

# Sustainable Seafood Coalition (SSC)

## Members' meeting minutes

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**Date:** 11 June, 2013

**Location:** The Counting House, 50 Cornhill, London EC3V 3PD

**Number of attendees:** 25 total (including 5 ClientEarth staff acting as facilitator, member, legal advisor, and secretariat - minute takers)

### Summary of agreed points

#### Item 1: Members' vote

- The comments received during the six week public feedback period were discussed. Members prioritised their top three priority points to discuss in detail and these were: to reconsider the ethical/social aspect in the scope of the code; how fishmeal will be addressed for aquaculture; and the costs and transparency of auditing.
- Issues regarding the presentation and clarity of the code were also widely regarded as important amongst SSC members and these were discussed briefly at the end of the meeting.
- Issues around AIPCE-CEP principles were also given a high priority and it was agreed they will be discussed at a later meeting to be scheduled by the secretariat.
- Members were keen that all feedback be addressed and discussed. It was agreed that the secretariat will circulate a feedback form to members to highlight which feedback they agreed with and would like to amend the code accordingly, and whether it would require a meeting or could be agreed via email or conference call.

#### Item 2: Scope of the code

- The code will remain focussed on environmental issues - that is the immediate impact of the fishery or farm on the environment. However, it will be amended to clearly explain that other wider aspects (social/ethical, food safety, animal welfare, and wider environmental impacts) are important but not included in the code at this time - however that does not preclude members taking them into consideration in their sourcing and labelling decisions. The labelling code is the first step in a long process towards wider sustainability and responsibility; these issues will be further considered in the future. It was agreed that the secretariat will draft a summary of this to go into the code for clarification.
- It was agreed that members may choose to provide further information in their own business strategies if they wish to explain their business' consideration of wider issues
- The FAO Code of Conduct for Responsible Fisheries (consistency with which is a criterion in the labelling code) covers a number of environmental, ethical, social and

food safety aspects. It was agreed that the secretariat will include details in the guidance document on which environmental aspects are covered by the FAO Code of Conduct for Responsible Fisheries.

### **Item 3: Cost implications of the auditing process in Option 2 for sustainability**

- It was noted that businesses of all sizes should be able to comply with the code - particularly to ensure the code is not anti-competitive. The auditing costs in Option 2 for sustainability could be prohibitive for a number of members, so a solution is needed.
- A number of potential solutions were suggested by the secretariat and discussed: Members felt the fourth suggestion (an audit of NGO methodology confirming alignment with FAO Code of conduct on Responsible Fisheries) was the most viable and expressed interest in the secretariat approaching fish-listing NGOs to gauge their interest and to explore their potential inclusion in the auditing process.

### **Item 4: Fish feed in aquaculture**

- In Section 6 of the code, it was agreed that the sustainability of fishmeal and feed for aquaculture must be taken into account when deciding whether a claims of sustainability/responsibility can be made. This will be clarified through the definition of 'farming operation' to include the entire farming cycle including feed fisheries.

### **Item 5: Clarity and presentation of the code**

- Members felt that the code (where possible) and consumer guidance documents should be amended to be clearer and easier to understand for users and the public.
- Secretariat will take up Seafish's offer of assistance in redrafting consumer guidance to the code.

### **Item 6: Public availability of auditing results**

- Under the current draft of the code, public transparency of the standards the fishery or farm is being audited against will be required for both wild caught and farmed fish, for Option 1, as well as for Option 2 where applicable. However, members noted this level of transparency for audit reports is actually unusual in most commodities, and agreed that the commitment to public transparency of farm audit reports should be taken out because they are private entities, but the commitment should remain for fisheries since these are public entities.

## **Purpose of the members' meeting**

1. To discuss and review comments received during the six week public feedback period and to address major concerns.
2. To discuss and agree amendments to the code.

3. To discuss suggestions for monitoring adherence to the labelling code and to begin constructing a loose framework.

Please note that there was no time to discuss all issues as set out in the agenda. An outstanding issue is a discussion on monitoring adherence to the labelling code (point 3) which will be discussed at another members' meeting in future.

