



COMMITTEE ON FISHERIES

SUB-COMMITTEE ON FISH TRADE

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MONITORING THE IMPLEMENTATION OF ARTICLE 11 OF THE CODE OF CONDUCT FOR RESPONSIBLE FISHERIES

Executive Summary

This document provides a summary of progress in implementing Article 11 - Post-harvest Practices and Trade - of the FAO Code of Conduct for Responsible Fisheries (CCFR), and highlights areas where its implementation poses a challenge for FAO Members.

Suggested action by the Sub-Committee

- Provide guidance on how to strengthen and broaden implementation of Article 11 of the Code;
- Provide guidance on identifying areas where further work is required to improve the current questionnaire;
- Advise on how to improve the use of data and information submitted through the Article 11 questionnaire, including ad hoc assessments, consultations, studies and specific technical reports.



INTRODUCTION AND STRUCTURE OF THE QUESTIONNAIRE

1. This document represents the fifth report prepared by the Secretariat of the COFI Sub-Committee on Fish Trade (COFI:FT) on the implementation of post-harvest practices and trade-related provisions of the CCRF (Article 11) and provides a compilation of data and associated analysis based on self-assessment questionnaires completed and submitted on-line¹ by Members.
2. The raw data are obtained by the Secretariat through a web-based survey subdivided into the following six sections:
 - Section I - Responsible fish utilization;
 - Section II - Responsible international trade;
 - Section III - Laws and regulations relating to fish trade;
 - Section IV - Emerging issues in the implementation of Article 11;
 - Section V - Current challenges; and
 - Section VI - Additional comments
3. Through 29 different rating-scaled questions, the first three sections of the questionnaire request Members to report on the extent to which they had implemented measures relating to responsible fish utilization, responsible international trade, and laws and regulations relating to fish trade. Possible responses range from 1 (not implemented, or just started) to 5 (almost all is done, or complete). Not applicable (n/a) replies are also accepted, when the question does not apply to the national or sub-national context.
4. The next three sections require Members, through five open-ended questions, to identify current challenges related to the implementation of Article 11 with regard to emerging issues, safety and quality assurance systems, post-harvest sector, international trade in fish and fishery products, laws and regulations, as well as an opportunity to provide additional comments.
5. For this edition, the questionnaire was circulated to all FAO Members on 3 April 2019². Complete responses were received from 140 Member States and from one Member Organization, the European Union (EU), responding in the name of its 28 Member States, for a total of 168 Member States, representing 86 percent of Members.
6. The continuously increasing response rate indicates a high level of interest and participation by Members on this topic, and a positive feedback on the use of the on-line questionnaire:

Session	Responding members	Response rate
13 th Session - 2012	15 Members + 1 Member Organization	22% of FAO Members
14 th Session - 2014	88 Members + 1 Member Organization	60% of FAO Members
15 th Session - 2016	115 Members + 1 Member Organization	73% of FAO Members
16 th Session - 2017	123 Members + 1 Member Organization	77% of FAO Members
17 th Session - 2019	140 Members + 1 Member Organization	86% of FAO Members

¹ The questionnaire reporting system moved to a web-based platform in 2015. This new on-line questionnaire is accessible through a dedicated portal on the FAO domain (<http://www.fao.org/fishery/code/codequest>), using unique usernames and passwords, and meets the necessary confidentiality, security and usability requirements.

² Government officials, FAO Country offices, Permanent Representatives, COFI and COFI:FT participants.

7. The response rate within the different regions (percent of responding countries per region) was:
- 100% for North America;
 - 88% for Africa;
 - 88% for Latin America and the Caribbean;
 - 88% for South West Pacific;
 - 84% for Asia;
 - 73% for Europe³; and
 - 71% for Near East.
8. The geographic distribution of the responses received (number of responding countries from the region/total number of responding countries) was:
- 30% from Africa;
 - 21% from Latin America and the Caribbean;
 - 15% from Asia;
 - 11% from Europe;
 - 11% from Near East;
 - 11% from Southwest Pacific; and
 - 1% from North America.
9. The regional composition of the responses received has changed slightly from the last edition when the weight of the Near East on the total was higher (14% compared to the current 11%) while the one of Southwest Pacific was lower (7% compared to the current 11%).

