

**Note of Common Language Group (CLG) meeting held at Friends House, London.
Tuesday 10 March 2015**

For the CLG minutes and meeting presentations see:

<http://www.seafish.org/responsible-sourcing/discussion-forums/the-common-language-group>

1. Welcome, introductions and apologies

Mike Kaiser welcomed everyone to the meeting.

Alex Olson	Esperson
Ally Dingwall	Sainsburys
Alma Cardens	Joseph Robertson Ltd
Alyx Elliott	World Animal Protection (WAP)
Andrew Kuyk	FDF
Andy Hickman	Consultant
Anna Stapleton	Chatham House
Caroline Rye	Seafish
Catherine Weller	ClientEarth
Charlotte Bury	Tesco
Christina Dixon	WAP
Claire Pescod	MSC
Cristina Fernandez	Seafish
Dale Rodmell	NFFO
Dan Hoggarth	MSC
David Jarrad	SAGB
David Parker	Youngs Seafood
Elizabeth Huxley Jones	IPLF
Emily Howgate	IPLF
Emi Katoch	MRAG
Emma McLaren	SFP
Gareth Bennell	Aldi
Gary Hooper	Tesco
Huw Thomas	Morrisons
Ivan Bartolo	Seafish
Jack Cowden	Whitby Seafoods Group
Jess Sparks	Seafood Scotland
Jo Pollett	EDF
Jo Royle	Pew Trusts
John Hooper	Consultant
John Pearce	MRAG
Jon Harman	ASMI
Karen Green	Seafish (Secretariat - Minutes)
Kevin Powell	Icelandic Seachill
Kristian Teleki	Global Ocean Commission

Laky Zurvudachi	Direct Seafoods
Libby Woodhatch	Seafish
Louize Hill	DG MARE, Unit A1, Fisheries Control Policy
Lucy Blow	New England Seafood
Max Goulden	MacAlister Elliott & Partners Ltd
Max Schmid	Environmental Justice Foundation
Mel Groundsell	Seafish
Mike Kaiser	Bangor University, Seafish Board (Chair)
Mercedes Rosello	House of Ocean
Mireille Thom	WWF
Mike Brummitt	Regal Fish Supplies
Mike Mitchell	Youngs Seafoods
Mike Weavers	Defra
Nick Mynard	MMO
Nicky Holmyard	Consultant
Paul Williams	Seafish
Peter Stagg	Le Lien Ltd
Rachel Mason	MMO
Richard Stansfield	Flatfish Ltd
Ross Jolliffe	Cefas
Sam Stone	MCS
Sara Vandamme	LABELFISH
Steve Cadwallader	Falfish
Simon Robertson	Joseph Robertson Ltd
Stefan Asmundsson	NEAFC
Stuart Smith	Co-op
Stelios Mitolidis	DG MARE, Deputy Head, Unit A1, Fisheries Control Policy
Suzanne Clift	ASC
Sylvette Peplowski	EJF
Toby Middleton	MSC
Tony Long	Pew Trusts
Tracy Cambridge	WWF
Walter Anzer	FRUCOM

Apologies

Andy Hickman	Consultant
Bernadette Clarke	MCS
Carl O'Brien	Cefas
Chris Brown	Asda
Chris Ninnis	ASC
Chris Williams	NEF
Hannah McIntyre	M&S
John Butler	Oscar Meyer
Jim Portus	SWFPO
Katie Miller	ClientEarth
Keith Porter	Defra
Malcolm Morrison	SFF
Martin Jaffa	Callander McDowell
Melanie Siggs	EDF
Mike Berthet	M&J Seafoods
Mike Short	FDF

Neil Auchterlonie	Cefas
Nigel Edwards	Icelandic Seachill
Phil MacMullen	Seafish
Sarah Holmyard	Interfish
Tom Pickerell	Seafish
Tracey Heyworth	Igloo

