

## SSC Members Meeting Minutes

**Attendees:** Total of 13

**Facilitator and secretariat:** ClientEarth

**Location:** The National Council for Voluntary Organisations, Regent's Wharf, 8 All Saints Street, London, N1 9RL.

**Date & time:** 2<sup>nd</sup> May 2012, 10.45am – 5.00pm.

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### Summary of conclusions and actions:

## 2: ClientEarth facilitation changes: update

### Agreed

- Clarification will be given about roles at the start of each meeting (i.e. who is facilitating, who from ClientEarth is acting as a member, would a member prefer to facilitate?)

### Action Points

- Secretariat to review references to ClientEarth's role within Terms of Reference.

## 3: Terms of Reference

### Clarifying authorisation

#### Agreed

- Where it is unclear whether a particular situation counts as media interaction being undertaken on behalf of the coalition, or a statement construed as lobbying and policy, the secretariat should gain approval from all members.

### Concerns on lobbying

#### Agreed

- The SSC codes of conduct will not be lobbied as a template for future law. Any reference made to the SSC codes in lobbying for changes in legislation by ClientEarth will be as an example of successful voluntary collaboration.

#### Action points

- Aim eight will be defined with regards to the scope of the influence (e.g. seafood sustainability) and a caveat of 'where deemed appropriate' should be included. The aim will be further clarified within the Terms of Reference.

### Changes to aim two

#### Action points

- Aim two, on diversification, will be altered to: **"To support the diversification of responsibly sourced seafood in the UK market"**. Secretariat to amend the Terms

of Reference to include this change.

### **Super majority vote**

#### **Action points**

- Steps two and three on decision making will be removed from the Terms of Reference, leaving reference to decision making as: 'Decision-making is by consensus, i.e. "General agreement, characterised by the absence of sustained opposition to substantial issues by any important part of the concerned interests...by a process seeking to take into account the views of interested parties...and to reconcile any conflicting arguments"'.

### **Public comments**

#### **Agreed**

- **Agreed:** The code will be sent to all non-member advisors and other organisations that were not present at working groups, and a link to it be placed on the SSC website.

#### **Action points**

- Under "Confidentiality and Communications" in the Terms of Reference, the last bullet point in relation to 'public comment' will be changed to 'public feedback'. A flow diagram will be added to the Terms of Reference to illustrate the code development and finalisation process.

### **Non-compliance**

#### **Action points**

- "Non-compliance" in the Terms of Reference is to be changed to either "Adherence to the codes" or "Implementation of the codes".
- The final bullet point ("Therefore, there is no non-compliance procedure currently, but this will be reviewed at meetings once the voluntary codes have been developed") will be removed.

### **Member feedback on changes to Terms of Reference**

#### **Agreed**

- Contrary to normal procedure in the Terms of Reference, it was agreed that if responses are not given by *members present at the meeting* within three weeks of circulation of re-drafts of the Terms of Reference and Vision and Aims, the secretariat may take this as acceptance of amendments. For *members not present* at the meeting, individual acceptance must be given within the three week period.

#### **Action points**

- The secretariat will amend the Terms of Reference and Vision and Aims as per the

above agreed (and clarification of their role). The re-draft will be circulated to members with a three week notice period for comments and objections. For those members at the meeting, contrary to normal procedure, no response by the end of the three weeks will be deemed as acceptance. For members not at the meeting, individual acceptance must be given within the three week period. If objections are made, the documents will be revised and re-circulated.

#### **4: Letter to Commissioner Damanaki**

##### **Agreed**

- Members were all in agreement that the content of the letter is now acceptable.
- Members were also happy with the signatures on the letter, subject to certain members sending updated versions of their logos.
- Members agreed that the letter should also be sent to the UK fisheries Minister. Additionally it was agreed that the letter should be sent to Ministers of the devolved administrations, shadow Ministers in the UK, to the European Parliament PECH Committee, subject to one member checking internally.

##### **Action points**

- Members with outdated logos to send high resolution new version to ClientEarth.
- Secretariat to send letter to above (subject to response r.e. member above)

#### **5: Key Performance Indicators**

##### **Agreed**

- There will be one KPI for each code (labelling, sourcing and diversification). The KPIs should thus be amended to reflect consistency with the code.
- KPIs should be regarded as 'retail KPIs', to be reviewed by foodservice members as and when they join the SSC.
- The "how demonstrated" & "baseline data" sections should be amended to reflect that it will come from Member's self-assessment that they will then share with the secretariat. Therefore the current draft of the KPIs will still be useful to members as it will tell them what they should self-audit.
- It needs to be made clear that KPIs cannot be measured until the relevant code is fully implemented, due to transition times (e.g. labelling will only be complete once all old stock is sold and new stock is in place).
- The KPIs should be amended in line with earlier discussions on 'sustainable' and 'responsible' in the aims and Terms of Reference, particularly in relation to diversification (e.g. amend 'sustainably sourced' to 'responsibly sourced')
- For all the above, members agreed that contrary to normal procedure in the Terms of Reference, the secretariat should deem that if there are no responses by members who were present at the meeting by the end of the 3 weeks this is acceptance of the

amendments to the Terms of Reference.

