REPORT

on launching a debate on a Community approach towards eco-labelling schemes for fisheries products
(2005/2189(INI))

Committee on Fisheries

Rapporteur: Carmen Fraga Estévez
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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on launching a debate on a Community approach towards eco-labelling schemes for fisheries products
(2005/2189(INI))

The European Parliament,

– having regard to the communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee launching a debate on a Community approach towards eco-labelling schemes for fisheries products (COM(2005)0275),

– having regard to the opinion of the European Economic and Social Committee,

– having regard to Report No 780 of the 26th session of the Committee on Fisheries of the FAO held in Rome from 7 to 11 March 2005,

– having regard to the communication from the Commission setting out a Community action plan to integrate environmental protection requirements into the common fisheries policy (COM(2002)0186),


– having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy¹,

– having regard to Rule 45 of its Rules of Procedure,

– having regard to the report of the Committee on Fisheries and the opinion of the Committee on the Environment, Public Health and Food Safety (A6-0219/2006),

A. whereas the placing on the market of fishery products, substantiated by reliable certification that their capture, breeding, harvesting or processing are in accordance with environmental sustainability criteria, may contribute significantly to an increase in support from both producers and consumers for the objectives behind sustainable fishing,

B. whereas, however, there is no single internationally adopted criterion regarding the meaning of sustainability in relation to fishery products,

C. whereas an ecological approach as part of an eco-labelling scheme must always be based on broad-spectrum assessments,

D. whereas an eco-labelling and certification scheme must give preference to a multi-criteria

certification system,

E. whereas the FAO has been considering the issue of eco-labelling for fisheries and aquaculture products since 1998, with its Committee on Fisheries issuing directives on the subject in May 2005,

F. whereas the World Trade Organisation looked into the matter following the meeting in Doha in 2001, where it became clear that developing countries were concerned that an eco-labelling scheme could lead to a new protectionist mechanism for products from more developed countries,

G. whereas eco-labelling for fisheries products may serve to improve the gathering of information on specific fisheries (improvements to the quantity and reliability of data),

H. whereas the numerous eco-labelling schemes and criteria relating to eco-labelling that are emerging, together with the lack of confidence and sense of confusion that this generates among consumers, may lead to the discrediting of this mechanism,

I. whereas the European Community recently signed the Agreement on the International Dolphin Conservation Programme and the associated eco-certification scheme (Dolphin Safe),

J. whereas it has also been shown that there is confusion regarding the difference between an ecological label and a quality label,

K. whereas, in accordance with Regulation (EC) No 2371/2002, all European Union fisheries should, by definition, be sustainable, since they should conform to Community standards,

1. Welcomes the communication from the Commission launching a debate on a Community approach towards eco-labelling schemes for fisheries products;

2. Regrets, however, the delays on the part of the Commission in coming forward with its communication, which have in the meantime allowed privately initiated eco-labels to proliferate without any form of control, giving rise to issues of credibility and confusion for producers and consumers;

3. Draws attention, furthermore, to the real objectives of many of these labels which, given the growing importance that consumers place on sustainable development, are simply used as a means to increase sales, denying the consumer any real guarantee that the products actually contribute to sustainability;

4. Believes that the range of schemes currently in place adds to the complexity of the issue and that any future proposal must not be designed in such a way that those already operating in the market are given a commercial advantage;

5. Understands that the sole purpose of the communication is to launch a general debate and not at this stage to consider the details of the criteria on which Community eco-labelling is to be based; regrets, however, that the Commission's communication brings little to the debate which the Commission itself is seeking to initiate, and which now appears to have
been left wide open, with little thought given to it;

6. Deplores the communication's lack of ambition and considers that the chosen option (which consists of establishing minimum requirements for voluntary eco-labelling schemes) does not fully address the issues in question; considers that whatever labels are used in the marketplace must be independently monitored in order to be absolutely reliable and credible for the consumer;

7. Calls for better recognition at European level of non-industrial fishing; before the possible establishment of an eco-labelling scheme, calls for the parties concerned, including representatives of the non-industrial fishing sector, to be consulted and their suggestions taken into account;