QUALITY OF THE COMPILED QUESTIONNAIRES AND FURTHER IMPROVING THE REPORTING

10. On average, 92 percent of the questions⁴ in the submitted questionnaires were answered, with the remaining 8 percent corresponding to “not applicable” (“n/a”) replies (7%) or empty cells (1%). Overall, 54 countries (38% of the total respondents) included at least one “n/a” or “blank” reply.
11. The percentage of “n/a” replies has slightly increased from 5% during the last edition to 7% during the current one. This is partially due to a lack of data and information at the national level, but could also represent a misinterpretation of some questions.
12. In particular, the following questions received the highest number of “n/a” replies:
- Accredited laboratory services are established and fully operational;
 - Measures are taken to assess and reduce post-harvest losses;
 - Environmental impacts of post-harvest activities are monitored and addressed effectively;
 - The impacts of trade in fish and fishery products (imports and exports) on food security and income are evaluated and monitored;
 - Changes to trade laws and regulations are notified, where applicable, to the World Trade Organization (WTO), interested States and other relevant international organizations;
 - Trade laws in support of conservation measures are equitable, non-discriminatory and in conformity with the provisions of regional and international organizations and agreements to which Members are party to.

³The Europe region includes non-EU European countries and the EU itself, counted as one.

13. For these six questions, a high degree of misinterpretation might be present since only one question could actually be “not applicable” to certain countries, taking into consideration the difference in the number of Members in FAO and WTO⁵.
14. It is interesting to note that the highest number of “n/a” replies was reported by landlocked countries and Small Islands Development States (SIDS).
15. Taking into account continuous developments in the post-harvest sector, it would be important that the questionnaire is reviewed periodically, including the addition of new sections, to increase accuracy and reliability of the CCRF reporting system.
16. The Secretariat is currently carrying out a revision of the questionnaire to improve the clarity of questions and answering options. The current work encompasses a reformulation of some questions in a clearer way, in order to reduce misinterpretations by the responding countries and further enhance the quality of the survey results. At the same time, the Secretariat is trying to maintain the same structure and contents of the current questions to allow comparison and trend analysis among different editions. Alignment and coordination with the questionnaires from the Committee on Fisheries (COFI) and the COFI Sub-Committee on Aquaculture (COFI:AQ) is also sought.
17. As for the answering options, in order to reduce the number of “n/a” and “blank” replies, the possible responses will be enriched with two additional options: “0” to be used by Members in case the implementation of the measure has not even started and “not available” in case the information requested is not available at national level. This will allow more precise answers by Members and will help the Secretariat in analysing the final data. This revision will also add an important indicator related to the availability and accessibility of relevant data and information at national level.