### **Action points**

- The secretariat will amend the KPIs as per above (plus in accordance with changes to aim two in the Terms of Reference) then circulate to members giving a three week notice period for comments and objections. For those members that were at the meeting, contrary to normal procedure, no response by the end of the three weeks will be deemed as acceptance. For members who were not present at the meeting individual acceptance must be achieved for each of those members within the three week period. If any objections are made, the secretariat will revise the documents and circulate again for comment and acceptance.

## **6: Codes of conduct**

### **Agreed**

- The same codes should apply to all sectors. Therefore the codes should be top level, broad principles, with separate guidance on implementation which will be sector specific.
- This should be reflected in the Terms of Reference.

### **Action points**

- The secretariat will amend the Terms of Reference to reflect the above, and will ensure that the final codes' format reflects these points.

## **7: Labelling code: progress update**

### **Agreed**

- Members present were happy with the two tiers of self-declared environmental claims of 'sustainable' and responsible' and the proposed criteria for those terms.
- It was agreed that if a member wishes to use the claim 'sustainable' and the justification for that claim is that the fishery or farm has third party certification then members must have chain of custody, to avoid any 'free riding'.
- Members like the flow diagram used to depict the process for the claims, and felt it might be useful in the code or in separate guideline on implementing the code which should be created for e.g. marketing departments, wetfish counter staff, etc.

### **Action points**

- The secretariat will seek opinion from members who were not present at the labelling working group or the members meeting on the outcomes of the labelling working group. If there are no objections, the secretariat will redraft the labelling code as per working group & members meeting agreements.
- The secretariat should clarify labelling rules with the MSC.
- The secretariat will ensure 'implied claims' risk is covered in the redraft of the code.

- The secretariat will ensure separate guidance on implementing the labelling code is created (after finalisation) including a flow diagram to depict the processes.
- Once the code has been revised, members will test the processes for 'responsible' and 'sustainable' in the context of the MSC mackerel suspension to see what the outcome would be.
- A focus group on 'sustainable' aquaculture is required before the next labelling working group.

## **8: GSSI**

### **Agreed**

- It might be more efficient and coordinated if the SSC joins the GSSI as a group rather than individual members (as per GFSI association members); members would like to find out more.

### **Action points**

- The secretariat will get in touch with the GSSI to gain information on the initiative and the possibility of the SSC joining as a group member- whether it is possible and what that would mean.
- The secretariat will either arrange for a representative from GSSI to attend the next members meeting or will provide a summary of the dialogue at the meeting.

## **9: Sourcing policies working group update**

### **Action points**

- The secretariat will be producing a first draft of the sourcing policy code.
- Members should read the minutes of the sourcing policy working group and consider what factors may be missing/which should not be within the scope of the code.

## **10: Communications**

### **Fishfight**

#### **Action points**

- The secretariat will find out more information on upcoming FishFight programmes and see whether the labelling code and SSC can be mentioned.

### **Branding**

#### **Agreed**

- The SSC should have its own identity, in particular for actions such as the letter to Commissioner Damanaki. Some members indicated that they would be happy to contribute towards reasonable costs of a branding exercise.

- The logo/font should not be used on seafood products, to avoid the impression of an eco-label. This will be built into the Terms of Reference.

#### **Action points**

- The secretariat will scope out the cost and complexity of brand design, including asking at the Hub, King's Cross.
- The secretariat will include reference to not using any SSC logo/font on pack in the Terms of Reference, to avoid the impression of an eco-label.

#### **Webpage**

##### **Agreed**

- The webpage should include:
  - What is the SSC
  - Who is a member (with links to members' CSR pages or similar)
  - Ongoing story/timeline
  - Pdf downloads of codes
  - Summary of codes
  - FAQs
  - Contacts page
  - Useful links (with consideration to use of logos and appearance of promoting some organisations over others)
- The website URL is to be shortened to [www.clientearth.org/ssc](http://www.clientearth.org/ssc)

#### **World Fisheries Congress**

##### **Wikispaces**

##### **Action points**

- The secretariat will look into security issues and lock wiki documents so that they are read only. This will mean that documents must be saved to computer before they can be edited.
- The secretariat will resend the wiki invite to those who requested this.

## **11: Next steps**

##### **Action points**

- Secretariat to send doodle request to members and non-member advisors for upcoming meetings (aquaculture focus group, labelling working group, sourcing policies working group, members meeting).