2. Minutes from the last meeting held on 5 November 2014.

The final minutes were accepted as a true reflection of the meeting and have been added to the CLG web page. In the following minutes Seafish will provide a link to the various presentations given at the meeting but not summarise the whole presentation. In the main we do not attribute the comments made at the meeting. Papers were sent round and tabled covering the activities of the other Seafish groups (Aquaculture, Discards, Ethics and Skates and Rays) and listing forthcoming events. A full list can be found on the Seafish website: <http://www.seafish.org/about-seafish/news-and-events/events>

Matters arising

At the Common Language Group meeting in November it was agreed that Seafish would conduct a quick survey of participants on the format of CLG meetings going forward, the balance between presentations and dialogue and where we should hold the meetings. This survey was conducted in February and showed that the number one reason for attending was to listen to the issues raised by other parts of the industry; followed closely by the interest in keeping up-to-date with the latest developments. Networking opportunities were also considered important. 50% thought the balance between presentations and dialogue was about right; and 62.5% liked the external speakers. Nobody wanted more presentations. 18.75% wanting a targeted, more focused agenda with 31.25% liking a slightly broader agenda with the opportunity to catch up on a range of initiatives/issues. London was the favoured location for the majority of people. The great majority (95%) were very happy for Mike Kaiser to remain the Chair of the CLG. This would indicate that, assuming Friends House works well today, we will use this as the favoured venue for future meetings.

Illegal, Unreported, Unregulated (IUU) fishing

3. EC regulatory and governance policy. Stelios Mitolidis (deputy head of Unit A1 Fisheries Control Policy at DG MARE), and Louize Hill (IUU desk officer in Unit A1 Fisheries Control Policy at DG MARE).

http://www.seafish.org/media/1354101/clg_mar2015_eu_iuu.pdf

The EU is the largest importer of fishery products so it is essential to ensure traceability in the whole supply chain – from net to plate – of all fishery products traded with the EU. With environmental and socio-economic impacts on fisheries resources, developing countries and on legitimate trade, the IUU regulation was introduced because international consolidated tools are not enough. There are a number of basic principles to the EU Regulation and the subsequent implementing regulations. The regulation is unlikely to be revised, but it could be modernised.

Since 2010 there have been investigations of over 200 cases of suspected IUU vessels from 27 countries leading to at least 10 third countries imposing sanctions against almost 50 vessels (e.g.: 9m € fines and fees recovered by coastal or flag States in 2011 and 2012). There have been several decisions to refuse imports into the EU. There has

been an evaluation of almost 50 third countries – most have led to a positive dialogue with many of these leading to cooperation between the Commission and third countries. 17 countries have failed to address, through a dialogue process, their IUU shortcomings leading to pre-identification as a non-cooperating third country under Article 32 ("yellow card"), and four are listed as non-cooperating third countries under Article 31 and 33 ('red cards'). As a result of the IUU Regulations there have been tangible results with most third countries reforming their fisheries policies and strengthening their legal framework and MCS systems. There is now a new dynamic within fisheries management, within the broader EU context, and a coherent EU fisheries policy. IUU remains a political priority.

4. MMO and Defra on enforcement and traceability (and its role in controlling IUU). Mike Weaver (Defra) and Rachel Mason and Nick Mynard (MMO).

http://www.seafish.org/media/1354104/clg_mar2015_defra_iuu.pdf

The role of UK Government to prevent and deter IUU fishing is to work as part of the EU; support the Commission's work with third countries and where appropriate support the yellow and red card process (and green cards); work at the UK border; day to day operations by port health and the MMO; work with UK industry. The Port Health Authority (PHA) is the first line of contact re inspection and carry out at least a basic check on all imports. In the period 2010-2013, almost 60,000 catch certificates were received. Where there are questions the Port Health Authorities contact the MMO for advice and the MMO liaises with flag states to verify consignments. There were more than 500 requests for verification in 2010-2013 and as a result 38 consignments were rejected in 2010-2013.

