where appropriate, stock specific target and limit reference points.⁸

29.2b: 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:

- 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 **their** 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.⁹ 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 fishery¹⁰ and compliance is ensured through suitable mechanisms for monitoring, surveillance, control and enforcement. **This could include relevant traditional, fisher or community approaches, provided their performance could be objectively verified.** (see also Paragraph 6).¹¹

29.6 In accordance with the Code of Conduct **for Responsible Fisheries** Article 7.5, the precautionary approach is being implemented to protect the “stock under consideration” and the aquatic environment. This should take due account of stock enhancement procedures. *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.¹² Further, relevant uncertainties are being taken into account through a suitable method of risk assessment, including those associated with the use of introduced or translocated species.¹³

⁷ Code of Conduct for Responsible Fisheries, Articles 6.4 and 7.4.1.

⁸ Code of Conduct for Responsible Fisheries, Article 7.5.3.

⁹ Based on Code of Conduct for Responsible Fisheries, Article 7.1.1.

¹⁰ Code of Conduct for Responsible Fisheries, Article 7.7.1.

¹¹ Code of Conduct for Responsible Fisheries, Article 7.1.7.

¹² Code of Conduct for Responsible Fisheries, Article 7.5.1.

¹³ FAO Technical Guidelines for Responsible Fisheries No. 2 – Precautionary approach to capture fisheries and species introductions.

Appropriate reference points are determined and remedial actions to be taken if reference points are approached or exceeded are specified.¹⁴

~~29.7 In the case of culture-based and enhanced fisheries, the management system can be able to demonstrate that the stocking material is only supplied by originating from aquaculture facilities meets the requirements of paragraph 30d an effective framework should be established to link the fishery management system with its supporting aquaculture production system (see also 30b).~~

29.8 In the case of enhanced fisheries, the fishery management system should take due regard of the natural production processes and minimize adverse impacts on ecosystem structure and function.

“Stocks under consideration”

30a. 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,¹⁵ 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), including measures to favourably enhance the environment, should allow for restoration within reasonable time frames of the stocks to such levels. This requirement also pertains to species introductions or translocations that have occurred historically and ~~or in accordance with international guidelines,~~¹⁴ which become established as part of the natural ecosystem. ~~The following criteria are applicable:~~

~~30a.1 The “stock under consideration” is not overfished if it is above the associated limit reference point (or its proxy).~~

~~30a.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.~~

~~30a.3 The structure and composition of the “stock under consideration” which contribute to its resilience are taken into account.~~

~~30a.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 of **overfishing** the more specific evidence is necessary to ascertain the sustainability of intensive fisheries.~~

30b. The scope of these guidelines extends to enhanced components of the “stock under consideration” provided that a natural reproductive stock component is maintained and fishery production is based primarily on natural biological production within the ecosystem of which the “stock under consideration” forms a part. Specifically, to be within the scope of these guidelines, enhanced fisheries must meet the following criteria:

- the species are native to the fishery’s geographic area or were introduced historically and have subsequently become established as part of the “natural” ecosystem;
- there are natural reproductive components of the “stock under consideration”;
- the growth during the post-release phase is based upon food supply from the natural environment and the production system operates without supplemental feeding.

¹⁴ Code of Conduct for Responsible Fisheries, Article 7.5.2.

¹⁵ Code of Conduct for Responsible Fisheries, Article 7.1.1.

30c. In the case of enhanced fisheries, “stock under consideration” may comprise naturally reproductive components and components maintained by stocking. The overall enhanced fishery should be managed in such a way that the naturally reproductive components are managed in accordance with the provisions of Article 7 of the Code of Conduct for Responsible Fisheries and with paragraph 30a. The following criteria are to be interpreted in the context of avoiding significant negative impacts of enhancement activities on the natural reproductive components of “stock under consideration”:

- naturally reproductive components of enhanced stocks are not overfished;
- naturally reproductive components of enhanced stocks are not substantially displaced by stocked components. In particular, displacement must not result in a reduction of the natural reproductive stock component below abundance-based target reference points (or their proxies) defined for the regulation of harvest in accordance with paragraph 30a.

30d. Enhanced fisheries may be supported in part by stocking of organisms produced in aquaculture facilities or removed from wild stocks other than the “stock under consideration”. Aquaculture production of organisms for stocking should be managed and developed according to relevant provisions of Article 9 of the Code of Conduct for Responsible Fisheries, especially in relation to maintaining the integrity of the environment, the conservation of genetic diversity, disease control, and quality of stocking material. Removal of organisms from wild stocks other than the stock of consideration should be managed according to the provisions of Article 7 of the Code of Conduct for Responsible Fisheries with respect to the stock from which organisms are being removed.

