Sustainable Seafood Coalition (SSC) Members' meeting minutes

Date: 11 November, 2013

Location: The Co-Operative Group, 1 Angel Square, Manchester, M60 0AG

Number of attendees: 11 total (including 5 ClientEarth staff acting as facilitator, member, and secretariat - minute takers)

Summary of agreed points

Item 1: Members' use of the SSC logo

- The text in the Terms of Reference governing logo use will be redrafted and simplified by the secretariat and sent to all members for agreement.

- There were not enough members present to take a decision on logo use. The secretariat will circulate an electronic vote to members to decide when they feel it is appropriate for members to start using the SSC logo. The secretariat will action any outcomes decided by a majority vote.

- Until the vote is held, the SSC logo should not be used by members.

- If the outcome of the vote means that the logo is used before any codes are signed, then it should be alongside an explanatory statement. If members use the logo after the launch of the code(s) it could be used independently, with no explanatory statement, in some cases.

Item 2: Phased labelling code implementation

- The Terms of Reference will be redrafted to allow a phased approach to adopting the codes meaning the multiple retailers, large suppliers and brands sign up to the labelling code first, with other members signing up to and adhering to an updated version in the future.

Item 3: Sourcing code - Marine ingredients

- Marine ingredients in fish feed should be covered by the sourcing code. The current level of commitment, however, is too detailed for members to adhere to, so this needs to be amended as detailed in the following three bullet points.

- Marine ingredients should be covered in the code under Section 3.3 (traceability) but removed from the base criteria for aquaculture in Section 4.3 and Appendix I.

- Under traceability in Section 3.3, marine ingredients should be referred to in a separate paragraph, with simplified wording that does not refer to the base criteria. The member will not conduct a risk assessment on marine ingredients directly as the supplier should be doing so.

- Under Section 3.3 on traceability it should specify that marine ingredients should be traceable to the fishery or supplier / processing factory and that the supplier themselves should be aware from which general area the fish has come.

Item 4: Sourcing code - Risk assessment outcomes

- In the risk assessment process, the option of sourcing from medium or high risk fish will be permitted if appropriate action is being taken by others in engaging with the fishery in question.

- In Figure 1 of Section 4.3 (engagement by others), the requirements for a paper trail and ensuring 'improvement is occurring' should be removed.

- Figure 1 in Section 4.3 will be amended to incorporate the labelling flow chart where possible, so that one flow chart can be used for both the labelling and sourcing codes.

Item 5: Sourcing code - Bycatch and contaminants

- In the sourcing code, risk assessments should be applied to fisheries, rather than the fish, thereby removing the need for dealing with bycatch separately, as it would be part of the relevant fishery. This will be clarified in the sourcing code.

- Contaminants in fish are beyond the scope of the sourcing code and should be removed from the list of base criteria for wild caught fish in Section 4.3. However, waste and contaminants from fish farms can have important effects and should be dealt with in the base criteria for risk assessment in Section 4.3, as they are controllable and measurable.

Item 6: Sourcing code - Other issues

- Under Section 3.2, transparency of non-commercially sensitive information in sourcing policies should be left as it is. The word 'general' should be added before 'sourcing policies' to clarify that not every element of sourcing must be made transparent.

- Under Appendix I, the base criteria on fish by-products from wild capture fisheries should be removed.

- The inclusion or removal of transgenic fish as an element of the risk assessment in the base criteria in relation to aquaculture under Appendix I is to be decided at a later date.

- The whole coalition should have an opportunity to vote on whether there should be a phased implementation for the sourcing code, to mirror the new labelling code.

Item 7: Restructuring the sourcing code

- The sourcing code should be simplified and shortened, by moving the detail into relevant annexes for each section.

Item 8: Labelling code guidance document

- A vote should be held on whether the members' sign-off on the labelling code should be delayed until an agreement and sign-off is reached on the sourcing code. This may result in a phased sign-up to the sourcing code for members in the foodservice sector and small brands or suppliers who waiting for the release of the Seafish RASS tool.

- The secretariat is to talk to the code review group (which consists of SSC), to discuss comments on the redrafted labelling code guidance before sending the guidance to SSC members for review.

Purpose of the members' meeting

This meeting was held to discuss several topics which had been scheduled for the previous members' meeting on 3 October but had not been covered. The main discussion points were: proposed changes to the sourcing code from the latest working group meeting; members' use of the SSC logo; future governance options for the SSC; and an update on progress of the labelling code guidance document. Following the sourcing code working group meeting on 10 July, there were five key issues to be addressed with members. These were marine ingredients; risk assessment outcomes; bycatch; contaminants in fish; and re-structuring the sourcing code.