5. UK industry strategy and the BRC guidance/advisory note on due diligence.

Huw Thomas, Morrisons and Charlotte Bury, Tesco.

http://www.seafish.org/media/1354107/clg_mar2015_brcnote.pdf

This guidance note is a collaboration between the Environmental Justice Foundation (EJF), World Wildlife Fund (WWF) and the British Retail Consortium (BRC). It aims to promote understanding & transparency by highlighting the key risks; prevention and mitigation measures; a risk assessment decision tree; recommended actions; and an information source e.g. overview of EU IUU regulation, MCS, Port State Measures etc; support global initiatives and policy developments. It is intended as a guidance tool, predominantly for buyers, to create better understanding.

Discussion points on IUU

- **Q.** Is it likely that the system can be circumnavigated ie unscrupulous vessel owners deliberately targeting countries or Border Inspection Posts known to be an easy target for entry? **EU answer.** The Regulation is enforced at Member State (MS) level and all MS receive all the necessary information. We have not observed any extreme shifts in the trade pattern of imports to indicate this. The European Commission (EC) is circulating information to MS and following up implementation to avoid higher or lower standards. It is the responsibility of the MS to manage their controls. We will be developing more tools, especially electronic tools. Europe has taken the lead at international level on the fight against IUU fishing.
- **Q.** If we believe the figures there is still a large amount of IUU fish being traded. If we only reject 0.1% in the UK either it is not happening, or are we missing something? **EU answer.** This does show there are refusals. A refusal does not necessarily mean just one consignment.

- **Q.** Is there a pattern in transshipped fish? **MMO answer.** No pattern particularly.
- **Q.** I have seen a scorecard system used to assess compliance. Could this be developed for MS and IUU? Are there any thoughts about a regional database? **EU answer.** A regional database may be an excellent idea but it takes time and money and it is not an EU responsibility to replace international bodies on this (i.e. RFMOs). At EU level there are thoughts for catch certificates to move from a paper-based system to an IT based system. There are also other ideas to have a global catch certificate, but it is unlikely we will be able to achieve, in the short-term, a unified world system.
- **Q.** With regard to trade flows could the information contained in the catch certificates be collated and made publically available? **EU answer.** The information from the catch certificates is held at MS level. There is a study on the EU website which looks at the first two years of the EU IUU Regulation which gives a broad analysis (not detailed) of the catch certificates. This is not something that can be imposed on the MS – we cannot impose an electronic system on the MS. The European Commission does not generally see the catch certificates, they are submitted to MS for imports.
- MRAG reported they are part of the team that developed a global estimate of IUU figures and are now working on updating those figures (2003) but it is very difficult to differentiate between illegal, unreported and unregulated fishing. It is more likely to be unreported rather than illegal, and in some cases even over-reported. This is likely to be a long process.
- **Q.** Working as an auditor we find many different variations of the catch certificate. A global catch certificate template would be very useful - is this likely to happen? **EU answer.** The EU has its catch certificate, some RFMOs have catch documentation documents. We all want to know what fish is going from where to where and catch certificates offer authorities an important monitoring tool. We believe this is the best way of ensuring certainty of resource and traceability. This is one of reasons why EU introduced its catch certificate. We promote catch certification schemes to all RFMOs. But there are RFMOs who don't want to introduce catch certification schemes. The EU will continue to ask for such a development.
- **Q.** Is there any way to monitor the performance of flag states outside the yellow and red card process? We, as an organisation, have invested in Fishery Improvement Programmes and we need to make long-term decisions on investment. We need to know where the risks are. Can DG MARE publish audits? Is there a role for industry to be involved in any pre-improvement phase and exert pressure? Could industry exert pressure to drive improvement? **EU answer.** The yellow and red card is part of a benchmarking process. This is part of a roadmap. An easy and practical way for industry to find information is to look at the compliance of countries within the RFMOs. There is also a lot of publically available and useful information for countries. The EC understands the concerns and issues but EU law does not allow disclosure of information to stakeholders. It is not possible to have confidential dialogue with importers about specific countries. Dialogue is confidential with Public Authorities. The issues concerning the countries with yellow and red cards are in the public domain when EC publishes its relevant Decisions. We have had stakeholder meetings and will discuss if we will have another one this year. There is no legal framework under the IUU Regulation that allows the EC to publish its evaluation reports.