## Item 1: Review of public feedback and priorities for discussion (members' vote)

Following a review of the comments received during the six week public feedback period (where the draft code was opened to comments from members of the public including other businesses, governmental departments and non-governmental organisations), members were asked to choose their top three concerns raised by the feedback responses for an in-depth discussion during the meeting, with a count taken by the Chair.

### Discussion and comments

- The biggest concerns to members, according to the vote, were:
  1. The cost implications of audits, both financially and in resource availability, for use of claims regarding sustainability in Option 2. Currently they are thought to be cost prohibitive for many members and therefore impractical as Option 2 is not an option in real terms. Coupled with this were the transparency concerns of audit reports in aquaculture, since fish farms are a private commodity (as opposed to wild fisheries which are a public resource);
  2. The inclusion of ethical and social issues within the scope of the labelling code;
  3. Addressing fishmeal and feed in relation to aquaculture (Section 6);
  4. Guidelines concerning the application of the AIPCE-CEP Principles for Environmentally Responsible Fish Sourcing; and
  5. Overall clarity, simplicity and presentation of the labelling code document.
- Concerns were also expressed in the feedback period that the guidance document was not yet available and there was discussion as to how this would look and whether it would go for an industry wide public feedback period, as with the code, or to specific stakeholders that were interested and available to comment.
- There was a discussion that all feedback points must be examined in some form, but where there is not time during this meeting an alternative way must be found so nothing is left unaddressed.

### Agreed:

- The comments received during the six week public feedback period were discussed. Members prioritised their top three priority points to discuss in detail and these were: to reconsider the ethical/social aspect in the scope of the code; how fishmeal will be addressed for aquaculture; and the costs and transparency of auditing.
- Issues regarding the presentation and clarity of the code were also widely regarded as important amongst SSC members and these were discussed briefly at the end of the meeting.
- Issues around AIPCE-CEP principles were also given a high priority and it was agreed they will be discussed at a later meeting to be scheduled by the secretariat.
- Members were keen that all feedback be addressed and discussed. It was agreed that the secretariat will circulate a feedback form to members to highlight which feedback they agreed with and would like to amend the code accordingly, and whether it would require a meeting or could be agreed via email or conference call.

### Actions:

- Secretariat will arrange a separate meeting to address issues stemming from the AIPCE-CEP Principles for Environmentally Responsible Fish Sourcing.
- For any concerns not discussed through time constraints and prioritised issues during the meeting, secretariat will email a feedback spreadsheet for members to be able to highlight which feedback members would like to incorporate in the code, and whether this would require a meeting to discuss or could be agreed via email or conference call.
- Secretariat will redraft the public feedback document to include comments from stakeholders who provided feedback after the feedback period closed and thus after the summary had already been sent to members.

## Item 2: Scope of the code

The question of incorporating ethical and social issues into the code was raised in the public feedback period, and has been raised at previous discussions between members. The topic is still of key interest to members.

### Discussion and comments

- Some members felt the code should state more clearly that the scope of the code is limited to direct environmental impacts, and that ethical, social and other environmental issues are not currently included in the code, but that this had been considered. Other members felt that recent events spotlighting human rights issues made clear that the code should reflect such issues.

- It was suggested that it should be absolutely clear that the code only addresses environmental issues at this stage, so as not to mislead to consumer.
- It was highlighted that the FAO Code of Conduct for Responsible Fisheries addresses food safety and animal welfare in addition to considering ethical and social issues and discussion followed as to whether the SSC labelling code should do so as well. Some thought it possible that these could be included in the code in addition to wider environmental issues like greenhouse gas emissions and food miles in the future, but not at this stage as it would hinder the implementation of the code. It was suggested the secretariat could include the FAO details on social, ethical, food safety and animal welfare standards in the guidance document to clarify the issues for all members.
- The point was put forward that Global GAP is changing its standards to include a social aspect, and that standards are evolving.
- A member raised the point that the SSC, and the codes, are supposed to be aspirational, confident and constantly evolving and improving. It was stressed that the code is not a 'standard', but a voluntary agreement to minimum practices, and that the public should be aware of this. Some members also felt that they could say more concerning this issue in their own communication/labelling to their consumers. The code should therefore clearly state that the SSC members have wider considerations of environmental issues which may publicly available directly from the relevant business.

