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**FINAL REPORT  
OF THE EXPERT GROUP ON ECO-LABELLING FOR FISHERY PRODUCTS**

The expert group has been established to provide technical assistance in developing guidelines for eco-labelling at EU level. Experts have been nominated by the Commission based on their experience in this field, and their wish to participate to the group.

List of experts having participated to the expert group meeting :

Bruno Corréard (CorreardB consulting for Responsible Fishing Alliance),  
Clara Fernandez (Anfac),  
Chris Foster (Manchester Business School),  
Laurent Galloux (Véritas France),  
Jim Grassart/Cecile Zaroni (Scapêche),  
Truus Huisman (Unilever),  
Kees Lankester(Scomber-MSCTrustee)/Roland Higgins/Oluyemisi Oloruntuyi (MSC),  
Philip MacMullen (Sea Fish UK Industry Authority),  
Cliff Morrison (Young's, Food and Drink Federation),  
Yves Perraud (Faculté des Sciences Economiques et de Gestion, Nantes),  
Jose A. Suárez Llanos (ARVI),  
Christopher Zimmerman (Institut fuer Ostseefischerei -IOR)

The final report has been submitted to the expert group. All but three of them supported the final report. Christopher Zimmerman did not answer to the consultation, Kees Lankester and Truus Huisman disagreed.

**GUIDELINES AND MINIMUM CRITERIA  
FOR  
EUROPEAN RESPONSIBLE FISHING CERTIFICATION**

## **1. INTRODUCTION**

The European Commission adopted a communication launching a debate on a Community approach to eco-labelling for fishery products. A formal stakeholder consultation on eco-labelling was convened on 25<sup>th</sup> November 2005. Further to this consultation, the European Commission decided to move from a mere endorsement of the relevant FAO codes and guidelines<sup>1</sup> to the advice of an expert group on how the eco-labelling standards could be applied at Community level. The recommendations of that expert group comprise guidelines to which eco-labelling schemes in any member state should conform. In essence a two stage standard is proposed. This structure would enable the accommodation of labelling schemes ranging from those with requirements targeted at individual vessels seeking recognition of best practice through those involving certification of entire fisheries that can be judged to be based on sustainably managed stocks.

Seafood eco-labelling is defined by FAO as “*a scheme which entitles 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*”.

Sustainable exploitation of fisheries is defined by the Common Fisheries Policy as “*the exploitation of a stock in such a way that the future exploitation of the stock will not be prejudiced and that it does not have a negative impact on the marine eco-systems*”.

One of the challenges of the European eco-labelling initiative is to help to reconcile the historical conflict between long term economic development and maintaining the integrity of the resource base.

The terms used in this report are, as far as possible, consistent with those terms and definition used in both the FAO guidelines on eco-labelling and the Common Fisheries Policy as established by Council regulation (EC) 2371/2002. Fishery products are taken to include all wild capture marine fish, crustaceans and molluscs.

## **2. TERMS OF REFERENCE**

The expert group was mandated by the Commission to provide the necessary expertise for the development of a Community policy on eco-labelling for fishery products. The

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<sup>1</sup> FAO Code of Conduct for Responsible Fisheries, 1995

FAO guidelines for the eco-labelling of fish and fishery products from marine capture fisheries, 2005

mission of the group was to propose draft guidelines and minimum criteria for responsible fishing schemes and the use of eco-labels.

### **3. GENERAL APPROACH**

The expert group consisted of experts representing the catching sector, producer organisations, the processing and retail sectors, fisheries science and existing certification schemes. Further expertise provided insights into consumer perceptions of environmental claims. Most of the experts also shared a range of experience of accreditation and certification procedures.

The expert group met five times, and there were also two bilateral meetings, between March and October 2006.

At its meetings the group analysed in detail the requirements of the FAO code of conduct for responsible fishing and condensed them into a framework for eco-labelling. These deliberations also included and expanded upon the FAO guidelines on eco-labelling for fishery products, WTO requirements and other relevant protocols listed in the annex to this report.