## 1: Introduction

1. Housekeeping, apologies
2. Other concerns beyond those covered in the agenda (none raised)
3. Purpose of today:
  - Update:
    - recent changes and progress
    - labelling code
    - GSSI
    - World Fisheries Congress
  - Explore:
    - Options for document sharing (currently SSC wiki)
    - Branding
    - Public feedback on codes
  - Agree:
    - Revised terms of reference
    - Letter to Commissioner Damanaki
    - Key Performance Indicators
    - Webpage information
4. Actions since last members meeting
  - Amended Terms of Reference
  - Drafted KPIs
  - Created wikispaces page
  - Collated feedback on labelling code
  - Labelling working group
  - Redrafted letter to Commissioner Damanaki
  - Presented to the Common Language Group

## 2: ClientEarth facilitation changes: update

5. Changes to the ClientEarth team were outlined and clarification of roles provided
6. Concerns have previously been raised about the need for clarification of ClientEarth's role in the SSC, as have differing responsibilities that may conflict e.g. secretariat/member/facilitator/advisor
7. ClientEarth are currently working with a facilitation consultant to address this issue and will be trying out different techniques in meetings, where one of the team will act as a facilitator (and not input into discussions) to ensure all have a say. Another team member will contribute as an equal member. At the start of each meeting, it will be made clear who is in what role. Members can also elect themselves or another member to act as facilitator if they wish.
8. Feedback on ClientEarth's facilitation of the SSC is always welcome.
9. A member pointed out that the SSC Terms of Reference currently list ClientEarth as a non-member advisor, a description which does not fully incorporate all their roles.

**Outcomes:**

- **Agreed:** Clarification will be given about roles at the start of each meeting (i.e. who is facilitating, who is acting as a member, would a member prefer to facilitate?)
- **Action Point:** Secretariat to review references to ClientEarth’s role within Terms of Reference.

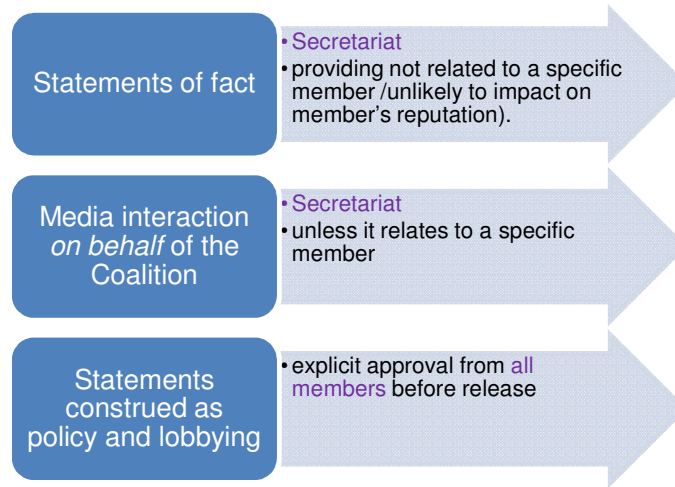
**3: Terms of Reference**

10. Feedback from members on amendments to the Terms of Reference identified five main concerns:

- (i) Clarifying authorisation
- (ii) Concerns on lobbying
- (iii) Changes to aim two
- (iv) Super majority vote
- (v) Public comments

11. Clarifying authorisation:

- The Terms of Reference currently states the following concerning authorisation:



- It was suggested by members that it may sometimes be unclear whether a particular situation is media interaction on behalf of the coalition, or a statement construed as policy and lobbying. Members agreed that in these cases the secretariat should gain approval from all members.

**Outcomes:**

- **Agreed:** Where it is unclear whether a particular situation counts as media interaction being undertaken on behalf of the coalition, or a statement construed as lobbying and policy, the secretariat should gain approval from all members.



## 12. Concerns on lobbying:

- ClientEarth's intention in setting up and facilitating the SSC is not to use the codes of conduct as a lobbying tool. However, members themselves may choose to use aspects of the codes to influence legislation, hence aim eight (to influence changes in policy at UK, EU and international level).
- The codes of conduct are voluntary codes, developed by the industry, in areas which need to be addressed and in which there is currently no/inappropriate legislation. While ClientEarth as an organisation works on laws, some of which may crossover with areas the SSC is working on, the SSC codes of conduct will not be used as a template for future law lobbying by ClientEarth. Any reference made to the SSC codes in lobbying for changes in legislation by ClientEarth will be as an example of successful voluntary collaboration only.
- The Terms of Reference have been redrafted following suggestions from members to say that 'any statements construed as policy and lobbying' require explicit approval.
- Concerns about lobbying mainly arose as a result of the original draft of the letter to Commissioner Damanaki, which gave some opinions on the Common Market Organisation. However, this has since been redrafted solely as an introduction to the SSC.
- Members discussed the wording of aim eight. Initially some felt it could be mean that individual members may be approached to give their position on a particular issue. It was pointed out that if we cannot adopt a unanimous policy position on an issue, this could look like a weakness.
- Conversely, other members felt that, while the SSC is not primarily a lobbying organisation, we should not remove aim eight completely as this will preclude our ability to lobby on particular issues in the future.
- It was generally agreed that aim eight should be kept in the Terms of Reference, but defined with regards to the scope of the influence (e.g. seafood sustainability) and the means we will use. A public position can only be based on absolute consensus, which can only be achieved through working collaboratively in practice.