Ecosystem considerations

31. Requirement: Adverse impacts of the fishery and any associated culture and enhancement activity on the ecosystem should be appropriately assessed and effectively addressed. Enhanced ~~and culture-based~~ fisheries will be managed to ensure biodiversity of aquatic habitats and ecosystems are conserved and endangered species protected.¹⁶ **Any modifications to the habitat for enhancing the “stock under consideration” are reversible and do not cause serious or irreversible harm to the natural ecosystem’s structure and function.** Significant scientific uncertainty is to be expected in assessing possible adverse ecosystem impacts of fisheries, including culture and enhancement activities. 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 their 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 risks of extinction arise recruitment overfishing or other impacts that are likely to be irreversible or very slowly reversible.~~ **If such impacts 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.

¹⁶ Code of Conduct for Responsible Fisheries, Article 7.2.

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, minimized or mitigated (Code of Conduct for Responsible Fisheries 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.

Methodological aspects

Assessing current state and trends in target stocks

32a. 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 fish stock assessment that are often used in developed countries. Use of less elaborate methods for stock assessment frequently used for inland capture fisheries should not preclude them from possible certification for ecolabelling. However it should be noted that, to the extent that the application of such methods may result in greater uncertainty about the state of the “stock under consideration”, more precautionary approaches to managing fisheries on such resources could 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.

32b. With due regard to paragraph 32a, stock assessment of fisheries that are enhanced through aquaculture inputs must consider the separate contributions from aquaculture and natural production.

~~Stock assessment of enhanced or culture based fisheries should not focus on the hatchery output but more on the recruitment of hatchery fish to the fishery and on the contribution of natural reproduction.”~~

PROCEDURAL AND INSTITUTIONAL ASPECTS

Introduction

33. Drawing heavily on available guides, especially those produced by the International Organization for Standardization (ISO), this chapter of the guidelines addresses the three principal procedural and institutional matters that any ecolabelling scheme should encompass: (1) the setting of certification standards, (2) the accreditation of independent certifying bodies, and (3) the certification that a fishery and the product chain of custody are in conformity with the required standard and procedures. The certification standard encapsulates the objectives that are pursued by a scheme. It is usually expressed in specific criteria that a product and/or the production process and methods would have to meet to get certified.

34. Accreditation of a certification body seeks to verify that the body is appropriate and capable for the certifying tasks. It would have to ascertain that the certification body is neutral and independent and has the technical and financial capacity to perform a certification of the conformity of a fishery with the established standard. Similar requirements apply to the accreditation body itself.

The accreditation body needs to have the technical and financial capacity to undertake accreditation tasks, and perform these tasks in a neutral, non-discriminatory and independent manner.

35. The above three steps in the setting up of an ecolabelling scheme would normally have to occur sequentially in the same order whereby (2) accreditation and (3) certification would remain regular activities of the scheme once established. The scheme may also, at a regular but longer time interval, review and revise the certification standard in view of new knowledge and experiences.

Structure

36. The procedural guidelines are presented in three parts as follows: 1) **Guidelines for the setting of standards of sustainable fisheries**; 2) **Guidelines for accreditation**; and 3) **Guidelines for certification**. Each of these three parts is further subdivided into four sections: i) **Purpose**; ii) **Normative references**; iii) **Functions and structure**; and iv) **Requirements**. The Requirements are the minimum requirements that a body, person or arrangement should meet to be recognized as competent and reliable in its domain. The **Principles** listed earlier in these guidelines apply equally to procedural and institutional aspects of inland capture fisheries ecolabelling schemes.

Options for governance structures

37. There are various options for the governance of an ecolabelling scheme. The initiative for a scheme could be taken by a government, an intergovernmental organization, a non-governmental organization, or a private industry association. There are also various options for the geographical range of a scheme. It could be national, regional or international in scope.

38. The owner of a scheme may not necessarily be directly engaged in its operational affairs. These may be handled by an organization or arrangement which has been specifically set up for this purpose. It could be public, non-governmental or private. The owner of the scheme may lay down rules and regulations under which the ecolabelling arrangement or body is required to operate. The body may implement one ecolabelling scheme for one specific sector (e.g. fisheries) or may have responsibilities for various sectors (textiles, paper, etc.)