#### Agreed:

- The code will remain focussed on environmental issues - that is the immediate impact of the fishery or farm on the environment. However, it will be amended to clearly explain that other wider aspects (social/ethical, food safety, animal welfare, wider environmental impacts) are important but not included in the code at this time. However, that does not preclude members taking them into consideration in their sourcing and labelling decisions. The labelling code is the first step in a long process towards wider sustainability and responsibility; these issues will be further considered in the future. It was agreed that the secretariat will draft a summary of this to go into the code for clarification.
- The FAO Code of Conduct for Responsible Fisheries (consistence with this is a criterion in the labelling code) covers a number of environmental, ethical, social and food safety aspects. It was agreed that the secretariat will include details in the guidance document on which environmental aspects are covered by the FAO Code of Conduct for Responsible Fisheries.
- It was agreed that members may choose to provide further information if they wish to explain their business' consideration of wider issues.

#### Actions:

- The code will remain focussed on environmental issues - that is the immediate impact of the fishery or farm on the environment. However, it will be amended to

clearly explain that other wider aspects (social/ethical, food safety, animal welfare, and wider environmental impacts) are important but not included in the code at this time - however that does not preclude members taking them into consideration in their sourcing and labelling decisions. The labelling code is the first step in a long process towards wider sustainability and responsibility; these issues will be further considered in the future. It was agreed that the secretariat will draft a summary of this to go into the code for clarification.

- It was agreed that members may choose to provide further information in their own business strategies if they wish to explain their business' consideration of wider issues.
- The FAO Code of Conduct for Responsible Fisheries covers a number of environmental, ethical, social and food safety aspects. It was agreed that the secretariat will include details in the guidance document on which environmental aspects are covered by the FAO Code of Conduct for Responsible Fisheries.

### **Item 3: Cost implications of the auditing process in Option 2 for sustainability**

The issue was raised by some SSC members that the cost implications for Option 2 in claims regarding sustainability would be cost prohibitive for the size of their business, and potentially limit them to only making claims regarding responsibility since Option 1 (certification) is not available for some fish they source.

#### **Discussion and comments**

- Secretariat reminded members that originally members had only agreed one option (certification) to sustainability, and the commitment to add a second option for sustainability was a result of ClientEarth lawyers reviewing competition law.
- It was noted that Option 2 is an alternative route to achieving the same criteria listed in Option 1, i.e. the same criteria must be met but the method of meeting them may be in one of two ways.
- Some felt it would be useful to have a list of acceptable or approved auditors.
- It was suggested that Options 1 and 2 be amalgamated for the sake of clarity and simplicity, but the legal reasoning behind adding a second option was reiterated.
- The major part of this discussion included the process of independent auditing and the associated costs, and how this option may result in being anti-competitive. For example, the possibility of a restaurant having to audit every item on their seasonally changing menu was confirmed to be a major concern and to be financially restrictive.
- Some members highlighted that option 2 could be just as cost-prohibitive for retailers as for the foodservice industry, others noted that option 1 is very time

consuming for them as they already spend 8 hours each week doing mass balance sheets for chain of custody for some certification schemes - which is very resource intensive for a small business.