The expert group examined the experience gained from existing fishery-based schemes and looked at all three options proposed by the Commission in its communication<sup>2</sup>: the status quo, a single European eco-labelling scheme, or guidelines that would establish minimum criteria for eco-labelling. The group was strongly in favour of the third option. They considered that the status quo was not satisfactory, and that a single scheme will inevitably be too prescriptive given the diversity of fisheries in Europe. Moreover, in terms of the European market for fishery products, a single scheme could not allow the flexibility through which retailers and processors could develop their own brand marks.

The group furthermore analysed the three options for certification and agreed that fully independent third party certification was the most appropriate for general European application.

The expert group also decided to propose the two stage approach to certification because this would accommodate both product certification and process certification<sup>3</sup>.

## **4. RECOMMENDATIONS FOR A RESPONSIBLE FISHING CERTIFICATION SCHEME**

### **4.1. A two stage approach**

The group's proposal is a framework for *responsible fishing certification schemes* comprising two stages. This starts at the level of fishing vessel/s or fleets but then offers

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<sup>2</sup> Communication from the Commission to the Council and the Parliament "Launching a debate on a Community approach towards eco-labelling schemes for fisheries products" (COM(2005)275)

<sup>3</sup> Two kinds of certification schemes exist. The process based certification confirms that a product complied with certain conditions relating to operations within the value chain as defined by a process standard. Product certification extends on the scope of process certification by informing the consumer through a label, or some other device, that the specific product conforms to a certain standard covering both process and product requirements.

the opportunity to seek certification of the sustainability of the fishery in which the vessel/s or fleet/s operate. It would be a pre-requisite that any vessel, fleet or community seeking certification of a fishery would be in compliance with the vessel operating standard/criteria defined within the first stage of the process. This would be either a progressive or a combined certification process.

Certification at the first stage of vessel responsible fishing would be set against defined standards of good fishing practice and could be expected to result in benefits of customer/supplier preference. Communication of the certification would be essentially at the business to business level but could also, for example, lead to the promotion of specific certified vessels where the fish is sold through selected outlets. The "scheme logo" should not be used at this stage, but communication could be made by using the terms like "fish issued from a certified vessel", followed possibly by the identification number of the vessels.

Certification at the second stage of a sustainable fishery would probably involve a whole fleet or group of vessels and other stakeholders. They would have sought sustainable certification of the fishery in accordance with the defined standards. This would still give the opportunity to communicate at business to business level through corporate responsibility initiatives, but would also be able to offer choices directly to the ultimate consumer. This could for example be through on-pack labelling information or through Community campaigns. Products concerned can bear the certification logo.

The expert group has only proposed generic guidelines for certification. It is expected that in the process of implementation fishery specific features will be added by scheme operators.

## **4.2 The guidelines**

The following sections describe principles that are intended to be consistent with the FAO Code of Conduct and the FAO Guidelines on eco-labelling for fish and fishery products from marine capture fisheries :

- *Overarching principles* explain the essential qualities that should be met in the process of establishing an eco-labelling scheme. In particular, it is assumed that management provisions are in place that are compliant with the criteria in the FAO Code of Conduct.

A table then presents:

- *The objectives* that governance and eco-labelling should reasonably be expected to deliver, and

- *The mechanisms* by which those objectives could be achieved. These are not yet exhaustive and they are split between those that need only apply at the vessel certification stage and those that would support the second, stock-based, certification stage.

The annex then contains the conventions, protocols, etc, covering both 'hard' and 'soft' law with which any labelling scheme has to be consistent and compliant.

The expert group went to some length to examine all the criteria from the FAO Code, but found that due to a lack of specific experience and knowledge they did not always have the competence to accommodate relevant criteria. This is the case in particular with regard to non fishing impacts on marine eco-systems, to general environmental pollution

and its impact on fishing, to specific aspects of certification of the sustainability of the fisheries, to social and economic aspects in general, and on sharing benefits" and working conditions, in particular. Those aspects were judged important enough by the majority of the experts, and are therefore included in the list of overarching principles and minimum criteria. The group therefore advise that the Commission carry out relevant studies and research, in order to collect the necessary information.

