

Sustainable Seafood Coalition (SSC)

Labelling Working Group

Location: British Retail Consortium, 21 Dartmouth Street, London, SW1H 9BP.

Date: 3rd July, 2012

Number of attendees: 15 total (including 3 ClientEarth staff: Facilitator, secretariat/minute taker, secretariat/presenter)

Labelling working group meeting (afternoon): Summary of agreed points:

1. The SSC will align their definition of 'sustainable' with that of the Bruntland Commission. "The SSC defines sustainable fisheries and aquaculture as meeting the needs of the present without compromising the ability of future generations to meet their own needs (from the World Commission on Environment and Development, 1987).
2. All present agreed that the alternative route to 'sustainable', should be removed i.e. confidence that there is consistency with the SSC principles for sustainability, This will be discussed by all members at the members meeting 18th July for agreement.
3. As with the sourcing code, it was agreed that ethical and social issues should not be considered. Currently they are included under wild-capture in terms of worker conditions. However, it was agreed that this should be removed and the scope should clearly state that the code relates to environmental claims, which may be re-considered as the membership expands.
4. Some changes are needed to the flowcharts for both wild-capture and aquaculture, including:

Aquaculture:

1. Do not include social considerations
2. Change "future certification" to "appropriate certification"
3. All present at the working group felt that the "confident that meets the principles for sustainable...." option should be removed from both wild-capture and aquaculture.
4. A 'no claim' end point should also be included in the process flow chart, as there may be instances where engagement with and improvement of the fishery/farming operation is not possible.

Wild:

1. Do not include social considerations
2. All present at the working group felt that the "confident that meets the principles for sustainable...." option should be removed from both wild-capture and aquaculture.

3. We will need to connect 'low risk' to 'responsible' (e.g. low risk=responsible), which can be used by fisheries which do not have certification in place but achieve a low risk outcome.
4. A 'no claim' end point should also be included in the process flow chart, as there may be instances where engagement with and improvement of the fishery/farming operation is not possible.

Welcome and purpose of the afternoon:

1. Do changes of the code reflect discussions in the last two meetings?
2. Specific issues:
 - a. Is the definition of 'sustainable' appropriate?
 - b. Can an alternative route to 'sustainable' aquaculture exist now, or only in the future?
 - c. Where does organic fit in for aquaculture?
 - d. Should social factors be considered for aquaculture and if so what are the relevant mechanisms for social considerations?
 - e. Referring to 'responsible' as a "lower" tier.

Agenda Item 1. Update on mandatory labelling requirements:

Background: a member queried whether there might be conflicts between the code and mandatory labelling requirements. Fiona Wright from Seafish offered her comments (comments sent prior to meeting):

The code goes further than mandatory labelling requirements

1. Code definition of 'adequate measures':
 - a. The mandatory requirement on traceability (for CN03 customs tariff products) is that information shall be available to all Member State competent authorities and accompany the fish (interpreted as one up one down traceability, not to original source)
 - b. Mandatory requirements allow for combining of lots. Note: 'combining of lots has not been finalised but likely to be that a newly formed lot contains specified other lots which now cannot be identified beyond this. Legislation also defines a 'lot' as a quantity of fisheries and aquaculture products of a given species or the same presentation and coming from the same relevant geographical area and the same fishing vessel, or group of fishing vessels or the same aquaculture production unit.
2. There may be potential for conflict with the code definition of 'sea ranching':
 - a. Mandatory requirements state fish should be labelled farmed or caught. In discussions with Defra this has been at point of capture/harvesting (only applies to CN03)
 - b. So, where farmed fish are released and caught they would be 'caught' and where wild fish are held they would be 'farmed'.

This may need to be discussed with Defra as it could be misleading. Alternatively, we could give more detail than legally required.

Agenda Item 2. Summary of aquaculture focus group 27.06.12.