Item 1: Members' use of the SSC logo

The SSC logo was designed in early 2013 and is not yet referred to in the Terms of Reference. Recently, several members have requested to use the logo, so a group agreement needs to be reached. The main issues to address include the phrasing of logo use in the Terms of Reference; how to prevent the logo being misconstrued as an eco-label; the content of template statements which could be used without further sign off from the secretariat; and having a 'logo use' form to enable the secretariat to monitor its use amongst members and to check whether potential use and accompanying statements fall within the amended Terms of Reference (to be agreed).

Discussion and comments

- The timing of members using the SSC logo was raised with regard to two main points. Firstly, publicity, as the impact of using the SSC logo will increase if it is used by many members at the same time (e.g. on an agreed date, such as the launch of a code), and secondly, the meaning of the SSC logo risks being compromised if used prior to the launch of the code(s).

- One participant asked, if an individual member were to use the logo before anyone else, whether this could mean that they might benefit from its use over and above other members (due to first use); this may not be agreeable to the rest of the coalition.

- Regarding the use of the SSC logo on products or at point of sale, a member felt that using the logo on the back of a product alongside a statement that they are a member of the SSC would not appear to be an eco-label, and may be desired by some members. However, it is unlikely to be used on packets due to space availability, but it might be more relevant for certain members (e.g. on menus, for foodservice). However, others felt that logo use on packet increases the risk of consumers interpreting it as an eco-label.

- Members were shown several mock-up designs of the SSC logo in combination with an accompanying statement, and within the context of how its use alongside a business' own logo. Members agreed that there is a distinct difference in meaning between a logo being used independently, and one with an accompanying statement. Following this, there was agreement that if the logo was used at point of sale it should include a statement such as "We are a member of..." followed by the SSC logo, and not used independently.

- Several members raised the point that the draft text on logo use in the Terms of Reference is overly complicated for its intended purpose, and although the content should remain the wording needs to be simplified.

- A member said that for internal purposes, if the logo use form was shorter it would be easier for other internal departments (e.g. marketing) to fill out.

- Members expressed support for the secretariat to govern logo use.

- Opinion was divided amongst members over when it is appropriate for members to start using the SSC logo. Some members feel the SSC logo represents the Coalition as a group of businesses that have been working together towards a sustainable future. Others felt that the logo will represent outputs by the Coalition (i.e. the codes) and should only be used once the codes have been agreed and signed by members. This second group thought premature public-facing use of the SSC logo may diminish the credibility of the SSC and that customer facing situations should be carefully considered. The secretariat stated that ClientEarth would coordinate a press release for the launch of the code(s).

- Members felt that an electronic vote from all SSC members on when the SSC logo should be used would be most appropriate as there was only a small number present and this issue will affect the entire SSC group.

Agreed:

- The text in the Terms of Reference governing logo use will be redrafted and simplified by the secretariat and sent to all members for agreement.

- There were not enough members present to take a decision on logo use. The secretariat will circulate an electronic vote to members to decide when they feel it is appropriate for members to start using the SSC logo. The secretariat will action any outcomes decided by a majority vote.

- Until the vote is held, the SSC logo should not be used by members.

- If the outcome of the vote means that the logo is used before any codes are signed, then it should be alongside an explanatory statement. If members use the logo after the launch of the code(s) it could be used independently, with no explanatory statement, in some cases.

Actions:

- The secretariat will redraft the Terms of Reference according to agreements.

- The secretariat will coordinate an electronic vote for all members on when to start using the logo.

Item 2: Phased labelling code implementation

As discussed in the meeting on 11 September, there will be a phased implementation of the labelling code so that the foodservice group will not be implementing it initially. The Terms of Reference need to be amended to reflect this and a draft was sent to members prior to this meeting.

Discussion and comments

- A member felt that the section on adherence to the codes in the Terms of Reference, which states that all members must adhere to all codes, was not clear enough and should be the first bullet point in that section.

- The drafted wording on the phasing in of codes was thought to be confusing, and a member suggested that clarity would be useful on what is currently being achieved (i.e. labelling and sourcing codes) and what will be achieved in the future (i.e. data collection and diversification codes).

- A member felt that the underpinning SSC code will be the sourcing code, whereas the other codes will be implemented only if they are within the scope of the business (i.e. the labelling code will not be implemented by businesses that do not label their fish), and that this should be emphasised in the Terms of Reference.