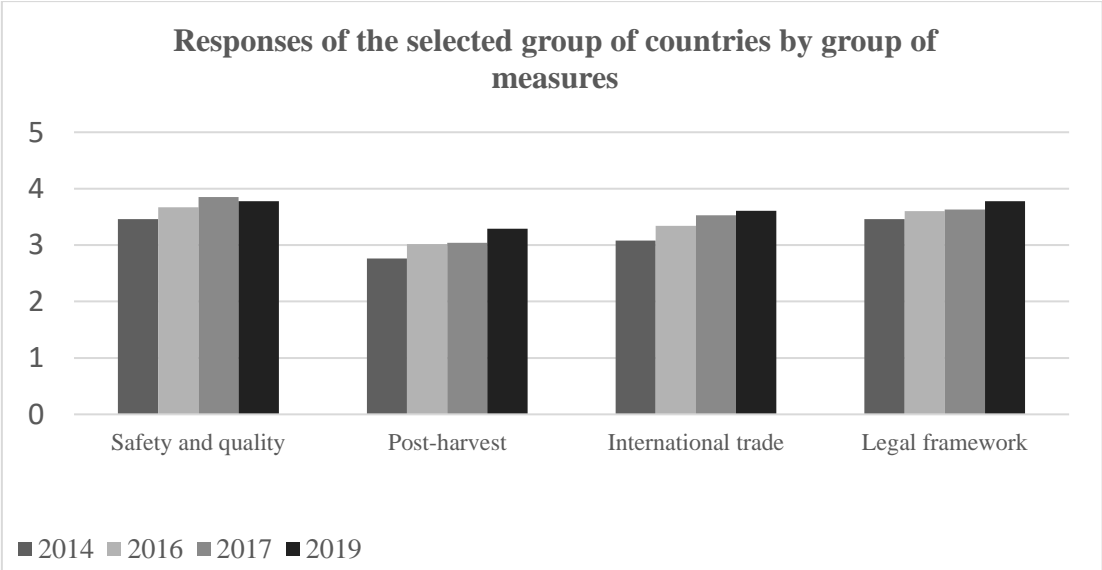
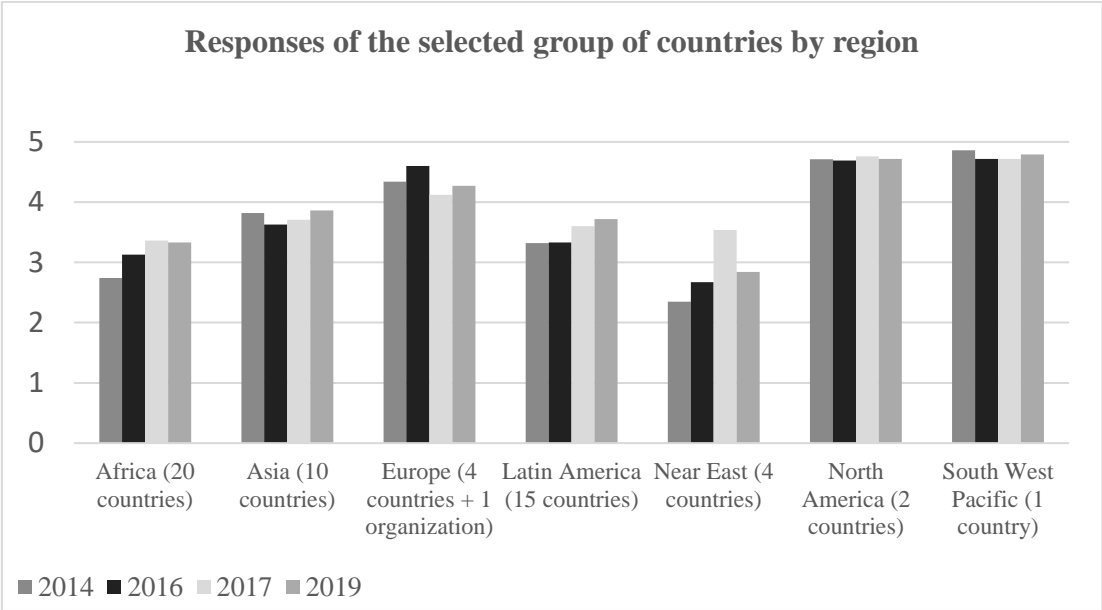
ANALYSIS OF THE RESPONSES

18. The increasing response rate and data provided, along with the responses to the last five open-ended questions, helped to provide a more complete and reliable analysis of the implementation of Article 11 of the Code.
19. The responses received have been analysed at two different levels:
- Statistical analysis of all raw data of responses, which have been analysed and aggregated to calculate global and regional scores. The detailed statistical analysis of the rating scale questions is available as COFI:FT/XVI/2019/Inf.7.
 - Qualitative analysis of the open-ended responses, with the detailed comments received being translated, summarized and reported in this document.
20. The comparison between the results of the different editions of the questionnaire is not possible at the aggregate level, due to the different response rates and composition of the responses (different countries replying to different editions). This would only be meaningful at the country level, but would undermine confidentiality requirements.
21. Therefore, in order to be able to compare and analyse the results of the last editions, the table below takes into consideration only countries that have responded to the last four editions (for a total of 56 Members + 1 Member Organization) and provides an overview on how the global implementation of Article 11 has been reported by them during the years (simple averages), with possible responses ranging from 1 to 5.