8. Believes that a label will be fully effective only if it is uniform and easily comprehensible to consumers, allowing them to choose products that maintain the sustainability of fisheries resources;

9. Encourages the Commission consequently to develop further a broad debate in which all parties concerned can participate and in which serious thought can be given to the volume and importance of the issues that still require discussion;

10. Agrees in principle with the objectives of sustainability, harmonisation, traceability, transparency, objectivity and non-discrimination, mentioned in point 4 of the communication; considers that establishing a single EU eco-label is bureaucratically cumbersome;

11. Is convinced that the use of reliable eco-labels could be a very effective tool in combating IUU fishing, since it requires very clear documentation evidencing the provenance of the fish, which would make it much more difficult for illegal fish to enter the marketplace;

12. Asks the Commission to clarify its understanding of a public Community label, since its analysis of option 2 ('Creating a single Community eco-labelling scheme for fish and fishery products') and option 3 ('Establishing minimum requirements for voluntary eco-labelling schemes') in the communication makes it unclear as to whether account has been taken of considerations in international fora regarding the ownership of an eco-labelling scheme;

13. Takes the view that, once an eco-labelling and certification scheme has been set up, the Commission will need to promote and explain it to all those involved in the process; takes the view that the Commission will also need to ensure that confidence can be fully guaranteed with regard to compliance with the rules laid down by the bodies responsible for labelling and certification so that consumers are not misled;

14. Urges the Commission to draw up a communication to the Council and to Parliament within six months, subject to developments in the broad debate, detailing the minimum requirements and guidelines with which a Community eco-labelling scheme for fisheries products must comply;

15. Urges the Commission, further, to take into account international criteria relating to this
matter, in particular the criteria set out by the FAO, when it comes to laying the foundations of an eco-labelling scheme for fisheries products in the EU, so that the scheme, amongst other things:

(a) is consistent with both the FAO Code of Conduct and the resolutions adopted by other international organisations, including the UN and WTO;

(b) is voluntary and guarantees greater protection of the environment without any suggestion that non-labelled products are of an inferior quality;

(c) is transparent in every way, including its organic structure and financial provisions;

(d) is non-discriminatory and does not pose obstacles to trade, particularly as regards developing countries, whilst at the same time guaranteeing fair competition;

(e) is promoted by the Commission, which would be responsible for establishing rules governing its operation and guaranteeing the independence of specialist accreditation and certification bodies, key components in the procedure, as well as the credibility of the claims made by the label;

(f) incorporates sustainability criteria, based on serious scientific analysis, which must be set out with a greater level of stringency than the criteria governing the Community resources management system; the aforementioned criteria may be both general and specific depending on the various fisheries products;

(g) ensures that labels carry accurate information, which means guaranteeing the chain of custody for the product from fishing vessel to final consumer, i.e. it should be possible to track certification and check that the labelled product complies with the relevant specifications;

(h) incorporates independent and reliable auditing and verification procedures;

(i) receives the vital degree of publicity;

(j) opts for a label that includes the final result of the product's assessment in a way that is visible and easily understood by consumers;

16. Instructs its President to forward this resolution to the Council, the Commission and the governments of the Member States.
EXPLANATORY STATEMENT

The working document submitted in advance of this draft report analysed the following points: I. the background, II. the definition and scope of eco-labelling schemes and III. commercial aspects.

This explanatory statement will continue with a summary of further aspects deemed worthy of consideration with respect to the eco-labelling of fisheries and aquaculture products, as well as the motion for a resolution, with the recommendations proposed by the rapporteur to the Committee on Fisheries.

IV. The need to address the foundations for an eco-labelling scheme within the EU

The number of eco-labels in existence and the different interests surrounding them will inevitably lead to disagreements about the definition of the sustainable use of fisheries. This represents a serious danger, since these different labels will undoubtedly cause confusion for consumers as a consequence of the different criteria on which they are based. It will therefore be necessary, on a Community level at least, to agree on general criteria for sustainability, which should be laid down in the Community legislation established to that end.