The group also faced some difficulties in interpreting the FAO code of conduct and transposing some of the requirements into practical terms. An example is the code's use of the term "fishing activities", which could be taken to include a range of post-harvest operations as well as fishing operations.

The group therefore consider that work on eco-labelling should be a continuous process, where guidelines and criteria are regularly reviewed and updated, based on the best technical and scientific knowledge in order to ensure that those minimum requirements for eco-labelling will best meet the interest of all stakeholders concerned.

Guidelines shall be reviewed regularly and at least within two years after entering into force.

### ***Overarching principles***

Preliminary remark : These overarching principles reflect the requirements of the FAO code of conduct. They fall generally under states responsibilities and therefore it is assumed that appropriate implementation systems are in place. As far as the European Community is concerned those principles are an integral part of the Common Fishery Policy, and therefore constitute prerequisites.

As far as socioeconomic aspects are concerned, the terms of reference did not provide sufficient guidance as to the boundaries of their deliberations. Moreover, the experience gained with the existing schemes did not allow identifying sound socioeconomic criteria. The group were not therefore able to agree on appropriate criteria and further work is necessary in this respect. In the meantime, due consideration shall be given to this aspects. Most of the participants do consider that socio-economic criteria are not (or hardly) dissociable of the environmental criteria so as the principle of responsible fishing to be achieved. This opinion meet the conclusions of the Aquaculture of Fisheries Committee (ACFA's opinion on eco-labelling). A minority part<sup>4</sup> of the participants claimed that this was outside of the scope of eco-label and disagreed to those principles.

Certification can only apply within a fishery that conforms to all the requirements of those legal instruments, conventions, codes, etc to which the management authority is committed (see annex).

- (1) Decision-making processes must be transparent and non-discriminatory.
- (2) The management structure of certification schemes must be representative of the stakeholders concerned.
- (3) Scheme operators and participants are encouraged and expected to introduce governance and conservation initiatives in addition to the statutory minimum requirements.

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<sup>4</sup> \* Cliff Morrison, Kees Lankester

- (4) Traceability systems shall be operated and maintained by all participants in the fishery to ensure that traceability can be achieved throughout the supply chain.
- (5) Information conveyed by a certificate should be understandable at every stage by all stakeholders.
- (6) Prior to the adoption of conservation and management measures their social and economic impacts and cost-effectiveness should be assessed along with that of alternative measures.
- (7) Scheme operators should ensure a reasonable allocation of costs and benefits across all stakeholders involved in the scheme.
- (8) Fishing facilities and equipment as well as all fisheries activities should allow for safe, healthy and fair working and living conditions and meet internationally agreed standards adopted by relevant international organisations.
- (9) The right of consumers to safe and unadulterated fish and fishery products must be safeguarded.
- (10) Due consideration shall be given to small scale fisheries and developing countries' interests in consultation and decision making processes and the resulting governance arrangements; the production of added value by developing countries should be facilitated.
- (11) Schemes should not lead to potential barriers to trade and, where international trade may be affected, measures should be transparent.
- (12) Accessible information on a scheme's measures shall be freely available to all participating stakeholders.
- (13) Scheme participants shall ensure, as far as practicable, that they do not deal in, or profit from, IUU fishing.
- (14) The impacts of human activities on fish stocks and their supporting ecosystems should be assessed and mitigated as far as possible.
- (15) Governance regime for each stock must accommodate the entire stock distribution area and take into account biological cycles, spawning areas and associated ecosystems.
- (16) Resource management plans should include clear objectives, along with specific measures and action plans to ensure their realisation.
- (17) Measures shall be based on best available scientific evidence.
- (18) The precautionary approach should apply to conservation, management and exploitation of fisheries and take into account uncertainties related to stock assessment, impact on the environment and socio-economic impacts.
- (19) Adequate records must be maintained of all relevant fishing authorisations, activities and impacts within the limits of their jurisdiction
- (20) The governance regime should be supported by participative programmes of research activities, relevant to conservation and sustainable development.

- (21) Governance contributes to the delivery of the social and economic conditions necessary for a thriving and diverse fishing industry.