⁵ WTO has 164 Members and FAO has 194 Members.

Session	Global implementation rate (56 Members + 1 Member Organization)
14 th Session - 2014	3.30
15 th Session - 2016	3.51
16 th Session - 2017	3.64
17 th Session - 2019	3.65

22. The graphics below provides an overview of how these results have been reported at the regional level and by group of measures:



23. While the global implementation rates of the different editions are not significantly different, the trend on implementation performance varies when analysed by region and by group of measures. Measures being implemented in the post-harvest sector showed the lowest aggregate level of implementation. In particular, the area reporting the lowest level of implementation is the effective monitoring and addressing of environmental impacts of post-harvest activities (2.87), followed by measures taken to assess and reduce post-harvest losses (3.07).

CHALLENGES IN THE IMPLEMENTATION OF ARTICLE 11 OF THE CCRF

24. Overall, Members recognized the importance of CCRF Article 11 as a comprehensive tool for effective post-harvest practices and trade.

25. While some Members reported having fishery policies in place in conformity with CCRF Article 11, most of them reported a number of issues and constraints in its implementation. These were mainly related to the absence of an enabling policy, legal and institutional framework and the lack of resources, competencies and physical infrastructures.

26. The following sections summarize major issues and current challenges reported by Members, providing a wide range of useful information to understand what is inhibiting or enabling the growth of the post-harvest sector.

Current challenges related to food quality and safety assurance systems for fisheries and aquaculture

27. Many countries reported the lack of national policies and adequate institutional, administrative and legal frameworks to support effective food safety and quality assurance systems for fisheries and aquaculture, largely due to the limited capacities of the competent authorities.

28. Lack of facilities, investments in post-harvest technologies, equipped laboratories and trained technical staff, as well as the use of traditional processing and preservation techniques that do not meet food safety and quality requirements, were reported as the main factors affecting the capacity of national operators and industries to adhere to food safety and quality standards.

29. It is interesting to note how the issues related to quality and safety seem to affect domestically consumed fisheries and aquaculture products only, since products destined to international markets were reported to be handled and processed in line with international food safety and quality requirements.

30. Rupture and failure of the cold chain were among the main challenges reported, especially in small-scale fisheries, resulting in high volumes of losses and minimal or insufficient food safety and quality conditions along the value chain.

31. Inspections for food safety and quality control are not effective in many countries due to the reported lack of capacities, knowledge, appropriate policy frameworks and accredited laboratories for control and surveillance plans. Testing facilities for several chemical parameters such as dioxins, carbon monoxide, mercury, polychlorinated biphenyls (PCB) and polycyclic aromatic hydrocarbon (PAH), or other compounds such as toxins were indicated as not available locally and sending samples to foreign laboratories as too expensive, especially for small-scale operators.

32. Domestic traceability for fisheries and aquaculture products throughout the supply chain is still considered as an issue by Members.

33. Limited adoption of Standard Operating Procedures and Hazard Analysis and Critical Control Point systems (HACCP) and standards set by the International Organization for Standardization (ISO) were reported by some countries. The importance of the principles of equivalence, as set out in the WTO Agreement on Sanitary and Phytosanitary Measures (SPS), was stressed by many countries as a measure to facilitate acceptance of different approaches to preventive controls and achieve comparable outcomes in food safety.
34. The use of new antibiotics in aquaculture has also been reported as an emerging challenge, where different countries set different standards or minimum limits.
35. Many countries reported difficulties and limitations in participating to Codex Alimentarius Commissions specific meetings (e.g. Codex Committee on Contaminants in Foods or Codex Committee on Food Hygiene) and other food-related technical meetings.
36. Insufficient human and financial resources to raise public awareness on food safety and to provide appropriate technical assistance, particularly to small-scale fish processors and traders, were highlighted as well.
37. Many countries requested assistance to review the policy framework, update national standards and legislation to comply with international food safety and quality requirements and Codex Alimentarius provisions, establish accredited laboratories, develop national guidelines on quality assurance, develop capacity-building programmes for fishery managers, processors and consumers on food safety and quality issues and good hygiene practices.
38. The need to redesign the current traditional fishing vessels was also reported in order to improve on-board handling and storage as, very often, vessels do not meet the food safety requirements, especially in artisanal fisheries.