39. The owner of an ecolabelling scheme should engage a separate independent specialist accreditation body to take on the task of accreditation of certification bodies on its behalf. The accreditation body could be private, public or an autonomous body governed by public service rules.

Guidelines for the setting of standards of inland capture fisheries

Purpose

40. The setting of standards is among the most critical tasks of any ecolabelling scheme of products from sustainable inland capture fisheries, including ~~culture-based~~ and enhanced fisheries. The standards reflect the objectives for sustainable inland capture fisheries that are being pursued through the scheme. Standards comprise quantitative and qualitative indicators of the governance system or management regime of a fishery as well as of its outcome in terms of sustainable use and conservation of the resources and related ecosystems.

41. Standards should not distort global markets and should not create unnecessary obstacles to international trade.

Normative basis

42. The normative basis of standards of sustainable fisheries is given by international fisheries instruments and applicable national legislation. Relevant international fisheries instruments include, *inter alia*, the FAO Code of Conduct for Responsible Fisheries, the Convention on Biodiversity, the Ramsar Convention on Wetlands, and the provisions of relevance for the management of inland capture fisheries contained in the 1982 UN Convention on the Law of the Sea and the 1995 UN Fish Stocks Agreement.

43. In procedural terms, the normative basis for standard development includes the following.¹⁷
- ISO/IEC Guide 59 *Code of good practice for standardization*. 1994.
 - WTO TBT, ANNEX 3 *Code of Good Practice for the Preparation, Adoption and Application of Standards*.
 - ~~ISEAL. Guidance on the application of the ISEAL Code of Good Practice for Setting Social and Environmental Standards. Public Version 2. January 2004.~~
 - P005 ISEAL Code of Good Practice for Setting Social and Environmental Standards v5, April 2010. ~~ISEAL Code of Good Practice for Setting Social and Environmental Standards. Public version 4. January 2006.~~

Functions and organizational structure

44. A standard setting organization or arrangement is assigned with the tasks of setting, reviewing, revising, assessing, verifying and approving standards. These tasks can be fulfilled through a specialized standard-setting body or through another suitable arrangement.

45. Where there is no standard-setting body, the organizational structure of a standard-setting arrangement should include, *inter alia*, a technical committee of independent experts and a consultation forum whose mandates are established.

Requirements

Transparency

46. Transparency in the development of standards is necessary to guarantee and to ensure consistency with relevant international standards and to facilitate access, and participation of all interested parties, especially those of developing countries and countries in transition.

47. Standard-setting organizations or arrangements should carry out their activities in a transparent fashion and following written rules of procedure. Procedural rules should contain a mechanism for the impartial resolution of any substantive or procedural disputes about the handling of standard-setting matters.

48. A standard is under preparation (under review or under revision) from the moment a decision has been taken to develop, review or revise a standard until that standard has been adopted.

49. Once a standard has been adopted, it should be promptly published and should be accessible on the Internet.

50. At least once every six months, the standard-setting organization or arrangement should publish a work programme containing:

- its name;
- its address;

¹⁷ These normative documents are often updated; the most recent version should be consulted.

- the list of standards currently under preparation;
- the list of standards currently under reviewing or revision; and
- the list of standards which were adopted in the preceding period.

51. A notice of existence of the work programme should be published in a national or, as may be, regional or international publication of standardization activities and/or should be accessible on the Internet whenever possible.

52. On the request of any interested party, the standardizing organization or arrangement should promptly provide, or arrange to provide a copy of its standard setting procedures, most recent work programme, draft standard or final standard.

53. Translations into English, French or Spanish of standard setting procedures, most recent work programme, draft standards or final standards should be provided upon request, within the means of the standard-setting body or arrangement.

Participation by interested parties

54. Standard-setting arrangements or organizations should ensure balanced participation by independent technical experts and by representatives of interested parties in the standard development, revision and approval process. Development of standards for sustainable inland capture fisheries, including ~~culture-based-and~~ enhanced fisheries, should, wherever possible, include representatives of fisheries management authorities, the fishing industry, fishworkers organizations, fishing communities, the scientific community, environmental interest groups, fish processors, traders, retailers and hatchery managers as well as consumer associations.

55. Interested parties should be associated in the standard-setting tasks through an appropriate consultation forum or be made aware of an appropriate alternative mechanisms by which they can participate. Where more than one forum is designated, coordination requirements applicable to them should be determined.