- Creating different standards for different sectors was suggested as a potential solution. However, one member felt that consumers may have a problem with this and therefore the code should be consistent across all sectors; relating back to the issue of clarity. It was reaffirmed that businesses of all sizes should be able to comply with the code.
- Secretariat suggested four potential solutions:
  1. The cost of audits is shared collectively amongst members.
  2. Members ask their trade association to absorb the cost of the audit.
  3. Members ask their suppliers to absorb the cost of the audit.
  4. Relevant existing fish-list organisations assessments could be audited (by auditors meeting the option two criteria) against the principles of the FAO Code of Conduct on Responsible Fisheries, so that if they meet those principles, then a green listed/low risk outcome fishery or farm would be viewed as meeting the principles, and could be used as confirmation as meeting option two criteria for members.
- Suggestion four was discussed in detail: A member brought up the concern that organisations like MCS do not interact with fisheries. However, this point was not generally regarded as being of concern as fishery engagement is not an SSC requirement. The willingness of relevant NGOs (such as MCS, SFP, WWF) to carry out such an auditing process - as per suggestion 4, (Options 3 and 4 as well) was raised with members- presuming that costs would be an important driving factor behind each organisation's decision.
- Some members felt that intuitively some of the fish on these 'green fish lists' are sustainable (e.g. hand dived scallops) but would never seek certification and may not meet the criteria set out in options one or two of the draft code. If this is the case, there ought to be a way to make claims regarding sustainability but members did not know how to provide this route in the code.
- It was also noted that suggestion four could involve a time consuming audit of that process and its consistency with FAO standards, and that some lists are not detailed enough and do not go to a high enough resolution to be used in this way.
- It was suggested that some organisations - such as the Sustainable Restaurant Association - already conduct audits of their members, so if the fourth suggestion was taken forward they could potentially incorporate an audit of the foodservice businesses against the fish list, to verify this for consumers.
- A member suggested using an SSC points scoring system in combination with working through NGOs to meet the option requirements.
- Another suggestion was made that perhaps individual boats could be audited against the Option 2 criteria, because many restaurants now sourced all their fish from just one small inshore vessel. A similar suggestion was made that perhaps vessels participating in 'Project Inshore' could be audited or perceived to meet the criteria for sustainability.

- A member questioned the standards that had been created for 'responsibility'; saying that at the beginning of the process 'responsibility' was intended to address the due diligence of the businesses, and this is not very clear in the resulting code. However, it was decided by the group not to reopen the structure of the Code.
- A general point was made that benchmarking is needed for members to understand which certification schemes meet the criteria in Option 1 of the code; it was noted that the GSSI are conducting such work but it will not be completed before the labelling code begins to be implemented. It was also suggested that an equivalent of the GSSI, which benchmarks and compares fish lists, would be useful (particularly regarding secretariat's suggestion no. 4). A suggestion was made that perhaps Seafish Industry Authority could consider conducting another benchmarking study but in a shorter timeframe to help with this problem.

#### Agreed:

- It was noted that businesses of all sizes should be able to comply with the code - particularly to ensure the code is not anti-competitive. The auditing costs in Option 2 for sustainability could be prohibitive for a number of members, so a solution is needed.
- It was agreed that the secretariat would approach fish-listing NGOs to gauge their interest in having their methodology audited against the FAO Code of Conduct on Responsible Fisheries.

#### Actions:

- The Secretariat will approach fish-listing NGOs to gauge their interest in working with/supplying information to the SSC, and to explore auditing possibilities with them.
- The Secretariat will arrange another meeting to further discuss Options 3 and 4 in the labelling code.

## Item 4: Fish feed in aquaculture

The point has been raised that the vast majority of current aquaculture is not truly sustainable due to the provenance of fish feed, but the code expresses the possibility that it may be sustainable (possibly only in future), and what that would look like.

#### Discussion and comments

- Wording and guidance for fishmeal and feed standards need to be added to both sustainability and responsibility considerations for aquaculture, particularly as other documents referred to in the code do acknowledge fish feed. There was discussion on whether feed would just refer to the fish content or also take into consideration other environmental sustainability issues, such as those associated with soya production. It was agreed that the limit of the SSC should be for fish and that labelling relating to this would have to be clear and not misleading.

- One member expressed the concern that 'sustainability' claims for aquaculture could be misleading and disingenuous if feed and fishmeal were not taken into consideration.
- It was noted that the AIPCE-CEP principles and FAO codes do mention fishmeal, and that both of these are referred to in the labelling code.
- It was also noted that this had been covered in previous versions of the code and had accidentally fallen out of the last version because various definitions had been removed.

The question was raised whether feed is taken into consideration by aquaculture certifying schemes. Another member informed the group of aquaculture certifying schemes (ASC, GAA and Global GAP) are coming together to collectively define fishmeal and feed standards but this will take time to agree and finalise.

#### **Agreed:**

In Section 6 of the code, it was agreed that the sustainability of fishmeal and feed for aquaculture must be taken into account when deciding whether a claims of sustainability/responsibility can be made. This will be clarified through the definition of 'farming operation' to include the entire farming cycle including feed fisheries.