The EU must, as a matter of urgency, tackle this issue in order to curb the proliferation and spread of eco-labels and ensure that either one single or several different systems based on the same fundamental principles and requirements is/are established. In order to achieve this, the following points, amongst others, must be taken into consideration:

1. At present, there is a huge dispersal of information and a lack of clarity on the issue, even in international fora. Therefore it is vital that the EU give serious thought to this matter, and that all parties concerned may participate in the process, before a final decision is made. It is crucial that there be a clear understanding of what is best for the EU before making any decisions that may have negative consequences.

2. One question to consider is whether the variety of eco-labels may in fact be a positive thing. However, even if this does allow for greater flexibility, it is also true that the essential value of eco-labelling may be lost, resulting in lack of confidence amongst consumers, in contrast to a single or restricted system.

3. As regards product traceability, each individual down to the end consumer must be able to be sure that what is written on the label is accurate and that all relevant information is accessible. For this to happen, we must ensure that the mechanism for traceability is designed properly.

4. We have to consider whether we want to opt for a public or a private management system for eco-labelling. A public system is, to begin with, one which brings more guarantees
than a private system, running less risk of being discriminatory, whilst its organisational structure carries with it a greater degree of legal certainty and ensures independence. As regards opting for private systems, these would have to be set out in accordance with substantial minimum requirements, fixed by the EU, as defined in the FAO guidelines and referring to existing directives, particularly those set out by the International Organisation for Standardisation (ISO).

5. The promoter of the scheme should call on the services of a separate and independent accreditation specialist to carry out the task of accrediting certification bodies on its behalf.

V. Sustainability criteria

One of the most complex elements of the debate is the establishment of criteria guaranteeing the sustainability of fishing stocks. Internationally there is no consensus on which indicators should be used, nor whether there should be just one indicator. It would therefore be desirable for the EU to establish clear sets of criteria.

The question to consider is what kind of criteria we are talking about. Firstly, we would have to differentiate between general and specific criteria according to the type of fishery. As regards general criteria, we can differentiate between criteria based on scientific analysis (in principle the Community rules are based on sustainable development and so all fisheries would comply with this particular criterion), criteria relating to limiting the impact on the environment and ecosystem (which would involve looking at more selective production methods) and finally criteria relating to food safety (i.e. that they do not represent a danger to health).

These criteria must be set out with precision, since, using the general criteria as a starting point, more specific criteria will have to be established for each one of the fisheries opting for an eco-labelling scheme.

VI. Analysis of the communication from the European Commission

As regards the communication which claims to be launching a debate on a Community approach towards eco-labelling schemes for fisheries products, the rapporteur stresses how very disappointed she was by its poor analysis and limited content. It is indicative of the lack of interest that the Commission appears to show in this matter.

Particularly poor, in this respect, is the section headed 'Work on eco-labelling in international fora'; three brief paragraphs summarise the activities carried out by the FAO (which first tackled this issue back in 1998) and the WTO, and the information is not really up-to-date. In the case of the FAO, its guidelines on eco-labelling are not even included, guidelines which already featured in many working documents even before their approval.
The Commission's methodology also draws criticism, given that if what it claims to be doing is launching a general debate to include all of the parties concerned (fishermen, fishing companies, administrative bodies, consumers, and other relevant parties, such as NGOs or existing certifying bodies), it is extremely regrettable that the most interesting part of the communication, including definitions of eco-labelling schemes, objectives and criteria to be considered when establishing verification systems for eco-labelling, is relegated to the two Annexes and written in just one Community language. Many of the parties concerned have, therefore, been denied access to what is a fundamental component of any eco-labelling scheme.

Coinciding with the objectives (perhaps too generic in nature) listed in section 4 of the communication, the wording of the chapter is none the less surprising, implying that the Commission is rejecting in advance the establishment of a single, public eco-labelling scheme.