56. Standardizing arrangements or organizations should have written procedures to guide decision-making.

Notification provisions

57. Before adopting a standard, the standardizing organization or arrangement should allow a period of at least 60 days for the submission of comments on the draft standard by interested parties. No later than the start of the comment period, the standardizing organization or arrangement should publish a notice announcing the period for commenting in a national or, as may be, regional or international publication of standardization activities and/or on the Internet.

58. The standardizing organization or arrangement should take into account, in further processing of the standard, the comments received during the period for commenting. The reply should include an explanation why a deviation from relevant national or international standards is necessary.

Keeping of records

59. Proper records of standards and development activity should be prepared and maintained. The standard setting organization or arrangement should identify a central focal point for standards-related enquiries and for submission of comments. Contact information for this focal point should be made easily available including on the Internet.

Review and revision of standards and of standard setting procedures

60. Standards should be reviewed at regular published intervals and, if appropriate, revised following such reviews. Certified fisheries should be given a period of at least three years to come into compliance with the revised standards.

61. Proposals for revisions can be submitted by any interested party and should be considered by the standard-setting organization or arrangement through a consistent and transparent process.

62. The procedural and methodological approach for setting standards should also be updated in the light of scientific and technical progress and of the experience gained in standard setting of sustainable fisheries.

Validation of standards

63. In developing and revising standards, an appropriate procedure should be put in place to validate the standard vis-à-vis the minimum requirements for inland capture fisheries, including ~~culture-based and~~ enhanced fisheries, as laid out in these guidelines. Validation is also required to ensure that standards do not encompass criteria or requirements that are of no relevance for sustainable fisheries and could cause **unfair** barriers to trade or mislead the consumer.

Guidelines for Accreditation

Purpose

64. Accreditation provides assurance that certification bodies responsible for conducting conformity assessments with sustainability standards and chain of custody requirements in fisheries are competent to carry out such tasks. By awarding accreditation to a certification body, accreditation bodies provide assurance that the latter is able to assess and certify that a certain fish or fishery product comes from a fishery that conforms with the established standard of sustainability.

Normative Reference

65. ISO/IEC 17011:2004. Conformity assessment. General requirements for accreditation bodies accrediting conformity assessment bodies.

Functions and structure

66. Accreditation is carried out on the basis of a system that has its own rules and management, **i.e. an accreditation** system. The tasks of granting accreditation following successful assessment should be undertaken by competent accreditation bodies. In order to be recognized as competent and reliable in undertaking the assessment in a non-discriminatory, impartial and accurate manner, an accreditation body should fulfill, *inter alia*, the following requirements.

Requirements

Non-discrimination

67. Access to the services of the accreditation body should be open to all certification entities irrespective of their country of residence. Access should not be conditional upon the size of the applicant body or membership in any association or group, nor should accreditation be conditional upon the number of certification bodies already accredited.

68. Full recognition should be given to the special circumstances and requirements of certification bodies in developing countries and countries in transition including financial and technical assistance, technology transfer, and training and scientific cooperation.

Independence, impartiality and transparency

69. The accreditation body should be independent and impartial. In order to be impartial and independent, the accreditation body should:

- be transparent about its organizational structure and the financial and other kinds of support it receives from public or private entities;
- be independent from vested interests, together with its senior executive and staff;
- be free from any commercial, financial and other pressures which might influence the results of the accreditation process;
- ensure that decision on accreditation is taken by a person(s) who has(ve) not participated in the assessment;
- not delegate authority for granting, maintaining, extending, reducing, suspending or withdrawing accreditation to an outside person or body.

Human and financial resources

70. The accreditation body should have adequate financial resources and stability for the operation of an accreditation system and should maintain appropriate arrangements to cover liabilities arising from its operations and/or activities.

71. The accreditation body should employ a sufficient number of personnel having the necessary education, training, technical knowledge and experience for performing accreditation functions in fisheries.

72. Information on the relevant qualifications, training and experience of each member of the personnel involved in the accreditation process should be maintained by the accreditation body. Records of training and experience should be kept up to date.

73. When an accreditation body decides to subcontract work related to accreditation to an external body or person, the requirements for such an external body should be no less than for the accreditation body itself. A properly documented contractual or equivalent agreement covering the arrangements including confidentiality and conflict of interests, should be drawn up.