### **Outcomes:**

- **Agreed:** The SSC codes of conduct will not be lobbied as a template for future law. Any reference made to the SSC codes in lobbying for changes in legislation by ClientEarth will be as an example of successful voluntary collaboration.
- **Action point:** Aim eight will be defined with regards to the scope of the influence (e.g. seafood sustainability) and a caveat of 'where deemed appropriate' should be included. The aim will be further clarified within the Terms of Reference.

## 13. Changes to aim two:

- Whilst reviewing the Terms of Reference prior to the members meeting, it was noted that aim two ("To encourage UK consumers to eat a wider variety of

sustainable seafood, and to introduce species to our stores and restaurants that are currently underutilised or discarded”) should be reworded so as not to give the wrong impression, potentially encouraging diversification to data deficient and unsustainable species.

- Members were invited to comment on the amended aim: “To encourage UK consumers to eat a wider variety of sustainable seafood, and to introduce **sustainably sourced** species to our stores and restaurants that are currently underutilised or discarded **where appropriate**”
- Members felt that the terminology should reflect the work of the SSC so far, which differentiates ‘responsible’ and ‘sustainable’. It was generally felt that the wording of the aim should be kept as simple as possible, while reflecting the need for adequate data collection in order to avoid consumption of potentially unsustainable species.
- After some debate over wording, consensus was reached at: “**To support the diversification of responsibly sourced seafood in the UK market**”

#### **Outcomes:**

- **Agreed:** Aim two, on diversification, will be altered to: “**To support the diversification of responsibly sourced seafood in the UK market**”
- **Action point:** Secretariat to amend the Terms of Reference to include this change.

#### 14. Supermajority voting

- The Terms of Reference currently state the following concerning decision making:

- Decision-making is by consensus, i.e. “General agreement, characterised by the absence of sustained opposition to substantial issues by any important part of the concerned interests...by a process seeking to take into account the views of interested parties...and to reconcile any conflicting arguments”.
- If consensus is not reached, then those preventing a consensus should propose alternatives, to be agreed by the SSC, that comply with the SSC aims and satisfy the high standards of the SSC.
- If consensus is still not reached, then supermajority voting, of two-thirds of the members of the SSC should be used (absentees from meetings can vote by representation or prior correspondence).

- Concerns have been raised about the inclusion of supermajority voting as codes are voluntary in nature.
- Members were asked:
  - a. Should reference to supermajority voting be kept in the Terms of Reference?

- b. If it is removed, do we keep the first two steps (consensus and proposal of alternatives)?
- c. If it is removed, what happens if a minority do not agree on an issue?
- It was suggested by a number of members that the current wording is too legalistic, given the voluntary coalition nature of the SSC.
- A member also pointed out that there is an inherent risk with voluntary coalitions that a minority may disagree on a point. However, the nature of this coalition should be well suited to addressing these issues to reach consensus. It will be very rare that a 'deal-breaker' situation arises. However, the current drafting risks 'showing people the door' and forcing potentially forcing a member to leave.
- It was also suggested that step two (propose alternatives) could be considered redundant as proposing alternatives is a natural part of reaching consensus.
- Therefore it was agreed that the third step (supermajority voting) should be removed, and step two (propose alternatives) should also be removed.
- It was reiterated that it is important for all members to read the Terms of Reference carefully to check that they agree with all points, as the three steps were in the first draft but concerns have only recently been raised.

**Outcomes:**

- **Action point:** Steps two and three will be removed from the Terms of Reference, leaving reference to decision making as: 'Decision-making is by consensus, i.e. "General agreement, characterised by the absence of sustained opposition to substantial issues by any important part of the concerned interests...by a process seeking to take into account the views of interested parties...and to reconcile any conflicting arguments"'.

15. Public comment

- At the last members meeting (1<sup>st</sup> February 2012) it was agreed that there should be a public comment period of 6 weeks:

**Agreed points from members meeting 01.02.12**

- **Agreed:** there will be a public consultation period of 6 weeks. SSC will then meet to review responses and decide if issues need attention and course of action.
- **Action point:** A public consultation period will be added to the SSC Terms of Reference as part of the voluntary codes of conduct development process.
- **Agreed:** Summary response to consultation will be published. SSC will not respond to individual submissions.
- **Action point:** Secretariat to compile list of invited consultees and broadcast consultation through appropriate channels. Consultation will ask specific structured questions.

- The pros and cons of a public comment period were again discussed in the most recent labelling working group (18<sup>th</sup> April 2012) and it was again agreed that there should be a comment period.
- Currently, it was felt by a number of members that the terminology 'public comment' should be altered to 'public feedback'
- It was also felt that a flow chart in the Terms of Reference would help to illustrate the code development and finalisation process.
- The code will be sent to specific third parties and be made more broadly available on the website. After the six week period, ClientEarth should summarise feedback for members.

#### **Outcomes:**

- **Action point:** Under "Confidentiality and Communications" in the Terms of Reference, the last bullet point in relation to 'public comment' will be changed to 'public feedback'. A flow diagram will be added to the Terms of Reference to illustrate the code development and finalisation process.
- **Agreed:** The code will be sent to all non-member advisors and other organisations that were not present at working groups, and a link to it be placed on the SSC website.