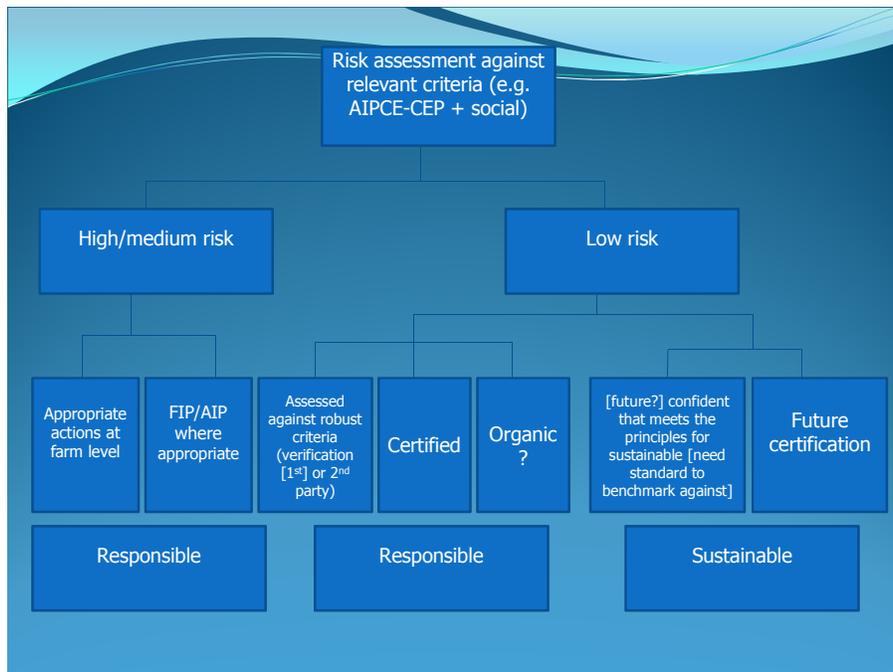
Purpose of the day: Can sustainable/responsible aquaculture ever exist? If so, what do they look like and how are they demonstrated?

Discussed whether sustainable/responsible aquaculture can ever exist, with attendees agreeing that it can and should therefore be covered by the code.

MCS gave a presentation on 'what does sustainable aquaculture look like?' and we also had some comments from the ASC on why they do not currently make a claim of sustainable.

- It was decided at the aquaculture working group that the aquaculture section should include consideration of social factors.
- As there is currently no aquaculture certification which makes a claim of sustainable, it was felt that it would be inappropriate to use independent certification to justify a claim of 'sustainable' as with wild-capture. Therefore certified currently would equate to a claim of 'responsible', however the code would include recognition that in future, when a certification exists that does make a claim of sustainable, this can be used.
- We also considered an alternative route to 'sustainable' as is currently included in wild-capture in version 4. It was decided that this should be included but we would need to decide whether this should be kept in and if so, whether it was a current or future option (i.e. is it achievable now in some cases)

Figure 4: Slide from labelling presentation showing agreements from the aquaculture focus group 27.07.12. For high/medium risk outcomes, the diagram looks the same as wild-capture. However, for low risk outcomes, there are some differences.



Agenda Item 3. Re-drafted code

Agreements from last 2 meetings:

The tone:

- Voluntary code, not a standard
- Not legalistic, e.g. 'criteria' now 'commitments', no 'shall require'
- Less confusing format, e.g. fewer bullets and numbers
- Separate guidance will include detailed 'suggestions'

2 types of claim:

- 'Responsible' – represents process: due diligence of the business and steps being taken to help the fishery move towards sustainable e.g. fishery is in a FIP
- 'Sustainable' – represents 'end point' (higher tier?), illustrating that the fishery is sustainable now

Other criteria agreed:

- 'Sustainable' or 'responsible' will not be used in isolation
- A claim of 'well managed fishery/farm' may be used in conjunction with either claim, but not in isolation
- Claims may be used together providing commitments for both claims are met
- A product meeting the commitments for a claim of 'sustainable' may be labelled as 'responsible'

Agenda Item 3. Re-drafted code - Discussion - Is the definition of sustainable appropriate?

All attendees agreed that the term 'sustainable' be addressed and defined within the Code. Use of the Brundtland definition was agreed upon by all attendees, and defined as follows:

"The SSC defines sustainable fisheries and aquaculture as meeting the needs of the present without compromising the ability of future generations to meet their own needs (World Commission on Environment and Development, 1987). Please see guidance for further detail, suggested criteria and examples for how 'sustainability' may be demonstrated".