Accountability and reporting

74. The accreditation body should be a legal entity and should have clear and effective procedures for handling applications for accreditation procedures. In particular, the accreditation body should maintain and provide to the applicants and accredited entities:

- a detailed description of the assessment and accreditation procedure;
- the documents containing the requirements for accreditation;
- the documents describing the rights and duties of accredited bodies.

75. A properly documented contractual or equivalent agreement describing the responsibilities of each party should be drafted.

76. The accreditation body should have:

- defined objectives and commitment to quality;
- procedures and instructions for quality documented in a quality manual;
- an established effective and appropriate system for quality.

77. The accreditation body should conduct periodic internal audits covering all procedures in a planned and systematic manner to verify that the accreditation system is implemented and effective.

78. The accreditation body may receive external audits on relevant aspects. The results of the audit should be accessible by the public.

79. Qualified personnel, attached to the accreditation body's team, should be nominated by the accreditation body to conduct the assessment against all applicable accreditation requirements.

80. Personnel nominated for the assessments should provide the accreditation body with a report of its findings as to the conformity of the body assessed to all of the accreditation requirements. The report should provide sufficiently comprehensive information such as:

- the qualification, experience and authority of the staff encountered;
- the adequacy of the internal organization and procedures adopted by the certification body to give confidence in its services;
- the actions taken to correct identified nonconformities including, where applicable, those identified at previous assessments.

81. The accreditation body should have policy and procedures for retaining records of what happened during the assessment visit for a period consistent with its contractual, legal or other obligations. The records should demonstrate that the accreditation procedures have been effectively fulfilled, particularly with respect to application forms, assessment reports and other documents relating to granting, maintaining, extending, reducing, suspending or withdrawing accreditation. The records should be identified, managed and disposed of in such a way as to ensure the integrity of the process and confidentiality of the information.

Resolution of complaints concerning accreditation of certifying bodies¹⁸

82. The accreditation body should have a written policy and procedures for dealing with any complaints in relation to any aspect of the accreditation or de-accreditation of certifying bodies.

83. These procedures should include establishment, on an ad hoc basis as appropriate, of an independent and impartial committee to respond to a complaint. If possible, the committee should attempt to resolve any complaints through discussion or conciliation. If this is not possible, the committee should provide a written ruling to the accreditation body, which should transmit it to the other party or parties involved.

84. The accreditation body should:

- a) keep a record of all complaints, and remedial actions relative to accreditation;
- b) take appropriate corrective and preventive action;
- c) assess the effectiveness of remedial actions;
- d) safeguard confidentiality of information obtained during the investigation and resolution of complaints.

85. Information on procedures for handling complaints concerning accreditation should be made publicly available.

86. The above does not exclude recourse to other forms of legal and administrative processes as provided for in national legislation or international law.

Confidentiality

87. The accreditation body should have adequate arrangements, consistent with applicable laws, to safeguard confidentiality of the information obtained in the course of its accreditation activities at all levels of its organization, including committees and external bodies acting on its behalf.

¹⁸ Procedures by the accreditation body on the resolution of complaints and appeals concerning certification are provided in the following chapter on Guidelines for Certification.

88. Where the law requires information to be disclosed to a third party, the body should be informed of the information provided, as permitted by the law. Otherwise information about an applicant certification body should not be disclosed to a third party without a written consent of the body.

Maintenance and extension of accreditation

89. The accreditation body should have arrangements to ensure that an accredited certification body informs it without delay of changes in any aspects of its status or operation.

90. The accreditation body should have procedures to conduct reassessments in the event of changes significantly affecting the capabilities, or scope of accredited activities of the accredited body or the conformance with any other relevant criteria of competence specified by the accreditation body.

91. Accreditation should be re-assessed at sufficiently close intervals to verify that the accredited certification body continues to comply with the accreditation requirements. The periodicity for carrying out reassessments should not exceed five years.

Suspension and withdrawal of accreditation

92. The accreditation body should specify the conditions under which accreditation may be suspended or withdrawn, partially or in total, for all or part of the scope of accreditation.

Change in the accreditation requirements

93. The accreditation body should give due notice of any changes it intends to make in its requirements for accreditation.

94. It should take account of views expressed by interested parties before deciding on the precise form and effective date of the changes.

95. Following a decision on, and publication of, the changed requirements, it should verify that each accredited body carries out any necessary adjustments to its procedures within such time as, in the opinion of the accreditation body, is reasonable.

96. Special considerations should be given to accredited bodies in developing countries and countries in transition.

Proprietor or licensee of an **accreditation** symbol or a logo¹⁹

97. The accreditation body which is proprietor or licensee of a symbol or logo, intended for use under its accreditation programme, should have documented procedures describing its use.