Current challenges in the post-harvest sector

39. The economic role of the post-harvest sector was reported as not always being recognized, nor its social and environmental dimensions, resulting in insufficient investments in fish technology, limited value addition in the post-harvest stage, insufficient commercial networks developed at national, regional and international levels, difficult working conditions, unsustainable use of aquatic resources and damage to marine ecosystems.
40. Many countries reported a lack of resources and weak capacities to increase the value of local products and enhance their export potential.
41. Members still reported high volumes of post-harvest losses, mainly due to inadequate awareness, handling, packaging, transportation and conservation practices to ensure proper preservation of products.
42. Value-addition and the use of by-products, waste and discards were indicated not to be sufficiently promoted and supported, with a further negative impact on the total volume of losses. A huge amount of bycatch and discards were reported both in the small-scale and in the industrial fisheries sector.
43. One country highlighted how the fishing quota system could represent a challenge in terms of eco-friendly practices and volume of losses since fishers have to throw back into the sea tonnes of dead fish for which they have no quota.
44. Only a few countries reported having an effective regulation in place on incidental catches.

45. Despite the lack of gender-disaggregated data, women seem to contribute substantially to the post-harvest sector (mainly during the processing phase, preparation of the nets and final sale of the products), but they were still reported as a vulnerable group, mainly working in the artisanal sub-sector, due to the difficulties in accessing credit and proper capacity-building and training to enhance the effectiveness of their operations.
46. In terms of information, some countries reported the lack of data, statistics and capacities for an effective monitoring and evaluation system in the post-harvest sector. Most of the countries reported the total lack of a reliable and accurate data collection on the status of the ecosystems.
47. The existence and use of irresponsible and misleading practices were reported by many countries, including the use of illegal netting materials, unsustainable fishing methods and practices and fraud.
48. Illegal, unreported, and unregulated (IUU) fishing was indicated to constitute a threat for Members, especially illegal fishing operations by foreign fishing vessels within the countries' territorial waters. In this regard, only a few countries reported having put in place systems and practices to report suspected IUU activities within their waters.
49. The FAO Voluntary Guidelines on Catch Documentation Schemes and country-of-origin labelling were mentioned by some countries as effective international instruments to combat IUU fishing, although their full implementation is not yet effective.
50. The economic value and importance of amphibia and other aquatic resources (especially snails and frogs) were stressed by some countries, together with the need to improve management and conservation of these resources.
51. Many countries reported being still vulnerable to the volatility of fish prices, which has an important impact on seafood markets and national economies.
52. Many countries reported the overlap in roles and responsibilities among different Ministries and departments within the post-harvest sector. A cross-sectoral harmonization process among the different competent authorities was seen as necessary to improve control, align regulations and measures and, at the same time, guarantee sustainable use of marine resources, decent working conditions and, most of all, promote and protect human health. Some major issues hindering the implementation of CCRF Article 11 were also identified by some Members in the lack of collaboration among all the stakeholders (public and private) involved with post-harvest practices and trade.
53. Some efforts were reported to strengthen the operational and institutional frameworks in the post-harvest sector, with plans of action being developed to improve the processing and marketing of fish and fishery products, protect consumers' rights, promote fish for human consumption and explore ecologically friendly practices (especially in relation to the environmental impact of aquaculture) and technologies (solar drying techniques in particular).