#### **Actions:**

- Secretariat will redraft code to clarify that fishmeal and feed are included in aquaculture labelling claims and give guidance as to what these terms mean in the accompanying guidance document.

## **Item 5: Clarity and presentation of the code**

The presentation and clarity of the code was discussed as there has been feedback that it is hard to navigate, unclear in places and may benefit from simplification.

#### **Discussion and comments**

- Members agreed that the code – or at least its simplified explanation - should be clearer and easier to understand and that this could be achieved through some simple changes to the lay out as well as rewording some areas.
- One member suggested that the code be vastly simplified and the more technical aspects become an appendix, but it was agreed not to re-open the structure of the code. Instead, a clearer accompanying explanation of the code was preferred.

#### **Agreed:**

- Members felt that the code (where possible) and consumer guidance documents should be amended to be clearer and easier to understand for users and the public.
- Secretariat will take up Seafish's offer of assistance in redrafting consumer guidance to the code.

### Action:

- The Secretariat will redraft code to be clearer with specific attention to the introduction, aims and definitions used.
- The Secretariat will approach Seafish to take up their offer of assistance in redrafting the consumer guidance to the code.

## Item 6: Public availability of audits

Under both Sections 5 (wild caught fish) and 6 (farmed fish) of the labelling code, the audit report of the fishery or farm must be clear and publicly available for Options 1 and 2 in both sustainability and responsibility claims. However, audit reports that a business pays for generally do not have to be publicly available as they are the property of the business. To align with confidentiality restrictions, it was suggested that the audit reports should not have to be made publicly available for aquaculture.

### Discussion and comments

- There was a suggestion by a member that releasing privately owned *audit reports* opens a 'can of worms' and creates difficulties, but the *standard* to which you are auditing against should be publicly available. It was also noted in the feedback comments that even ISEAL does not require audits to be published. The point was brought up that the availability of the MSC audit reports was extremely unique - rare in other commodities - and it would be too demanding to oblige all members to make the audit reports available for aquaculture under this code.
- A number of members argued that aquaculture farms are private entities and should not have to publicise audit reports, whereas fisheries are a public resource and should be held to a higher standard.
- The secretariat confirmed that the wording 'without prejudice to requirements for bodies operating product certification systems...' is used in the code so as not to conflict with transparency requirements that certification schemes impose. ISO65 provides wording for retaining confidentiality, so the SSC labelling code can only require transparency to the extent to which ISO65 allows.
- The 'without prejudice' wording has been unintentionally omitted from Option 1 for sustainability in aquaculture and needs to be reinserted.
- A few members expressed concern with the removal of the public availability of auditing reports for aquaculture citing double standard concerns and the desire to obtain a higher standard. The MSC's public transparency was viewed by many members as a good standard.
- A few members said that in their opinion the standard to which the fishery or farm is being audited (in Option 1 for wild or farmed fisheries and Option 2 where applicable i.e. if audited against a third party standard) should be transparent and in the public domain (to ensure it is comparable with the MSC standard) and to ensure that the process is open to question and to review.
- It was noted that transparency of the standard should apply to all options (where applicable) but noted it has been accidentally omitted in the aquaculture options.

### Agreed:

- Under the current draft of the code, public transparency of the standards the fishery or farm is being audited against will be required for both wild caught and farmed fish, for Option 1, as well as for Option 2 where applicable. However, members noted this level of transparency for audit reports is actually unusual in most commodities, and agreed that the commitment to public transparency of farm audit reports should be taken out because they are private entities, but the commitment should remain for fisheries since these are public entities.

### Actions:

- Secretariat will redraft the code to remove the commitment of public availability of aquaculture audits and clarify wording. However, transparency of aquaculture *standards* will remain/be added where they have been accidentally omitted.
- Secretariat will redraft the code incorporating wording to distinguish between public and private requirements (standards and audits, respectively).
- Secretariat will redraft the code retaining the 'without prejudice' statement, to ensure it applies to relevant sections of the code for both wild and farmed fish, and to ensure that the labelling code commitments do not conflict with transparency requirements that standards (such as ISO65) impose.