- **Consideration.** I would like to explore, in a constructive and confident way, how industry could help. I note that you can't share confidential information with industry but it would appear that you can share with NGOs. We want to work with you. We hear time and time again that the catch certificates cannot be relied upon. We want to trade legitimately and need to find the best way to do this. It is frustrating that we cannot have in-depth dialogue with the Commission. **EU response.** We are not sharing confidential information with NGOs. There is no two-way conversation. The EU can guide stakeholders with the information that is put in the public domain on the issues, but we cannot offer enhanced/confidential dialogue on specific countries with anyone. This is not allowed within EU law.
- **Consideration.** We are not asking for the Commission to divulge confidential information. The real request is for support so that organisations can invest with confidence in various countries but we need information to be able to do this. Dialogue is crucial. If there had been more dialogue in advance of the issue of yellow cards there is the possibility that industry could have helped drive improvements.
- **Q.** There is a question as to whether the Commission is being selective when it conducts dialogue. Previously the Commission has engaged with industry with regards to a specific country. Importers and exporters can exert a lot of pressure. Industry does have a key role to play and I would like to understand the framework for sharing information. If a country has been yellow carded then information can be shared but where else? A yellow or red card impacts on legitimate trade in that country. It does not follow that all imports from that country are IUU, so legitimate trade is in fact collateral damage. **EU answer.** Obviously red and yellow cards will have an impact, but that is the way the system is built. The third country has to take responsibility as flag, port, coastal or market State. With regards to the legal framework there is no provision under the EU regulation that allows the Commission to share any sort of confidential information with industry (or even MS in many instances). With regard to third countries, findings are provided on yellow card, and subsequently, red card EU decisions. They give full account of all issues with third countries. A yellow card has no trade impact and gives time to parties to adjust. There is no agenda to exclude industry. The EC did engage with industry when IUU regulation was introduced to explain the new system, and industry was encouraged to engage with MS and third countries to understand the rules. This type of engagement has changed.
- **Q.** The RFMOs do produce this information but it is not always easy to find. Beyond the IUU regulation it is good to get an indication of who is implementing what. Is there any sort of risk analysis of where there might be issues? **EU answer.** We do have our own risk analysis which covers: the IUU vessel list; known problems; the type of control; scoring at RFMO level. This is publically available information. In addition we have confidential information on countries that co-operate with the Commission; validation of catch certificates; fish management concerns; the type of co-operation. There are 17 countries with either a yellow or red card. This is out in the public domain. Industry may always ask the third countries where it operates basic questions on their IUU and fisheries management problems. The BRC/EJF due diligence guide may help as best practice guide.

- **EJF.** The EC is not sharing confidential information with NGOs. NGOs provide information on IUU issues to the EC. Many third countries have approached EJF because of their yellow or red card. Engagement is key – if countries are not being open that could be a concern.
- **Q.** The red carding of Sri Lanka occurred in two steps, and this led to varying implementation. First, Commission Implementing Decision 2014/715/EU of 14 October 2014 identified Sri Lanka as a non-cooperating third country. Some MS implemented import restrictions when this Decision came into force. Then Council Implementing Decision 2015/200 of 26 January 2015 (published on 10 February 2015) identified Sri Lanka as a non-cooperative country and added it to the list of non-cooperating countries in the relevant Annex of the IUU Regulation. Some MS waited for the latter Decision to apply before implementing import restrictions. Can the Commission clarify how MS should act (in terms of implementing import restrictions) if this happens again with the next country to be red carded? **EU answer.** This was an unusual situation because there were some specific issues relating to special characteristics of the fishery products from Sri Lanka, and of the Sri Lankan supplying enterprises - a phase-in clause was introduced for the application of the EC Decision. The EU Council also delayed its own Decision to list Sri Lanka as non-cooperating country. This created a time gap. According to EU law catch certificates validated by non-cooperating country are not allowed (no imports) from the time the EC Decision enters into force. When EU Council Decision enters into force then all catch certificates validated from non-cooperating country, irrespective of date of validation, are not allowed (no imports). Normally, one could expect the time between the EC Decision and the EU Council Decision to be short. We would expect that a Sri Lanka type situation would be unlikely to happen again. **Defra answer.** The UK position is slightly different. We would act on the EU Council Implementing Decision. Although the time gap was small it did create uncertainty.
- **Q.** How confident can we be about IUU in UK waters? **Defra answer.** Broadly the UK is seen as being compliant and UK government is determined to ensure that we are compliant.
- **Q.** With the 38 rejections of catch certificates in the UK, why were they rejected? Was there any trend? **MMO answer.** They were a number of issues – misrepresentation of species, signature missing, breach of RFMOs rules. No real trend.
- **Q.** What does the Commission see as the biggest enforcement challenge for 3rd countries? **EU answer.** The biggest challenge is to help promote a culture of change in fisheries management systems – to help these countries understand change and compliance. We do understand control of imports is a crucial issue.
- **Q.** Could the IUU regulation cover ethics? **EU answer.** Human rights are not covered under the IUU regulation and there are no plans to change the regulation to cover this. However modernising and improving fisheries management processes does indirectly help human rights issues.
- **Q.** What is the news about Thailand? **EU answer.** Thailand is a very important fishing and processing nation. There are issues with regards to fisheries management and human rights. The EC is handling this in a very concrete way and we will be dealing with Thailand in 2015.
- The **EJF** report illustrates bad governance allows poor fisheries management and creates human rights issues. Thailand is the worst country we have ever