#### 16. Non-compliance

- Under "Non-compliance" in the Terms of Reference, it was felt that the title should be changed to "adherence to the codes" or "implementation of the codes", as it is clear from the codes themselves what is expected from members, and "non-compliance" sounds very negative.
- Additionally, it was suggested that the last bullet point should be removed.

#### **Outcomes**

- **Action point:** "Non-compliance" in the Terms of Reference is to be changed to either "Adherence to the codes" or "Implementation of the codes".
- **Action point:** The final bullet point ("Therefore, there is no non-compliance procedure currently, but this will be reviewed at meetings once the voluntary codes have been developed") will be removed.

#### 17. Feedback on changes to the Terms of Reference from today's meeting:

#### **Outcomes**

- **Agreed:** Contrary to normal procedure in the Terms of Reference, it was agreed that if responses are not given by *members present at the meeting* within three weeks of circulation of re-drafts of the Terms of Reference and Vision and Aims, the secretariat

may take this as acceptance of amendments. For *members not present* at the meeting, individual acceptance must be given within the three week period.

- **Action point:** The secretariat will amend the Terms of Reference and Vision and Aims as per the above agreed (and clarification of their role). The re-draft will be circulated to members with a three week notice period for comments and objections. For those members at the meeting, contrary to normal procedure, no response by the end of the three weeks will be deemed as acceptance. For members not at the meeting, individual acceptance must be given within the three week period. If objections are made, the documents will be revised and re-circulated.

#### 4: Letter to Commissioner Damanaki

18. The letter to Commissioner Damanaki has now been re-drafted as a more general introduction to the SSC, in order to raise awareness of the SSC as an alternative route compared with legislation. The letter no longer contains any lobbying positions, for example on the CMO.

19. Members were asked:

- a. Is the content now acceptable?
- b. Should the letter also be sent to the UK fisheries Minister?
- c. Are members happy with the signatures (ClientEarth signatures given as point of contact, alongside SSC member logos)?

#### Outcomes

- **Agreed:** Members were all in agreement that the content of the letter is now acceptable.
- **Agreed:** Members were also happy with the signatures on the letter, subject to certain members sending updated versions of their logos.
- **Agreed:** Members agreed that the letter should also be sent to the UK fisheries Minister. Additionally it was agreed that the letter should be sent to Ministers of the devolved administrations, shadow Ministers in the UK, to the European Parliament PECH Committee, *subject to one member checking internally.*
- **Action point:** Members with outdated logos to send high resolution new version to ClientEarth.
- **Action point:** Secretariat to send letter to above (subject to response r.e. member above)

## 5: Key Performance Indicators

20. KPIs were drafted following members' comments on initial ideas at the last members meeting (1<sup>st</sup> February 2012)
21. Members were asked
  - a. to give feedback on the KPIs
  - b. how we can demonstrate them and what baseline data will be needed
22. Discussion about KPIs for labelling, sourcing and species diversification established that members would prefer one KPI for each code, concerning consistency with that code. The current version of the KPIs will however still be useful as a reference document.
23. Reference to increased consumer knowledge and understanding of self declared label claims should be removed as it is a consequence of harmonisation of labelling and members ability and readiness to provide information. It was noted that ClientEarth could measure this KPI themselves if they wished to, by implementing a market research study.
24. The general KPI ("The public, member's consumers and clients will become informed about the work of the SSC") was felt to be inappropriate. However it was made clear that members would still be expected to put SSC information on their website about code adoption, with a link to the SSC website page about the codes of conduct.
25. It was suggested that members might self-audit against the KPIs, initially (i.e. as baseline data) reporting on which products are in accordance with all aspects of the codes and which are not, and also state what steps will be taking to adhere to the code, by a certain date. In future, this can then be checked again to monitor performance. This would be a positive and proactive way to measure performance.
26. It was generally agreed that these KPIs should be viewed as retail KPIs, which can then be taken to foodservice members as and when they join for review, since they may need to be amended.
27. The KPI document will also need to be amended with reference to today's discussions about the wording of aim two on diversification, i.e. references to 'sustainable sourcing' should be amended to 'responsible sourcing'.
28. A member suggested, as an aside on staff training, that a staff guide might be useful to clearly outline what is meant by 'responsible' and 'sustainable' on products. This would help staff to communicate this effectively to customers.

### Outcomes

- **Agreed:** There will be one KPI for each code (labelling, sourcing and diversification). The KPIs should thus be amended to reflect consistency with the code.
- **Agreed:** KPIs should be regarded as 'retail KPIs', to be reviewed by foodservice members as and when they join the SSC.