98. The accreditation body should not allow use of its Accreditation mark or logo in any way which implies that the accreditation body itself approved a product, service or system certified by a certification body.

99. The accreditation body should take suitable action to deal with incorrect references to the accreditation system or misleading use of accreditation logos found in advertisements, catalogues, etc.

¹⁹ The provisions on the use and control of a certification claim, symbol or logo is addressed in the Guidelines for Certification.

Guidelines for certification

Purpose

100. Certification is the procedure by which a third party gives written or equivalent assurance that a fishery conforms with the relevant standard and that a proper chain of custody is in place. Certification is an integral and indispensable part of any ecolabelling scheme of products from sustainable inland capture fisheries, including ~~culture-based-and~~ enhanced fisheries. It provides assurance to buyers and consumers that a certain fish or fishery product comes from a fishery that conforms with the established standard for sustainability. Impartial certification based on an objective assessment of all relevant factors ensures that ecolabels convey truthful information. This is a necessary condition for the ecolabelling scheme to attain its objectives.

Scope

101. There are two types of certification, certification of the fishery itself, ~~including the production of stocking material~~, and certification of the chain of custody between the time the fish is harvested and the time the fish or fishery product is sold to the final consumer. Separate certificates may be issued for the fishery and for the chain of custody.

102. Two types of assessments are required for certification:

- a) **conformity assessment** of whether a fishery conforms with the standard and related certification criteria;
- b) **chain of custody assessment** of whether adequate measures are in place to identify fish from a certified fishery at subsequent stages of fish processing, distribution and marketing.

103. Fish and fishery products that are labelled to indicate to the consumer their origin from a sustainable fishery require both types of assessments and certificates.

Normative references

104. ~~ISO/IEC 17021:2006 Conformity assessment – Requirements for bodies providing audit and certification of management systems.~~

105. ~~ISO/IEC CD 17065 Conformity assessment – Requirements for certification bodies certifying products, processes and services.~~

106. WTO. Agreement on Technical Barriers to Trade, Article 5.

Functions and structure

107. The tasks of carrying out conformity and chain of custody assessments should be undertaken by recognized and accredited certification bodies. In order to be recognized as competent and reliable in undertaking the assessments in a non-discriminatory, impartial and accurate manner, a certification body has to fulfill, *inter alia*, the following requirements.

Requirements

Independence and impartiality

108. The certification body should be legally and financially independent from the owner of the ecolabelling scheme.

109. The certification body and its assessment and certifying staff, whether directly employed by the certification body or sub-contracted by it, should have no commercial, financial or any other interest in the fishery or chain of custody to be assessed other than for its certification services.

110. The certification body should ensure that different personnel conduct the certification decision and the certification assessments.

111. The certifying body should not delegate authority for granting, maintaining, extending, reducing, suspending or withdrawing certification to an outside person or body.

Non-discrimination

112. Access to the services of the certification body should be open to all types of fisheries whether managed by a regional, governmental, parastatal or non-governmental fisheries management organizations or arrangement. Access to certification should not be conditional upon the size or scale of the fishery nor should certification be conditional upon the number of fisheries already certified.

Human and financial resources

113. The certification body should have adequate financial resources and stability for the operation of a certification system and should maintain appropriate arrangements to cover liabilities arising from its operations and/or activities.

114. The certification body should employ a sufficient number of personnel having the necessary education, training, technical knowledge and experience for performing conformity and/or chain of custody assessments in fisheries.

115. Information on the relevant qualifications, training and experience of each member of the personnel involved in the certification process should be maintained by the certification body. Records of training and experience should be kept up to date.

116. When a certification body decides to sub-contract work related to certification to an external body or person, the requirements for such an external body should be no less than for the certification body itself. A properly documented contractual or equivalent agreement covering the arrangements including confidentiality and conflict of interests, should be drawn up.

Accountability and reporting

117. The certification body should be a legal entity and have clear and effective procedures for handling applications for certification of the fishery and/or the chain of custody. In particular, the certification body should maintain and provide to the applicants and certified entities:

- a detailed description of the assessment and certification procedure;
- the documents containing the requirements for certification;
- the documents describing the rights and duties of certified entities.

118. A properly documented contractual or equivalent agreement describing the rights and duties of each party should be drafted between the certification body and its clients.

