



COMMITTEE ON FISHERIES

SUB-COMMITTEE ON FISH TRADE

Sixteenth Session

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VOLUNTARY GUIDELINES FOR CATCH DOCUMENTATION SCHEMES

Executive Summary

This paper provides a summary of the progress made to develop and finalize the Voluntary Guidelines for Catch Documentation Schemes (CDS Guidelines). In addition, the paper presents the implementation plans for the CDS Guidelines and future actions that could be taken by Members.

Suggested action by the Sub-Committee

- Consider the proposed implementation plan of the CDS Guidelines and further develop possible implementation activities and coordination strategies;
- Call for financial and technical support to fund proposed activities.



INTRODUCTION

1. In response to the request of the Fisheries Resolution adopted by the United Nations General Assembly (UNGA) on 9 December 2013, which called upon UN Member States to initiate work within FAO on the elaboration of catch documentation schemes (CDS) guidelines, the thirty-first session of the Committee on Fisheries (COFI:31), 9–13 June 2014, proposed that FAO undertakes the elaboration of such CDS Guidelines, including possible formats, based on the following principles: (a) conformity with the provisions of relevant international law; (b) not create unnecessary barriers to trade; (c) equivalence; (d) risk-based; (e) reliable, simple, clear and transparent; and (f) electronic, if possible. COFI:31 further stipulated that the assessment of schemes and formats would include cost benefit considerations and take into account the CDS already in existence.

2. Following the request of COFI:31, with the financial support from the Government of Norway, FAO convened an Expert Consultation to develop the CDS Guidelines (EC:CDS) in Rome from 21–24 July 2015. The EC:CDS proposed the following actions: the basic structure of the text; a table of contents outlining nine distinct sections, and introduction of two additional principles, following the six principles put forward by COFI:31. The EC:CDS agreed that the CDS Guidelines should include a section outlining the special considerations for developing states to effectively implement them, particularly with regard to the electronic issuance of catch documentation. The EC:CDS agreed by consensus to submit the guidelines to the fifteenth session of the COFI Sub-Committee on Fish Trade (COFI:FT/XV) (Agadir, Morocco, 22–26 February 2016) for review.

3. Subsequent to the EC:CDS, an alternative version of the draft guidelines was submitted by a Member, in consultation with several other Members, to COFI:FT/XV for review and discussion.

4. COFI:FT/XV reviewed both draft CDS Guidelines and agreed that the alternative draft was more in line with the COFI:31 terms of reference, less prescriptive, better structured and more readable. COFI:FT/XV agreed that the alternative paper should constitute the starting point for the deliberations at the next Technical Consultation on CDS Guidelines (TC:CDS) with the following considerations that:

- proper attention be given to technical assistance, capacity building and small-scale fisheries;
- responsibility for validation of the catch document be with competent authorities of Flag States;
- accurate information be available along the supply chain; and
- relevant elements from the EC:CDS draft Guidelines be taken into account.

5. COFI:FT/XV encouraged the FAO Secretariat to ensure that the work of the TC:CDS strictly follow the COFI:31 mandate and be aligned with the six principles identified. Many Members underlined the usefulness of CDS in covering the supply chain, but warned that they should not become an unnecessary barrier to trade, or an additional financial or administrative burden to Members. COFI:FT/XV suggested that special consideration should be given to the needs of developing countries and encouraged governments, intergovernmental organizations (IGOs), non-governmental organizations (NGOs) and financial institutions to support capacity building and technical assistance. COFI:FT/XV underlined the importance of international cooperation and strongly recommended regional or multilateral approaches for the optimal effectiveness of CDS. COFI:FT/XV acknowledged that existing well-established CDS, including those of regional fisheries management organizations (RFMOs), should be taken into account to avoid duplication, where possible. COFI:FT/XV also recognized that each CDS should be risk-based, and many Members expressed their willingness to share their technical expertise with others in the development and implementation of regulations to combat illegal, unreported and unregulated (IUU) regulations.

RECENT PROGRESS IN THE DEVELOPMENT OF THE CDS GUIDELINES

6. With financial support from the Government of Norway, the TC:CDS was held at FAO headquarters from 18–22 April 2016. It was attended by 63 delegates from 32 Members of FAO. Delegates had a constructive and fruitful debate and consensus was achieved on the following sections: Scope and Objective, Definition, Basic Principles, Application of Basic Principles and Cooperation with and Recognition of the Special Requirements of Developing States, and the Information Elements for Catch Certificates and Additional Information along the Supply Chain. However, the TC:CDS could not be concluded as there was no consensus on two outstanding paragraphs. Therefore, the TC:CDS was adjourned, to be resumed at an appropriate time in the future.