Current challenges in international trade

54. Limited capacities of the competent authorities for food safety and quality certification of fisheries and aquaculture products were reported to play a key role also in international trade since quality and sanitary levels in many countries were still reported as too weak to comply with international requirements and measures (including sustainability, the legality of fishing activities and traceability).
55. While such measures could help in improving the domestic post-harvest system for fisheries and aquaculture, they also imply additional financial and administrative burdens which the exporting countries cannot always afford. In addition, as reported by many Members, the measures imposed are often seen from the perspective of industrial-scale fisheries and do not take into consideration the

modalities of fishing operation in small-scale, or semi-industrial fisheries and the artisanal nature of the domestic fishing fleet.

56. As reported by most of the countries, the lack of uniformity in trade policies and international requirements continues to represent one of the main challenges in terms of international trade in fisheries and aquaculture products. It was highlighted that exporting countries are being asked to comply with an increasing number of multilateral and unilateral market access measures, changing rapidly and constantly, which require technical and administrative capacities and imply high costs for governments and enterprises.

57. As reported by some countries, SPS requirements, regional trade protocols and the implementation of WTO requirements for trade facilitation still pose a challenge, especially for small-scale fisheries.

58. Some countries reported difficulties in being accepted as exporters, as well as challenges in becoming members of WTO.

59. Countries which are not members of WTO reported a very limited knowledge or expertise in the area of international trade and post-harvest practices. In particular, the lack of relevant information on international and inter/intra-regional markets (including labelling, prices, import conditions, tariffs and rules of origin) has been reported as a major factor hindering access to foreign markets, especially for artisanal and small-scale fisheries.

60. A lack of transparency on the rules in place in some countries and also language barriers have also been indicated as additional challenges to access some markets.

61. High tariffs imposed on fish and fishery products by some states were reported as a challenge for many countries. Such tariffs were considered to be a disadvantage to less developed countries, even for those engaged in more sustainable fishing practices.

62. Many countries also reported subsidies as a significant problem, not only because they contribute to overexploitation of fish stocks but also because they allow certain countries to operate with lower costs, compared to countries with no subsidies, reflecting in unfair competition.

63. As, in most of the countries, fish and fishery products are traded as fresh/not processed, port infrastructures, flights or other rapid connections are a necessity for maintaining or gaining access to international markets. In this regard, many countries reported high freight costs, a lack of proper infrastructures/facilities and the necessary equipment to facilitate rapid and safe access to international markets. Although some countries are reporting improvements in this aspect, this is still considered as a major challenge for the sector.

64. Although trading in illegally harvested fisheries resources is commonly recognized as a problem, only a few Members reported having taken measures to address IUU fishing completely, most frequently through enhanced fisheries control and inspections, improved certification and traceability systems, and custom and border controls. In general, local fisheries administrations lack the resources and capacities to address IUU and improve consumers' awareness on this issue.

65. The Port State Measures Agreement (PSMA) has been mentioned by many countries as one of the measures to be supported and promoted.

66. Low international prices were also highlighted as a challenge, having negative impacts on local or domestically processed products, and limiting their competitiveness.

67. As highlighted by many Members, enhancing international trade capacities will need lots of effort and will involve several forms of assistance, including building more efficient landing sites and infrastructures, establishing and improving fisheries management regimes and certifications, attaining

international quality standards as well as guiding the entrepreneurs on how to take advantage of business opportunities in the global marketplace.

Current challenges in laws and regulations

68. National laws and regulations in relation to the implementation of CCRF Article 11 were still reported as weak and in need of further improvement and harmonization at the country level and within the international framework.

69. In many countries, the current regulatory frameworks governing fish trade and post-harvest management were considered to be outdated or lacking critical aspects. The fast-paced and significant changes to the fisheries and aquaculture sectors and value chains were indicated to have led to gaps in institutional and regulatory frameworks that fail to take into consideration many fisheries management practices and issues.