### 4.3 Minimum criteria

This table shows the relationships between the objectives of the scheme, and the associated criteria to be complied with at each the two proposed stages of certification: vessel- and stock-based.

	<i>Stage 1 scheme</i>	<i>Stage 2 scheme</i>
<i>Objective</i>	<i>Vessel unit</i>	<i>Biological (stock) unit</i>
Governance aims at long term management, with the objective of ensuring the optimal utilisation of resources.	<p>Vessels must retain on board appropriate documents, fishing authorisation/s and catch records. They must, when required by law, communicate records and information to the competent authority.</p> <p>All catch data should be recorded, collected and collated.</p> <p>The information from these records should be made available to the certification body, or any other body mandated by the scheme owner.</p> <p>Catch data that are in excess of the minimum legal requirement may be made anonymous and should remain the property of the accreditation scheme operators.</p> <p>Records should be kept and maintained that will enable the traceability of fish from the</p>	<p>Measures should maintain stocks at, or restore them to, the level of MSY or some other agreed indicator.</p> <p>Stock should be assessed, based on the use of best science available and the impacts and effectiveness of management measures (for example in terms of biology, socio-economics, etc) should be evaluated.</p> <p>Schemes should be consistent with the ecosystem approach and management system should include provisions for the protection of endangered species.</p> <p>Programmes for local, regional, national and international cooperation should be introduced at a scale appropriate to the fishery, this may involve monitoring, surveillance, control, enforcement, research, data collection, stock assessment.</p>

	<i>Stage 1 scheme</i>	<i>Stage 2 scheme</i>
<i>Objective</i>	<i>Vessel unit</i>	<i>Biological (stock) unit</i>
	point of capture to the point of final sale.	
Fishing effort should be proportionate to the sustainable use of available fishery resources and excess fishing capacity should be eliminated	<p>Vessels must be specifically authorised for commercial fishing, only such vessels may be allowed to fish commercially and they must comply fully with flag state requirements, including on VMS. Vessels must not be on current IUU lists.</p> <p>Appropriate sanctions systems shall be established so that in the event of non-compliance with the scheme's standards, individuals or vessels may lose their certification and their entitlement to continue to participate in the scheme</p>	
Waste should be minimised including discards, post-harvest losses, the effects of ghost fishing and impacts on associated and inter/dependent species	<p>Certified vessels should use selective fishing methods, taking advantage of new developments when they become available.</p> <p>Vessels are encouraged to adopt appropriate technical measures<sup>5</sup> and the use of controlled areas.</p>	<p>Eco-labelling schemes should establish appropriate technical measures and the use of controlled areas, which will enhance the effectiveness of statutory established measures.</p> <p>Information on the results of industry initiatives and other research programmes</p>

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<sup>5</sup> including minimum mesh sizes, minimum/ maximum landing or marketing sizes

	<i>Stage 1 scheme</i>	<i>Stage 2 scheme</i>
<i>Objective</i>	<i>Vessel unit</i>	<i>Biological (stock) unit</i>
	Vessels must be marked according to international standards; fishing gears should be marked with details of the owning vessel. The position of lost static gears must be reported.	should be collected and assessed where they may help to make fishing operations more selective and lead to technical measures that will optimise the targeting of fishing effort.  Observer programs, inspection and vessel monitoring schemes at sea and on land are adopted as appropriate to each fishery.
The unintended impacts of fishing and related operations on non-target species and supporting systems should be managed within acceptable limits	Dynamiting, poisoning and other comparable destructive fishing practices must be prohibited	
The unintended impacts of fishing and post-harvest activities on the general environment should be reduced to the lowest practical levels	Non-fish resources (e.g. wood, fuel, energy) should be used in an environmentally sound manner.  Vessels owners and captains are encouraged to record their consumption and use of non-fish resources.	Eco-labelling schemes should include objectives, along with specific measures and benchmarking programmes to reduce unintended effects of fishing and post-harvest activities on the general environment. Those measures should encompass the management of non-fish resources in particular CFC and transitional substances, management of garbage, emission of ozone depleting substances, energy optimisation devices.
Measures should encourage the development of social and economic conditions that will	Vessels owners and captains and their crew should engage in training programmes on	Appropriate training and education programmes should be developed to support