come across re human rights and we are hopeful for a yellow card. The Thai government is reported as saying they expect a yellow card.

- The **PEW** video showing a new satellite tracking system was shown to help authorities monitor, detect, and respond to illicit fishing activity across the world's oceans. The development of Project Eyes on the Seas, as the system is known, furthers a long-term effort by Pew to dramatically reduce illegal or "pirate" fishing. The system is being developed in partnership with Satellite Applications Catapult, a British company established through a U.K. government initiative. Pew is also talking with WWF and Google Oceanic and working with UK government over the next year, and working with Nation States.

Summary

- The IUU Regulation is now implemented and has provided concrete results. This is still early days for the IUU regulation – the IUU Regulation will not change but this will evolve and mature.
- The view of the seafood industry in the UK is that for them, beyond the yellow and red cards, the system offers no real publically available information. 3rd country risk analysis is not evident and there is no real engagement with industry to help evolve and develop best practice.

6. New MSC certification requirements, effective 1 April 2015. Dan Hoggarth, MSC. http://www.seafish.org/media/1354110/clg_mar2015_mscstandard.pdf

The key changes to the standard are:

- Principle 1: Clarification for scoring of target stocks and scoring of Harvest Control Rules
- Principle 2 is the biggest change is the cumulative impact approach of MSC fisheries on other species. This is complicated and takes into account: vulnerable marine ecosystems and risk-based framework options. It also reviews alternative impact mitigation measures
- Principle 3: has been made simpler with increased language on shark finning and a risk-based framework for data deficient fisheries. With regards to forced labour this is a general MSC request so is cope related and not standard related. However any fishery that has had a successful prosecution for forced labour offences could be exclude from the MSC process for two years. There are also changes to the definition of unit of certification and assessment, and changes to the process.

Action: Circulate link to the MSC Marine Stewardship Council. Summary of Changes Fisheries Certification Requirements version 2.0. 1 October 2014.

7. Update on LABELFISH – to illustrate the proposed standardised method for identification, rationale, powers and pitfalls. Sara Vandamme, LABELFISH http://www.seafish.org/media/1354113/clg_mar2015_labelfish.pdf

The objectives of the LABELFIS project are to: analyse fish traceability and fish labelling in markets of the Atlantic Region; Standardisation of fish authenticity and genetic traceability methodologies; Atlantic network for species authenticity and labelling. Took 1,600 samples across six countries, 13 labs, 12 species, screened and one protocol for samples, with DNA-based tests the preferred option – results showed less than 5% mislabelling recorded