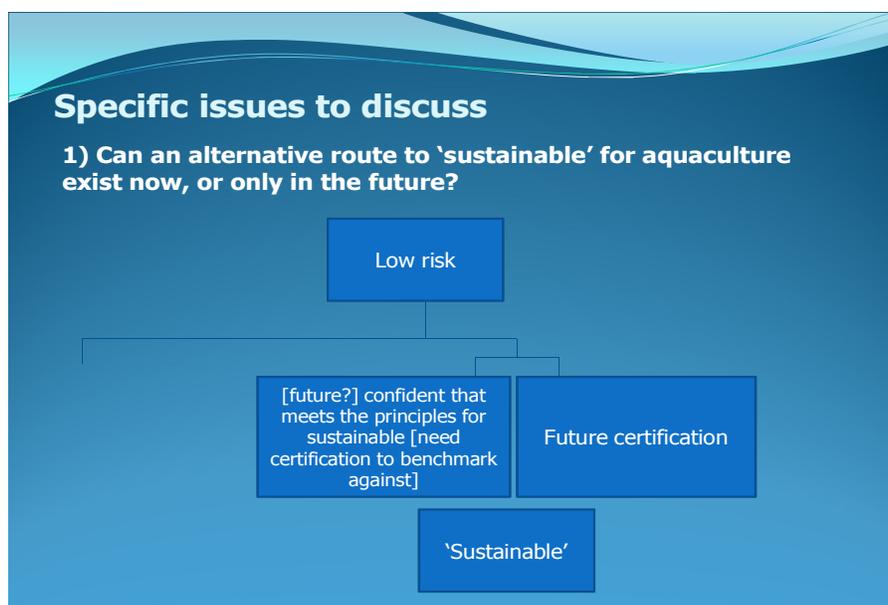
Agreed points:

- All agreed on Brundtland definition to be included in new draft version 5 of the code.

Agenda Item 3. Discussion points:

1. Can an alternative route to 'sustainable' for aquaculture exist now, or only in the future?

Figure 4: Slide from labelling presentation showing decisions for low risk outcomes for aquaculture in relation to 'sustainable' claims, agreed at aquaculture focus group on 27.06.12. Wild-capture in version 4 has an alternative, non-certified route to 'sustainable', through confidence that there is consistency with the principles for 'sustainable', which are to be built in to the guidance. For aquaculture, the certification route does not yet exist as no certifications make a claim of sustainable.



Members were asked to discuss whether this alternative route can currently be achieved in some cases e.g. Rope grown mussels, integrated multi-trophic? If so, what is this benchmarked against?

Discussion:

- It was agreed that 'future certification' should just be 'appropriate certification' as it was pointed out that the MSC certification for rope grown mussels makes a claim of sustainable.
- Concerns were raised about the inclusion of the alternative route to 'sustainable' in version 4, which was decided on at the labelling working group on 18.04.12 and also at the Members meeting on 02.05.12.
- If we were to take out the alternate route to 'sustainable' ("confident that meets the principles for sustainable..."), then some small scale fisheries may fall out of the process completely as issues of scale and cost may be barriers to entry for small scale fisheries seeking sustainability status/certification.

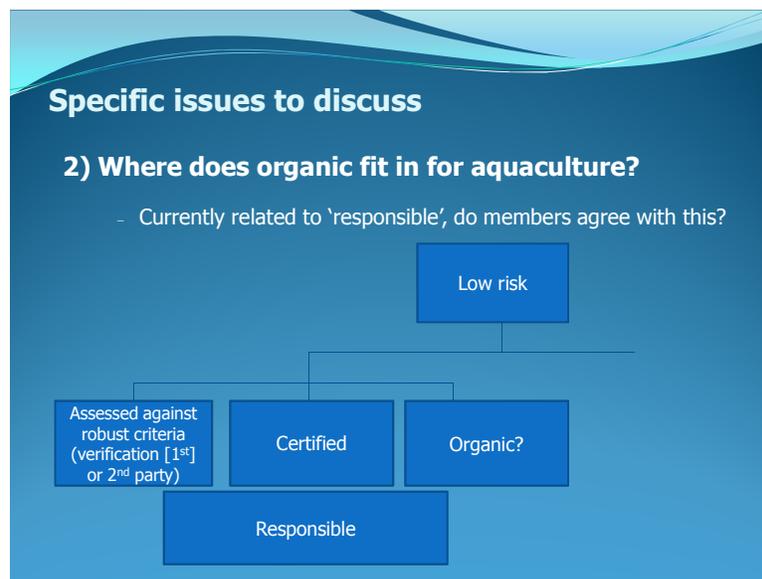
- Despite this point, it was felt that the alternative route to 'sustainable' for both wild and farmed must be re-addressed. All present felt that it should be removed from the code so that appropriate certification is the only valid route.