	<i>Stage 1 scheme</i>	<i>Stage 2 scheme</i>
<i>Objective</i>	<i>Vessel unit</i>	<i>Biological (stock) unit</i>
promote responsible fishing attitudes and activities.	responsible and sustainable fishing, to increase professionalism and awareness of relevant issues.	these criteria through raising levels of competence and awareness of the practices and issues relating to responsible and sustainable fishing.  Information shall be collected and collated on the social and economic impacts of measures in order to inform future policy decisions.
Governance should ensure that the resources and habitats that are essential for the well being of fish stocks should be protected from human impacts and, where necessary, restored.		Data collection programmes at sea and on land should be encouraged to monitor the status of resources and habitats in relation to, for example, fish health, aggregate dredging, heavy metals.
Processing, distribution and marketing should contribute to sustainable fishing.	Vessel should adopt fishing practices that reflect market demand and seasonal quality, thus maximising a return from the available catch.  By-catch utilisation should be increased, but in a manner consistent with sustainable resources management.	Measures should be in place to ensure that post-harvest activities are conducted in such manner as to reduce post-harvest loses and waste, improve the use of by-catch.
There should be confidence in the provenance of any accredited and certified fish product at any point of the distribution chain from the sea to the final consumer.	Vessels shall ensure that their catches are landed in defined places, segregated from non-certified sources and properly identified at all stages.	With respect to fish catching and post-harvest activities, chain of custody procedures are implemented at the key points of transfer, in particular on board, at the point of landing, at

	<i>Stage 1 scheme</i>	<i>Stage 2 scheme</i>
<i>Objective</i>	<i>Vessel unit</i>	<i>Biological (stock) unit</i>
		<p>any point where the fish is transformed or repacked, and during exchange between market, wholesalers, processors, retailers and caterers.</p> <p>Certified fish should be adequately segregated and identified at any stage of the chain, from catch to the consumer. The system should ensure adequate traceability back to source.</p> <p>Clearly defined and independently verified procedures should be in place.</p>

#### **4.4 Implementation**

The expert group has considered only the minimum standards and criteria to which any certification scheme should conform. The expectation is that any scheme developed in an EU member state should be tailored to fishery-specific application and that the process of moving from stage 1 to stage 2 is a natural progression.

General management of the schemes should comply with the rules on procedural and institutional aspects as defined by the FAO guidelines on eco-labelling.

The scheme, as a whole, should be subject to independent third party accreditation and certification.

Accreditation and certification bodies and accreditation and certification procedures shall comply with the relevant ISO and CEN standards (EN45011 - EN45012). Procedures shall where necessary be adapted for fishery certification.

Certification bodies shall have the necessary experience and knowledge to audit a fishery and all associated activities. Certification bodies are encouraged to introduce adequate training and to set up a transparent standard defining the level of qualification required to audit the sustainability of a fishery.

A specific and appropriate control programme shall be established by the certification body and this programme shall be both transparent and adapted to the certification scheme.

Certification must be time-limited, and reflect harvesting patterns, distribution of stocks and natural factors influencing recruitment. The minimum requirements for the establishment of a control programme shall be developed.

Training and internal control systems should be established to ensure a harmonised approach between schemes.

*Annex –  
Indicative list of convention, protocols and codes referred to in the  
above guidelines, overarching principles and criteria*

FAO code of conduct for responsible fisheries

FAO guidelines for the eco-labelling of fish and fishery products from marine capture fisheries