119. The certification body should have:

- defined objectives and commitment to quality;
- policies and procedures for quality documented in a quality manual;
- an established effective, appropriate system for quality.

120. The certification body should conduct periodic internal audits covering all procedures in a planned and systematic manner to verify that the certification system is implemented and effective.

121. The certification body may receive external audits on relevant aspects. The results of the audits should be accessible by the public.

122. The certification body should have a policy and procedures for retaining records for a period consistent with its contractual, legal or other obligations. The records should demonstrate that the certification procedures have been effectively fulfilled, particularly with respect to application forms, assessment reports and other documents relating to granting, maintaining, extending, reducing, suspending or withdrawing certification. The records should be identified, managed and disposed of in such a way as to ensure the integrity of the process and confidentiality of the information.

123. The certification body should ensure that, in the event of changes, all affected parties are notified.

124. The certification body should make appropriate documents available on request.

Certification fees

125. The certification body should maintain a written fee structure for applicants and certified fisheries which should be available on request. In establishing the fee structure and in determining the specific fee of a certification assessment, the certification body should take into account, *inter alia*, the requirements for accurate and truthful assessments, the scale, size and complexity of the fishery or chain of custody, the requirement of non-discrimination of any client, and the special circumstances and requirements of developing countries and countries in transition.

Confidentiality

126. The certification body should have adequate arrangements, consistent with applicable laws, to safeguard confidentiality of the information obtained in the course of its certification at all levels of its organization.

127. Where the law requires information to be disclosed to a third party, the client should be informed of the information provided, as permitted by the law. Otherwise information about a particular product or fishery should not be disclosed to a third party without a written consent of the client.

Maintenance of certification

128. The certification body should carry out periodic surveillance and monitoring at sufficiently close intervals to verify that certified fisheries and/or certified chains of custody continue to comply with the certification requirements.

129. The certification body should require the client to notify it promptly of any intended changes to the management of the fishery, or the chain of custody, or other changes which may affect conformity.

130. The certificate body should have procedures to conduct reassessments in the event of changes significantly affecting the status and management of the certified fishery, or the chain of custody, or if analysis of a complaint or any other information indicates that the certified fishery and/or the chain of custody no longer comply with the required standard and/or related requirements of the certification body.

131. The period of validity of a certificate should not exceed five years in the case of a fishery and three years in the case of the chain of custody. The assessment required for re-certification should give particular attention to changes that have been made in the conduct of the fishery or in the management practices, and on any new conditions that changes in standards might require.

Renewal of certification

132. On the basis of prior regular monitoring and auditing exercises and a full reassessment, the validity of certification can be renewed up to the time limits of five years in the case of a fishery and three years in the case of the chain of custody.

Suspension and withdrawal of certification

133. The certification body should specify the conditions under which certification may be suspended or withdrawn, partially or in total, for all or part of the scope of certification.

134. The certification body should require that a certified fishery and/or chain of custody upon suspension or withdrawal of its certification (however determined), discontinues use of all advertising matter that contains any reference thereto and returns any certification documents as required by the certification body. The certification body should also be responsible for informing the public about the withdrawal or suspension after the appeals process is exhausted.

Maintaining the chain of custody

135. Chain of custody procedures are implemented at the key points of transfer. At each point of transfer, which may vary according to the type of fish or fishery product traded, all certified fish or fishery products must be identified and/or segregated from non-certified fish or fishery products.

136. The certification body should ensure that a recipient of certified fish or fishery products should maintain pertinent chain of custody records, including all records relating to shipment, receipt and invoicing.

137. The certification body should have documented procedures defining auditing methods and periodicity of audits. The periodicity of audits should depend on:

- the technical processes undertaken at the point of transfer;
- such risk factors as the value and volume of the certified output.

138. Any breach or apparent breach of the chain of custody identified during an inspection/audit should be explicitly recorded in the inspection/audit report together with:

- an explanation of the factors that allowed the breach to occur;
- an explanation of the corrective actions taken or required to ensure that a similar breach does not re-occur.

139. All inspection/audit records should be incorporated into a written inspection/audit report that is available to pertinent parties and filed at the certification body office.

140. The inspection/audit report should contain as a minimum:

- the date of the inspection/audit;
- the name(s) of the person(s) responsible for the report;
- the names and addresses of the sites inspected/audited;
- the scope of the inspection/audit;
- comments on the conformity of the client with the chain of custody requirements.