- **Agreed:** The “how demonstrated” & “baseline data” sections should be amended to reflect that it will come from Member’s self-assessment that they will then share with the secretariat. Therefore the current draft of the KPIs will still be useful to members as it will tell them what they should self-audit.
- **Agreed:** It needs to be made clear that KPIs cannot be measured until relevant code is fully implemented, due to transition times (e.g. labelling will only be complete once all old stock is sold and new stock is in place).
- **Agreed:** The KPIs should be amended in line with earlier discussions on ‘sustainable’ and ‘responsible’ in the aims and Terms of Reference, particularly in relation to diversification (e.g. amend ‘sustainably sourced’ to ‘responsibly sourced’)
- **Agreed:** For all the above, members agreed that contrary to normal procedure in the Terms of Reference, the secretariat should deem that if there are no responses by members who were present at the meeting by the end of the 3 weeks this is acceptance of the amendments to the Terms of Reference.
- **Action point:** The secretariat will amend the KPIs as per above (plus in accordance with changes to aim two in the Terms of Reference) then circulate to members giving a three week notice period for comments and objections. For those members that were at the meeting, contrary to normal procedure, no response by the end of the three weeks will be deemed as acceptance. For members who were not present at the meeting individual acceptance must be achieved for each of those members within the three week period. If any objections are made, secretariat will revise the documents and circulate again for comment and acceptance.

## 6: Codes of conduct

29. The current code(s) has been developed by a retail membership. Members were asked to give their views on:
- a. Whether it is realistic to have one version of a code for different sectors, e.g. foodservices?
  - b. If not, should there be one code with sector differentiation (and different expectations), *or*
  - c. Separate codes per sector?
30. At the recent sourcing policies working group, it was agreed that we should have one code with general, top level commitments, which would then have differentiation between sectors in separate guidance notes.
31. A member suggested that taking this macro approach to the codes, i.e. a high level document will be relatively simple, however we may need sector specific working groups when we get to the level of separate guidance for implementation. Others pointed out that the labelling code may not apply to some members of the foodservices sector. A member also suggested that the foodservice sector will need sufficient time to work on the codes, as the retail sector has done over the last year.

## Outcomes:

- **Agreed:** The same codes should apply to all sectors. Therefore the codes should be top level, broad principles, with separate guidance on implementation which will be sector specific.
- **Agreed:** This should be reflected in the Terms of Reference.
- **Action point:** The secretariat will amend the Terms of Reference to reflect the above, and will ensure that the final codes' format reflects these points.

## 7: Labelling code: progress update

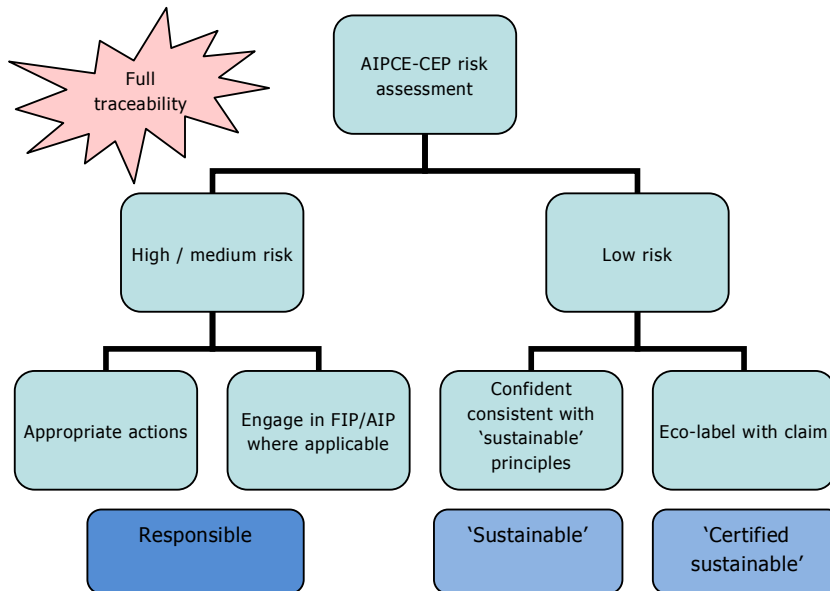
32. At the recent labelling working group (18<sup>th</sup> April 2012), the following issues were readdressed:
- a. Do members feel there should only be one tier for claims?
  - b. Should 'responsible'/'sustainable' be used interchangeably?
  - c. Should 'responsible'/'sustainable' refer only to a company's due diligence and not to the health of the stock?
33. It was agreed at the labelling working group that the code will cover two basic tiers: 'sustainable' and 'responsible'. Statements containing these terms will be left flexible, for example 'sustainably fished', 'sustainably sourced', 'responsibly fished/farmed' and 'responsibly sourced' are all acceptable if the criteria for that tier has been met.
34. Members present at the labelling working group agreed that 'responsible' is the journey towards a goal, and refers to the processes and behaviours of the company. 'Sustainable' is the end point, and concerns the current state of the fishery/farm operation.
35. Labelling criteria following risk assessment, agreed 18.04.12, are illustrated below. Members must complete a risk assessment based on the AIPCE-CEP Environmental Risk Assessment Tool (which implies full traceability). Members will contract independent advice/support on the risk assessment/fishery/farm. It was agreed that the onus will be on members to provide justification/evidence if challenged about their claims, and to show that their processes and independent advice are suitable robust. In this way, it is possible for a non-third party certified product to be 'sustainable', providing it meets the code's principles of sustainability, which will be high level principles based on the FAO code of conduct for responsible fisheries, to be included in the re-draft.
36. It was agreed at the labelling working group that a product could also be labelled as 'certified sustainable', however the eco-label must be displayed on pack. Therefore you cannot make a claim of sustainable (if your justification for doing so is independent certification) without including the eco-label on pack.
37. It was agreed at the labelling working group that claims are interchangeable only in one direction (i.e. you can label a product as 'responsible' if it meets the criteria for