70. Furthermore, the relevant laws were often considered not consistent with best practices and applicable international instruments.

71. The following list of common challenges and gaps was identified by many Members:

- limited capacity and resources for active stakeholder consultations (including environmental and consumer groups);
- absence of regulatory impact assessments (resulting in requirements not reflective of the socio-economic realities of the sector);
- insufficient participation of industry through the rulemaking and promulgation process;
- a lack of transparency, oversight and disclosure obligations on new laws and procedures about the post-harvest sector, which result in lack of awareness and subsequent low compliance with the new rules within the industry;
- subsequent resistance to and complaints against new rules and standards by operators and industry;
- insufficient enforcement and control capacities (e.g. absence or limited capacity of coast guard and other enforcement agencies), which undermines the deterrent effect;
- a lack of coordination and communication amongst relevant line Ministries and government bodies; and
- the absence of provisions governing sustainability and labour issues along the value chains.

72. Many Members also reported the absence of an effective regulatory framework governing the aquaculture sector.

73. In order to address these gaps, many governments recognized and highlighted the significance of a robust rulemaking process. However, the main challenge reported was to maintain the level of compliance with ever-changing requirements and constantly keep updating the existing laws, which requires financial resources, political will and capacities.

74. Many governments also identified the following specific measures and areas in which efforts are being made, resources are being requested, and assistance is sought:

- strengthening governance and management frameworks encompassing various activities along the value chain, including those regulations specifically governing registration and licensing of vessels and operations;
- strengthening of monitoring, control and surveillance systems and enforcement/control activities and capacities;
- strengthening of the food control system and safety/quality requirements;
- promoting and creating greater employment and economic opportunities along various stages of the value chain;

- promoting new products, identifying value-addition opportunities and accessing new markets;
- combatting IUU fishing; managing and reducing bycatch and discards;
- integrating stronger policies and laws governing sustainability and labour issues (e.g., decent working conditions and occupational safety in terms of conditions of service, child labour, accommodation and food, health protection, medical care and social security).

USE OF THE RESULTS AND FAO WORK

75. FAO supports the implementation of CCRF Article 11 in a variety of ways, including through the Regular Programme and donor-funded activities. Specific activities include the organization of international, regional and national workshops to disseminate and deepen the understanding of the CCRF, studies to develop technical guidelines to facilitate its implementation, capacity building, training and technical support.

76. In addition, Members are always encouraged to seek support through the FAO country and regional offices worldwide for the development of their fisheries and aquaculture post-harvest sector.

77. The large amount of information submitted by Members through the different questionnaire survey editions has been appropriately stored in a database since 2014. This information is mainly being used to produce this COFI:FT working document and to help FAO managers and fishery officers in designing policies and projects, enhancing FAO technical assistance at regional and national level. In addition, the results of the questionnaire will be used more and more to investigate single aspects or areas where implementation of Article 11 poses a challenge for Members, including ad hoc assessments, consultations, studies and specific technical reports.

CONCLUSION

78. Although Members recognize the enormous potential of the fisheries and aquaculture post-harvest sector to significantly enhance their social and economic development in terms of trade, employment, poverty reduction and nutrition, a number of issues and concerns have been reported in the implementation of CCRF Article 11 at global, regional and national levels.

79. Overall, efforts are still needed to reinforce fisheries and aquaculture governance and control, improve post-harvest practices, build local-level capacities, improve working conditions, raise awareness on food safety issues, improve data management and information systems, facilitate the production of income-generating products, support multilateral engagement, pursue international cooperation and harmonization of requirements and support the responsible use of aquatic resources.

80. The detailed information and comments received by COFI:FT through the questionnaire monitoring implementation of CCRF Article 11 are considered a fundamental source of information categorized by geographic areas and topics.

81. At the same time, as highlighted by Members, the questionnaire offered them the opportunity to self-assess their performance in relation to a number of issues and possible measures, offering guidance in the prioritization of resources, policies and interventions, and outlining how the sector can respond to the complex and rapidly changing challenges.