It is clear that the establishment of a single 'Community eco-labelling scheme' would bring with it more complicated processes for the relevant authorities and also undoubtedly greater costs. Yet the advantages of a single eco-labelling scheme must not be undervalued. A Community label would bring greater legal certainty for those wishing to join the eco-labelling system, offer increased guarantees of reliability for consumers, prevent overlapping and confusion in the face of a proliferation of labels and, above all, ensure that the system is clearly associated with sustainable development and objectives. It would also encourage fishermen and businesses to use eco-labelling more widely, foster greater competition amongst them in the use of more selective fishing techniques, given the advantages that obtaining the eco-label would bring in the market, and do more to convince consumers that they are in fact contributing to the recovery of the marine environment by parting with their money.

The Commission assesses three options in respect of the implementation of a Community labelling scheme: (i) 'Non-action', (ii) 'Creating a single Community eco-labelling scheme for fish and fishery products', (iii) 'Establishing minimum requirements for voluntary eco-labelling schemes'.

Naturally, the rapporteur applauds the rejection of the first option for the same reasons as before - there can be no reliability without a guarantee of independent certification and accreditation, it places the Community market at risk of fragmentation and it encourages the proliferation of labels, hindering the free movement of goods.

On the other hand, the differentiation that the Commission makes between the second and third options is not at all clear, since according to all other international criteria, particularly those set out by the FAO, the organisation which fixes the minimum requirements for accession to an eco-labelling scheme must in fact take ownership of that system. Given that in the third option it is the Commission that is responsible for fixing those requirements, this automatically converts the eco-labelling scheme into a public system, as laid out in the second option, although it would not guarantee the existence of a single eco-labelling scheme.

Moreover, it is the system's management that may fall to either public or private bodies, whether the ownership of the system is public or private. We could therefore find ourselves in
a situation where several eco-labelling schemes exist side by side, as appears to be the wish of the Commission, yet all of them would be subject to the same regulatory framework.

The important thing, therefore, is to fix the aforementioned minimum requirements, the supervision of the system and its transparency, as well as to guarantee the chain of custody. Depending on whether these requirements are more or less stringent, they will then give rise to a regulatory system that is also more or less transparent, independent, secure and free from discrimination.
OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Fisheries

on launching a debate on a Community approach towards eco-labelling schemes for fisheries products
(2005/2189(INI))

Draftswoman: Frédérique Ries

SUGGESTIONS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Fisheries, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Welcomes the Commission communication and, whilst acknowledging the difficulty of introducing a labelling scheme that is effective without restricting companies excessively, insists that the essential objective of eco-labels should be to allow the consumer to make informed choices that promote the conservation of fisheries resources;

2. Considers that this system will complement the legislative framework for the preservation of fisheries resources, which should remain the common fisheries policy's fundamental objective;

3. Considers that, given the over-exploited and depleted status of many fish stocks in EU waters and around the world, any eco-labelling scheme that is to be credible and effective must accept the principle that eco-labels for certain stocks simply are not possible and that consumption of fish must decrease until such time as stocks recover;

4. Regrets that the current rules on labelling of fish products laid down in Article 4 of Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products¹ are badly implemented and enforced in the Member States;

5. Regrets that it has no detailed analysis in order to assess more precisely the consequences of such measures for the fishing sector and the maritime environment;

6. Deplores the Commission communication's lack of ambition and considers that the chosen option (which consists of establishing minimum requirements for voluntary eco-labelling schemes) does not fully address the issues in question; considers that whatever labels are used in the marketplace must be independently monitored in order to be absolutely reliable and credible for the consumer;

7. Calls for better recognition at European level of non-industrial fishing; before the possible establishment of an eco-labelling scheme, calls for the parties concerned, including representatives of the non-industrial fishing sector, to be consulted and their suggestions taken into account;

8. Calls, therefore, for a uniform development and certification procedure to be set up that, in the long run, allows sustainable methods of producing and exploiting fisheries resources to be promoted, provided that the labels entail strict requirements regarding:
   - minimising by-catches,
   - catches regulated on the basis of the 'maximum sustainable yield' principle,
   - effective enforcement and supervision in order to combat illegal practices;