'sustainable' but you cannot label a product that only meets the criteria for 'responsible' as 'sustainable'.

38. The code will also be re-drafted in less legalistic, prescriptive terms, with separate more detailed guidance notes.

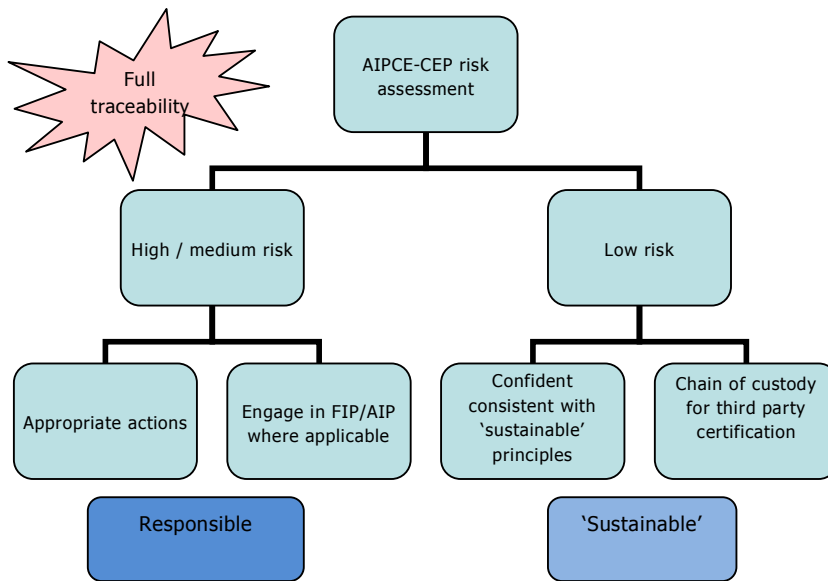
39. Aquaculture was not fully addressed, so low risk outcomes currently relate to wild capture, with the need for a focus group on aquaculture equivalency.



40. At the current members meeting members present were happy with the two tiers of self-declared environmental claim ('sustainable' and 'responsible') and the proposed criteria for these terms.

41. There was confusion over the allowance of the use of the phrase 'Marine Stewardship Council certified' in a consumer facing manner without the eco-label (but with chain of custody). The secretariat should clarify the situation with the MSC.

42. It was felt by members that the proposal that products labelled as 'certified sustainable' must have an eco-label was not appropriate or accurate and should be changed. Instead, it was agreed that if a member wishes to use the claim 'sustainable' and the justification for that claim is that the fishery or farm has third party certification then members must have chain of custody, so as to avoid any 'free riding'. See below for amendments to the flow diagram.



43. It was noted that there is a risk of implied claims and the secretariat should ensure this is covered in the code (as per the original code).
44. Members agreed that the code should be re-drafted so that references to extra on-pack information say that extra information should be accurate and not misleading, rather than listing all the terms that can/cannot be used. A link to further information, for example about gears and catch areas/country of origin, should at least be available on request.
45. Members like the flow diagram used to depict the process for the claims, and felt it might be useful in the code or in separate guideline on implementing the code which should be created for e.g. marketing departments, wetfish counter staff, etc.
46. It was suggested that once the code has been redrafted, members should test it in the context of the MSC mackerel suspension to see what the outcome would be.

## Outcomes

- **Agreed:** Members present were happy with the two tiers of self-declared environmental claims of 'sustainable' and responsible' and the proposed criteria for those terms.
- **Agreed:** It was agreed that if a member wishes to use the claim 'sustainable' and the justification for that claim is that the fishery or farm has third party certification then members must have chain of custody, to avoid any 'free riding'.
- **Agreed:** Members like the flow diagram used to depict the process for the claims, and felt it might be useful in the code or in separate guideline on implementing the code which should be created for e.g. marketing departments, wetfish counter staff, etc.
- **Action point:** The secretariat will seek opinion from members who were not present at the labelling working group or the members meeting on the outcomes of the labelling working group. If there are no objections, the secretariat will redraft the labelling code as per working group & members meeting agreements.
- **Action point:** The secretariat should clarify labelling rules with the MSC.
- **Action point:** The secretariat will ensure 'implied claims' risk is covered in the redraft of the code.
- **Action point:** The secretariat will ensure separate guidance on implementing the labelling code is created (after finalisation) including a flow diagram to depict the processes.
- **Action point:** Once the code has been revised, members will test the processes for 'responsible' and 'sustainable' in the context of the MSC mackerel suspension to see what the outcome would be.
- **Action point:** A focus group on 'sustainable' aquaculture is required before the next labelling working group.