Agreed points:

- Need to take the "confident that meets the principles for sustainable...." issue to the next members meeting. All present at the working group felt that this option should be removed from both wild-capture and aquaculture.
- For aquaculture, "future certification" will become "appropriate certification"
- We will need to insert a connect of low risk to 'responsible' (e.g. low risk=responsible), which can be used by fisheries which do not have certification in place but achieve a low risk outcome.
- A 'no claim' end point should also be included in the process flow chart for both wild and aquaculture, as there may be instances where engagement with and improvement of the fishery/farming operation is not possible.

2. Where does organic fit in for aquaculture

Figure 4: Slide from labelling presentation showing decisions for low risk outcomes for aquaculture in relation to 'responsible claims, including organic certification. It was agreed at the aquaculture focus group on 27.05.12 that organic does not automatically equal 'sustainable', so this was built into demonstrations for 'responsible'.



Discussion points:

- Need to look at the term organic. EU standards.
- There remained some confusion over whether there is a requirement for the MSC label to appear on pack.
- Remove organic as a tier and include in certified.

Agreed points:

- Organic should be included as part of “appropriate certification”, not as a separate tier.
 - Action point: Relevant member to talk to MSC to clarify whether then label is legally required on pack.
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3) It was decided at the aquaculture focus group that the aquaculture section should include consideration of social factors. Does everyone agree with this?

- As discussed in the sourcing working group this morning, members felt that inclusion of social/ethical factors in aquaculture but not wild-capture was not appropriate and that there is currently no “tool kit” for proper consideration of these issues in wild-capture.
- As agreed in the sourcing working group it was felt that these issues should not be covered by the code and that this should be made clear in the scope. This may be reviewed as SSC membership expands.

Agreed points:

- All agreed that the code should be about environmental sustainability, social factors can be a point of differentiation but should be taken out.
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4) Should ‘responsible’ be referred to as a “lower” tier than ‘sustainable’ or just as a “different” claim?

- At the aquaculture focus group, a non-member advisor suggested that ‘responsible’ should be referred to as a different claim to ‘sustainable’ rather than a lower claim.
- Currently in the code, while ‘responsible’ is seen as a journey towards ‘sustainable’, it can be used in conjunction with ‘sustainable’ as long as the criteria for both are met.

Agreed points:

- We should refer to “types” of claims rather than “levels” and ‘tiers’ in both wild-capture and aquaculture.
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Other issues discussed:

- We will need to agree upon what is an acceptable FIP and what is an acceptable AIP.
 - This could involve looking at Global G.A.P, SFP and other certifications.
 - Issue of corporations coming up with their own definitions.
 - Comment that aquaculture/wild sections are repetitive. However, it was felt that it is necessary to keep them separate to avoid confusion.
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Agenda item 3: Guidance Document

Why? To point members in the right direction.

What? Help with implementation and ensure understanding of code

Where? A separate document

How?

- More detail than in the code
- Give recommendations
- Gives advice

Recap and next steps

- There are important points to discuss at the members meeting on 18.07.12, including
 - whether all members not present today also agree that the alternative route to 'sustainable' should be removed;
 - whether, as agreed today, the codes should just relate to environmental issues, not to social and ethical issues.
 - ClientEarth to concentrate on a re-draft for version 5 of the labelling code, so that these issues and other changes can be discussed at the members meeting.
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Guidance Documents – discussion and agreement

- Helpful if you can pull out the main principles of referenced documents as a basis. Issue of having to go back and forth b/w an annex.
- Include extracts/inboxes next to relevant sections.
- Arrows/bubbles: good. Readable/breaks up the page.

Agreed points:

- The format of the guidance documents works well.
- There should be relevant extracts from referenced documents within the guidance documents, rather than as annexes at the end.
- Further work will be needed to decide what goes in the code and what goes in the guidance.