9. Considers, therefore, that such a procedure should be developed at European level in consultation with sector stakeholders and in observance of a number of essential conditions such as transparency, accessibility, availability at low cost and credibility;

10. Advocates the continued existence of national and other labels for fishery products indicating, inter alia, particular features of catch methods, such as harmlessness to dolphins or the quality of the product;

11. Believes that a label will be fully effective only if it is uniform and easily comprehensible to consumers, allowing them to choose products that maintain the sustainability of fisheries resources;

12. Calls for the label's criteria not to be directly related to the European fisheries management measures and for them to be fully in line with the requirements under the FAO Code of Conduct for Responsible Fisheries, so as to ensure accessibility to the label, and insists that eco-labels developed in the EU should not discriminate against non-European fisheries, particularly those of developing countries;

13. Recommends that participation in the system should be on a voluntary basis and suggests that there should be incentives to encourage companies, particularly SMEs, and non-industrial fishermen to participate in the system put in place;

14. Recognises that, in order to be effective, accessible and credible, the system should be managed in a centralised manner, but without creating unnecessary administrative constraints; suggests that the Community Fisheries Control Agency might be able to play
a part in the awarding, monitoring and management of this label but recognises that this would necessitate a significant widening of its mandate and a substantial increase in its financial and other resources.
SHORT JUSTIFICATION

In December 1997, the Commission first addressed the need to discuss non-discriminatory, voluntary eco-labelling schemes. In 2002, it adopted a Community Action Plan to integrate environmental protection requirements into the Common Fisheries Policy and announced its intention to launch a debate on the eco-labelling of fisheries products. On 29 June 2005, the European Commission presented its Communication launching a debate on a Community approach towards eco-labelling schemes for fisheries products.

The recent reform of the Common Fisheries Policy makes it necessary to discuss the issue of the introduction of eco-labelling schemes as a means of better integrating environmental protection concerns into the fisheries sector. In addition, the recent emergence of various "eco-labelled" products in this sector raises questions with respect to competition, external trade, and consumer protection.

Among its objectives, the Commission aims to promote sustainable fisheries and an adequate level of protection of the marine eco-system, a harmonised approach to eco-labelling schemes and transparent and objective information for consumers.

The Commission considers three options:

1. Non-action and freedom to develop eco-labelling schemes on the market, without any intervention and control from the public sector.
2. Create a single Community eco-labelling scheme for fish and fisheries products.
3. Establishing minimum requirements for voluntary eco-labelling schemes.

In its Communication, the Commission clearly favours Option 3.

However, the draftswoman wants to express her concerns about this option which would not be sufficient if it aims to achieve the ambitious objectives defined by the Commission.

The single establishment of minimum requirements for voluntary eco-labelling schemes would only regulate the current situation and prevent the emergence of misleading certifications. It would not send a clear message able to stimulate awareness to both consumers and producers. Moreover, a proliferation of labels risks weakening the role an eco-label can play.

These are some of the reasons why the draftswoman is in favour of the creation of a single Community eco-labelling scheme with ambitious criteria. In the light of the objectives defined in the Communication and with the involvement of the stakeholders, the Commission should establish a transparent, accessible and credible eco-labelling system.

The Commission must ensure that this label does not act as a barrier to trade. Therefore, such a label has to be fully coherent with the international guidelines for eco-labelling schemes, as agreed by the FAO and based on its Code of Conduct for Responsible Fisheries.

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In order to prevent the creation of a new structure, the draftswoman also suggests involving the European Fisheries Control Agency in the management of this label.

In any such scheme, the importance of clear communication to the consumer must be of particular consideration in order to ensure the greatest possible impact of the label. Ultimately, the label must generate concrete results in terms of protecting and enhancing the sustainability of fish stocks in EU waters.
**PROCEDURE**

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| Substitute(s) under Rule 178(2) present for the final vote | Danutė Budreikaitė |
| Date tabled | 23.6.2006 |
| Comments (available in one language only) | … |