## 8: Global Seafood Sustainability Initiative (GSSI)

47. A member provided the group with an update on the work of the GSSI, which dovetails with that of the SSC.

### Outcomes

- **Agreed:** It might be more efficient and coordinated if the SSC joins the GSSI as a group rather than individual members (as per GFSI association members); members would like to find out more.
- **Action point:** The secretariat will get in touch with the GSSI to gain information on the initiative and the possibility of the SSC joining as a group member- whether it is possible and what that would mean.
- **Action point:** The secretariat will either arrange for a representative from GSSI to attend the next members meeting or will provide a summary of the dialogue at the meeting.

## 9: Sourcing policy working group update

48. The first sourcing policies working group was held on 1<sup>st</sup> May 2012. Members and non-member advisors produced a list of possible factors to consider in the code, which were then evaluated as a group (see minutes for further detail)

49. The code will aim to produce minimum criteria for seafood sourcing policies.

### Outcomes

- **Action point:** Secretariat to produce a first draft of the sourcing policy code.
- **Action point:** Members should read the minutes of the sourcing policy working group and consider what factors may be missing/which should not be within the scope of the code.

## 10: Communications

### Fishfight

#### Outcome

- **Action point:** The secretariat will find out more information on upcoming FishFight programmes and see whether the labelling code and SSC can be mentioned.

### Branding

50. At the last members meeting (1<sup>st</sup> February 2012) concerns were raised that the SSC does not have its own brand or identity, and that this may be an issue as the membership expands and logos can no longer practicably be used together. At the current meeting, members again agreed that the SSC should have its own identity, either as a logo or a font. The secretariat should scope out various options for producing 2-3 alternative logos that the members can choose from if they wish. It was noted that a simple logo will be easier to produce, however some members felt that an image should be included. Some members indicated that they would be happy to contribute towards reasonable costs of a branding exercise.

51. It was suggested that the creation of an SSC logo could be dangerous as consumers and other organisations may think that it represents a new eco-labelling standard. It was therefore agreed that the Terms of Reference should preclude the use of any SSC logo/font on pack as an 'eco-label'.

### Outcomes

- **Agreed:** The SSC should have its own identity, in particular for actions such as the letter to Commissioner Damanaki. Some members indicated that they would be happy to contribute towards reasonable costs of a branding exercise.
- **Agreed:** The logo/font should not be used on seafood products, to avoid the impression of an eco-label. This will be built into the Terms of Reference.

- **Action point:** The secretariat will scope out the cost and complexity of brand design, including asking at the Hub, King's Cross.
- **Action point:** The secretariat will include reference to not using any SSC logo/font on pack in the Terms of Reference, to avoid the impression of an eco-label.

### **Webpage**

52. The webpage needs to be completed before the completion/launch of the labelling code, so it can be a useful resource for anyone wanting to find out more about the code.

### **Outcomes**

- **Agreed:** The webpage should include:
  - What is the SSC
  - Who is a member (with links to members' CSR pages or similar)
  - Ongoing story/timeline
  - Pdf downloads of codes
  - Summary of codes
  - FAQs
  - Contacts page
  - Useful links (with consideration to use of logos and appearance of promoting some organisations over others)
- **Agreed:** The website URL is to be shortened to [www.clientearth.org/ssc](http://www.clientearth.org/ssc)

### **World Fisheries Congress**

53. Two members of the SSC will be presenting at the WFC (one will be mentioning the SSC) and ClientEarth are giving a presentation and participating in a panel discussion (as founders of the SSC).
54. ClientEarth offered the opportunity for members to preview the presentations to be given at the WFC beforehand.

### **Wikispaces**

55. The wiki was created following the last members meeting in order to provide a way to share documents rather than by email. This will ensure members can easily access all relevant SSC documents. The wiki also contains a calendar with meeting dates and locations.
56. However, not all members have signed up to wikispaces and joined the SSC wiki, in some cases because their company will not allow them to for security reasons. One member pointed out that they had joined the wiki from their home computer rather than their work computer, so could still access the resources.

## Outcomes

- **Action point:** The secretariat will look into security issues and lock wiki documents so that they are read only. This will mean that documents must be saved to computer before they can be edited.
- **Action point:** The secretariat will resend the wiki invite to those who requested this.

## 11: Next steps

57. Next meetings:

- Full day aquaculture focus group
- Half day labelling working group
- Half day sourcing policies working group (to be held on same day as labelling working group)
- Members meeting

58. The labelling code should be signed off soon so that there is an opportunity to have the work of the SSC covered by Fishfight, which airs in September.

## Outcomes

- **Action point:** Secretariat to send doodle request to members and non-member advisors for upcoming meetings (aquaculture focus group, labelling working group, sourcing policies working group, members meeting).