- Some members raised the point that signing up to every code that the SSC develops in the future may not be possible. The secretariat noted that the original Terms of Reference, developed by the founding members, agreed that every code is developed by the members themselves and would be adhered to by each member. The original agreement was to have four codes, which covered four of the aims, and that the other aims may never be developed as codes.

- A member stated that the focus now is developing the labelling and sourcing codes and future developments will be easier given the processes established in developing these two codes (particularly the length of time dedicated to formulating and amending the labelling code). In future a steering group could be nominated to develop the data collection and diversification codes.

Agreed:

- The Terms of Reference will be redrafted to allow a phased approach to adopting the codes meaning the multiple retailers, large suppliers and brands sign up to the labelling code first, with other members signing up to and adhering to an updated version in the future.

Actions:

- The secretariat will redraft the Terms of Reference in accordance with the agreed points.

Item 3: Sourcing code - Marine ingredients

The inclusion of marine ingredients in fish feed, which was not originally covered by the sourcing code. Statements on marine ingredients in fish feed have been proposed by the sourcing code working group in two main areas of the sourcing code: Section 3.3 on traceability and Section 4.3 on base criteria in aquaculture.

Discussion and comments:

- A member was concerned that the complexity and detail on marine ingredients was too much and provisions in this regard should be as simple as possible.

- A member used the example of trimmings used in feed to show it may not be possible to know exactly which fishery they originate from and given that fishmeal is a processed product, it may only be possible to trace marine ingredients as far as the processor, and trust must be placed in the supplier's commitments to not source PET or IUU species. It was stated that processors, such as fishmeal plants, usually make a commitment not to source illegal, unreported and unregulated (IUU) or protected, endangered or threatened (PET) species. However, this can be impossible to monitor and there is no guarantee that suppliers may not include some. If it is found that PET or IUU species are being used, businesses naturally will stop sourcing from them and this would be expected under the sourcing code.

- A member pointed out that the beginning of the section on traceability states that fish must be traceable from its source, and that for farmed fish this includes the traceability of the marine ingredients used in feed. Following the previous point, a member suggested clarifying the sentence to 'traceability to the processing plant'.

- One member identified the following as the three main points regarding marine ingredients: the fishery or feed factory needs to be traceable; the fishery is assessed and, where appropriate, the member is engaging with it; and that marine ingredients meet the responsibility criteria of the code.

- Members felt the most appropriate commitment in this respect should be to know where marine ingredients are coming from. This can be by gathering information and posing questions to the supplier to ensure they know the origin of the marine ingredients. Several members felt that this is the limit of what is currently possible.

- Several members felt that consideration of marine ingredients in the base criteria is unnecessarily complex, particularly as many of the points are criteria towards IFFO RS certification.

Agreed:

- Marine ingredients in fish feed should be covered by the sourcing code. The current level of commitment, however, is too detailed for members to adhere to, so this needs to be amended as detailed in the following three bullet points.

- Marine ingredients should be covered in the code under Section 3.3 (traceability) but removed from the base criteria for aquaculture in Section 4.3 and Appendix I.

- Under traceability in Section 3.3, marine ingredients should be referred to in a separate paragraph, with simplified wording that does not refer to the base criteria. The member will not conduct a risk assessment on marine ingredients directly as the supplier should be doing so.

- Under Section 3.3 on traceability it should specify that marine ingredients should be traceable to the fishery or supplier / processing factory and that the supplier themselves should be aware from which general area the fish has come.

Actions:

- The secretariat will redraft the sourcing code to include the proposed amendments.

Item 4: Sourcing code - Risk assessment outcomes

During the last working group meeting in July the risk assessment process was discussed for high and medium risk outcomes. It was proposed that if direct engagement by the member was not possible, the member should still be able to source the fish if it could be proven that appropriate engagement was being undertaken by someone else. The group's reasoning was that some engagement with the fishery is better than not sourcing from it, as the engagement could act as an incentive that enables the fishery to improve.

Discussion and comments

- A member raised the point that a business could sign up to the sourcing code and buy from medium or high risk fisheries, and yet have no direct engagement with any fisheries by relying solely on the actions of others. In this scenario, members that are engaging may feel those others are benefitting from their hard work without the input of a similar financial or resource investment.

- A member was concerned over how to identify 'a reasonable level of commitment'. If a member is sourcing from a fishery for a limited time period, such as a specific fishery for one season, then they felt they should not be required to invest as fully in that fishery as another business which sources from the fishery in the long term.

- A member questioned the wording regarding 'paper trails' and 'improvement occurring' in the flow chart (Section 4, Figure 1). They felt these should be removed

as evidence of engagement can be demonstrated in ways other than a paper trail, and proof that improvement is occurring is not a requirement for third party certifications, such as the MSC, who may certify fisheries that will improve within the next five years.