*Codex Alimentarius*

International Standard Organisation

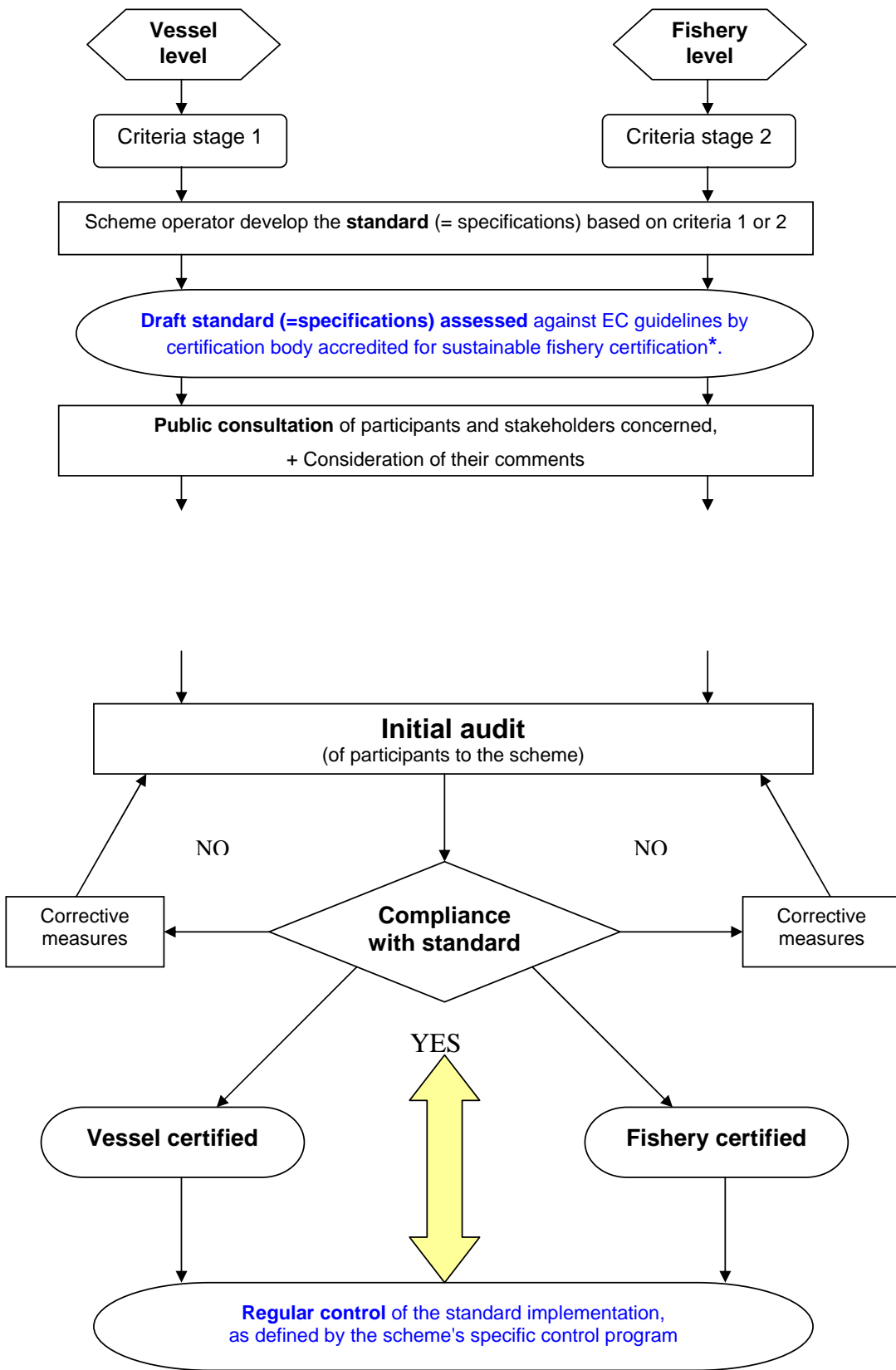
MARPOL 73/78,

International Labour Organisation (ILO)

WTO and in particular the WTO agreement on technical barriers to trade

CITES convention

Conventions and recommendations adopted by regional fisheries organisation



\*specific accreditation regarding EN 45011 / EN 45012

Mis en forme : Police : (Par défaut) Arial, 10 pt, Anglais (Royaume-Uni)

Scheme operators = those who develop labelling/certification schemes compliant with this = MSC, Carrefour, Seafish, etc.