Discussion

- **Q.** Is there a demand from industry for these methods, or is this driven by academia? Are consumers really interested? **Answer.** There is some demand from interested. Some consumers are interested in what is says on the label.
- There is legislation in place so there is a mandatory requirement with regards on on-pack labelling. Also the Sustainable Seafood Coalition has been looking at the criteria to use the words sustainable and responsible on a pack. Generally the scientific name of a species is not of great interest to the consumer. Mislabelling occurs for a number of reasons – inadvertent, ignorance and deliberate (substituting a cheaper product for a more expensive species). **Q.** Did you did investigate the causes of any mislabelling? **Answer.** We sampled 1,600 products but did not ask any follow up questions. Although we did specifically look at sushi restaurants and did ask a few more questions.
- Food authenticity is a big issue at the moment and is not necessarily as clear cut for the seafood sector as it is say for red meat proteins because of the multi trophic relationships ie they eat each other, caught in a mixed fishery. **Q.** Is there more room for cross-contamination? When testing of seafood is undertaken how robust/accurate is the level of detection? Are we drawing too many assumptions, and could any contamination be just accidental, or attributed to the interaction of species? **Answer.** A mixed species fishery would not affect a DNA test. Fish quality will affect a DNA test. There is the potential for carry over between species but the amounts would be very small and are unlikely to cause any issues.
- The technology being used here is very expensive. The real challenge for industry is a testing regime that is real time and low cost.

Action: Circulate links.

8. World Animal Protection Global Ghost Gear Initiative (Seachange) and report on the ghost gear problem here in the UK. Alyx Elliott, WAP.

http://www.seafish.org/media/1354116/clg_mar2015_seachange.pdf

Sea Change is all about reducing and removing 'ghost' fishing gear from the world's Oceans. It was reported 640,000 tonnes of fishing gear is abandoned, lost or discarded in our oceans every year which in turn kills at least 136,000 seals, sea lions and large whales each year with millions more animals (sea birds and fish) impacted. In the UK, in Cornish waters in particular, they have the highest known seal entanglement rate in the World with 27% of all recorded cetacean strandings in Cornwall showing evidence of entanglement and 13,000 litres of ghost gear found in three months' surveying in Cornwall. The full report will be published in June.

Discussion

- 136,000 marine mammals were mentioned. This needs context as to what percentage this represents.
- The photo taken in Cornish waters is not representative.

Action: Send link to full report when available.

9. Update on Seafish work on social ethics. Libby Woodhatch, Seafish

http://www.seafish.org/media/1354119/clg_mar2015_seafish_ethics.pdf

There was an update on how Seafish is addressing social challenges in the seafood supply chain. This highlighted:

- The Seafood Ethics Common Language Group. Established by Seafish in July 2014 at the request of industry. It is chaired by Estelle Brennan, Lyons Seafoods

and has a mailing list of 140 members from the whole seafood supply chain and NGOs and this number is growing – this group has some clout. The aim is ‘to provide a collective response to growing concerns regarding unethical practices within the global seafood market’. A Seafish tender was issued to assess ethical issues in the UK seafood supply chain. The contract has been awarded to Roger Plant, ex head of the ILO Special Action Programme to Combat Forced Labour (SAP-FL). The project is due to complete by the end of July 2015. Seafish is also working collaboratively with industry to share best practice.

- The Seafish Responsible Fishing Scheme is being upgraded to attain ISO 17065 accreditation status. It is the only global standard that audits compliance on-board fishing vessels, including ethical and welfare criteria. The RFS Crewed Vessel Standard Criteria Specific Performance Indicators include: entitlement to work; human rights; living remuneration; working hours; crew discrimination; and life on board. The first UK vessels are to be certified in April 2015. Seafish is working with other standard holders to seek their endorsement (ASC, MSC, IFFO & GAA). There is significant interest from the international NGO community and an RFS Improver’s Programme is in development to enable developing regions to demonstrate responsible catching practices and improved crew welfare on vessels via Fishery Improvement Projects.

Action: Circulate RFS links.

10. Date of next meeting

The date for the next meeting will be circulated. The date was later set as Monday 29 June 2015. The CLG Steering Group will meet to discuss the agenda for the next meeting. Any ideas for agenda items should be sent to k.green@seafish.co.uk