7. The First and Second Resumed Technical Consultation sessions on the CDS Guidelines (Resumed TC:CDS) were held on 8 July 2016 and 15 July 2016 at FAO headquarters, and Members further deliberated on the two outstanding paragraphs. Since no consensus was reached, the Resumed TC:CDS was adjourned again.

8. The thirty-second session of the Committee on Fisheries (COFI:32) (Rome, Italy, 11–15 July 2016) reviewed the progress made in the development of the CDS Guidelines and reiterated the critical role that CDS play in combating IUU fishing. The Committee agreed that the CDS Guidelines could serve as a fundamental guiding document for Members and the international community, and specifically benefit working groups of RFMOs. The Committee authorized the TC:CDS to: i) resume its session again as soon as possible and address and resolve the two outstanding paragraphs; ii) finalize the CDS Guidelines; and iii) submit the CDS Guidelines to the FAO Conference at its Fortieth Session in July 2017 for final adoption.

9. The Third Resumed TC:CDS session was held at FAO headquarters on 4–5 April 2017 with the financial support from the Government of Norway. Members demonstrated a strong commitment to finalize the CDS Guidelines. Members actively proposed and discussed alternative drafting for the two outstanding paragraphs. Ultimately, Members reached consensus and the TC:CDS was concluded successfully with the finalization of the CDS Guidelines. The final report of the TC:CDS together with the CDS Guidelines is enclosed as COFI:FT/XVI/2017/Inf.7.

10. The CDS Guidelines were officially adopted by the FAO Conference at its Fortieth Session.

IMPLEMENTATION OF THE CDS GUIDELINES

11. Implementation of the CDS Guidelines would contribute to national, regional and international efforts and complement various instruments that are currently enforced to progressively eliminate trade in IUU fishery products. Thus, consultative, effective and coordinated implementation is necessary. The implementation would be part of FAO's overall capacity building activities and closely relate to ongoing work on the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) and the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record). The following components are hereby proposed to ensure efficient implementation and synergy with other international instruments to combat IUU fishing:

- **Component 1: *Broad Awareness Raising.*** The long development process of the CDS Guidelines delineated the importance of CDS in combating IUU fishing and safeguarding the trade of legally-caught fish and fish products. The process garnered sufficient attention and discussions amongst Members, civil society and the private sector on the availability and purpose of the CDS Guidelines. With the finalization and adoption of the CDS Guidelines, the key risks associated with IUU fishing and the role of the CDS Guidelines should be broadly communicated to more stakeholders through well-implemented awareness raising activities. These awareness raising efforts will complement on-going efforts in implementing related international instruments, obligations and initiatives, such as the PSMA and the Global Record.

- **Component 2: *Technical Consultative Workshops*.** A series of regional or sub-regional technical consultative workshops, subject to availability of funds, would be the adequate forum for in-depth discussions on key technical and practical aspects to the implementation of the CDS Guidelines. The workshops would involve various policy-making and enforcement authorities of Members, as well as diverse stakeholders, such as RFMOs, IGOs, NGOs, academia and key partners along the value chain. Such workshops would be a forum to closely analyse key components of the CDS Guidelines and serve as an opportunity to review the existing systems. The information gathered from these workshops would constitute valuable guidance information for other Members in integrating the CDS Guidelines to enhance their systems or related efforts for combating IUU fishing. The topics could include: the role of CDS in contributing to fishery management and statistics; governance and institutional capacity; CDS and traceability; integration of CDS and other trade measures with relevant international frameworks, including World Trade Organization (WTO) agreements; harmonization with other international instruments, such as the PSMA and the Global Record; establishment and promotion of integrated electronic systems, etc. An e-consultation process could start in parallel to incorporate comments and suggestions from various stakeholders across different regions and related sectors.
- **Component 3: *Establishment of a Global Assistance Program*** to provide capacity building to Members. Members, relevant IGOs, NGOs, and financial institutions are encouraged to provide assistance and capacity building to support effective implementation of the CDS Guidelines. This global call has been stipulated and reaffirmed through various sessions of COFI and COFI:FT. Such assistance could entail financial and technical assistance for developing Members in order to achieve the objectives of the CDS Guidelines and to support its effective implementation, especially regarding electronic catch certificates. Therefore, it is proposed to establish a Global Assistance Program for CDS to support capacity building activities.