Use and control of a **certification** claim, symbol or a logo

141. The certification body, accreditation body or owner of the ecolabelling scheme should have documented procedures describing the requirements, restrictions or limitations on the use of symbols or logos indicating that a fish or fishery product comes from a sustainable fishery. In particular, the ecolabelling scheme is required to ensure that symbols or logos should not relate to claims that are of no relevance for sustainable fisheries and could cause barriers of trade or mislead the consumer.

142. The certification body, accreditation body or owner of the ecolabelling scheme should not issue any license to affix its mark/claim/logo or issue any certificate for any fishery or fishery product unless it is assured that the product bearing it is in fact produced from certified sources.

143. The certification body, accreditation body or owner of the ecolabelling scheme is responsible for ensuring that no fraudulent or misleading use is made ~~with the use and display~~ of its certification mark and logos.

144. If the certification body, accreditation body or owner of the ecolabelling scheme confers the right to use a symbol or logo to indicate certification, the fishery and any fish or fishery product from such fishery may use the specified symbol or logo only as authorized in writing by it.

145. The certification body, accreditation body or owner of the ecolabelling scheme should take suitable action to deal with incorrect references to the certification system or misleading use of symbols and logos found in advertisements, catalogues, etc.

146. All certificates issued should include:

- the name and address of the accreditation body or owner of the ecolabelling scheme;
- the name and address of the certification body;
- the name and address of the certification holder;
- the effective date of issue of the certificate;
- the substance of the certificate;
- the term for which the certification is valid;
- signature of the issuing officer.

Resolution of complaints and appeals

147. The accreditation body or owner of the ecolabelling scheme should have a written policy and procedures, applicable to accredited certification bodies, for dealing with any complaints and appeals from involved parties in relation to any aspect of certification or de-certification. Such procedures should be timely, clearly define the scope and nature of appeals that will be considered and should be open only to parties involved in, or consulted, during the assessment. Costs of appeals should be borne by the appellants.

148. These procedures should include an independent and impartial committee to respond to any complaint. If possible, the committee should attempt to resolve any complaint through discussion or conciliation. If this is not possible, the committee should provide a written finding to the certification body, accreditation body or owner of the ecolabelling scheme as appropriate, which should transmit the finding to the party or parties involved.

149. The above does not exclude recourse to other forms of legal and administrative processes as provided for in national legislation or international law.

Keeping of records on complaints and appeals concerning certification

150. The certification body, accreditation body or promoter/owner of the ecolabelling scheme should:

- keep a record of all complaints and appeals, and remedial actions related to certification;
- take appropriate corrective and preventive action;
- assess the effectiveness of remedial actions;
- safeguard confidentiality of information obtained during the investigation and resolution of complaints and appeals concerning certification.

151. Information on procedures for handling of complaints and appeals concerning certification should be made publicly available.

This is a Report on the deliberations of the Expert Consultation on the Ecolabelling of Fish and Fish Products from Inland Capture Fisheries held in Rome, Italy, between 25-27 May 2010. The Expert Consultation finalised draft guidelines for consideration by the Twenty-ninth Session of FAO Committee on Fisheries. The full text for the draft guidelines is found in Appendix F. In 2005 the Twenty-sixth Session of COFI adopted FAO Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries, and at the same time recommended that FAO prepare international guidelines on the ecolabelling of fish and fishery products from inland fisheries. In response FAO convened an Expert Consultation on the Development of International Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries in 2006. COFI, at its Twenty-seventh Session, recommended that FAO undertake further work in relation to the minimum substantive requirements and criteria for both marine and inland capture fisheries and in 2008 FAO convened an Expert Consultation to address these issues. The 2008 Expert Consultation proposed revisions to the marine guidelines and draft inland guidelines, it requested further clarification on definitions and scope of the inland capture fishery guidelines, especially regarding enhanced inland fisheries. The COFI Sub-Committee on Trade (COFI:FT) at its Eleventh Session recommended that a further Expert Consultation be convened to address these issues and the Twenty-eight Session of COFI agreed that further work was needed. Thus the Expert Consultation was convened in Rome, 25–27 May, 2010. The Expert Consultation reviewed and refined draft Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries. The draft Guidelines follow closely the structure, language and conceptual approach of the revised Marine Guidelines. Differences between the Marine and Inland Guidelines relate to the scope and minimum substantive requirements for ecolabelling inland capture fisheries, especially regarding enhanced fisheries. Aquaculture and enhanced fisheries that are solely dependent on material originating from aquaculture were excluded from the scope of the guidelines.

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