- The similarities between the flow charts in the labelling code guidance and the sourcing code were noted, and the consensus was that it would be easier to have a single flow chart containing information on both sourcing and labelling.

Agreed:

- In the risk assessment process, the option of sourcing medium or high risk fish should be permitted if appropriate action is being taken by others in engaging with the fishery in question.

- In Figure 1 of Section 4.3 (engagement by others), the requirements for a paper trail and ensuring 'improvement is occurring' should be removed.

- Figure 1 (Section 4.3) will be amended to incorporate the labelling flow chart where possible, so that one flow chart can be used for both the labelling and sourcing codes.

Actions:

- The secretariat will make the appropriate amendments to the flow chart to produce a single diagram applicable to both the labelling and sourcing code.

- The secretariat will amend the sourcing code as per the agreements.

Item 5: Sourcing code - Bycatch and contaminants

Bycatch (non-targeted fish) and contaminants were not covered in Version 4 of the sourcing code and participants at the last working group felt these should be addressed. The contaminants issue was to discuss from environment to the fish (as opposed to contaminants from the fisheries or farms into the environment) and had not previously been covered as there are legal (health related) requirements governing contaminant levels. Members were asked if the sourcing code should cover these two issues.

Discussion and comments

- A member raised the point that in mixed fisheries it can be hard to identify which is the primary species and which is non-targeted. They believed that non-targeted fish should already be covered by the sourcing code and that there is no need to distinguish between targeted and non-targeted fish if there is a risk assessment on the whole fishery.

- It was clarified to members that the risk assessment in the sourcing code currently refers to the fish, not the whole fishery.

- Contaminants from fishing activities are covered by management activities and are not easily monitored.

Agreed:

- In the sourcing code, risk assessments should be applied to fisheries, rather than the fish, thereby removing the need for dealing with bycatch separately, as it would be part of the relevant fishery. This will be clarified in the sourcing code.

- Contaminants in fish are beyond the scope of the sourcing code and should be removed from the list of base criteria for wild caught fish in Section 4.3. However, waste and contaminants from fish farms can have important effects and should be dealt with in the base criteria for risk assessment in Section 4.3, as they are controllable and measurable.

Action:

- The secretariat will redraft the sourcing code according to the agreements discussed above.

Item 6: Sourcing code - Other issues

Members were invited by the secretariat to discuss other amendments to the code that were not covered specifically in the agenda for the day's meeting, but which had been highlighted by the secretariat in the draft code. Code amendments raised by members included transparency, and definition and guidance on protected, endangered and threatened (PET) species.

Discussion and comments

- A member suggested a change to wording in the section on fish by-products in the base criteria for wild-caught fish (Appendix I), with an amendment needed to better define 'waste fish' or 'fish by-products'.

- A member thought that the requirement in the code for the transparency of members' sourcing policies is not unreasonable. One participant suggested using the phrase 'general sourcing policies' would clarify that members should not disclose any commercially sensitive information. Another member felt that the potential negative effects associated with not having a transparent general sourcing policy would be for the individual member to consider as part of their own business management.

- Several members felt that the section on by-products should be removed, as it is unclear and difficult to meet the specific detail currently required. Members also felt the terminology in this section was confusing and needs to be clarified.

- Members discussed the inclusion of transgenic fish in the sourcing code, concluding that it was too controversial a point to reach a decision on without all members' input. Members felt they should not preclude the use of transgenic fish in the future but that it was not relevant at this time.

- Members discussed whether they should sign off the sourcing code and labelling code at the same time. The secretariat reminded them that the sourcing code will be released for a six week public feedback period, so this timeframe may influence their decision as it may cause a significant delay to the sign off and implementation of the labelling code. This is discussed further in Item 8.

Agreed:

- Under Section 3.2, transparency of non-commercially sensitive information in sourcing policies should be left as it is. The word 'general' should be added before 'sourcing policies' to clarify that not every element of sourcing must be made transparent.

- Under Appendix I, the base criteria on fish by-products from wild capture fisheries should be removed.

- The inclusion or removal of transgenic fish as an element of the risk assessment in the base criteria in relation to aquaculture under Appendix I is to be decided at a later date.

- The whole coalition should have an opportunity to vote on whether there should be a phased implementation for the sourcing code, to mirror the new labelling code.

Actions:

- The secretariat will draft amendments to the sourcing code.

Item 7: Restructuring the sourcing code

The sourcing code has not been reviewed since the members meeting in which the labelling code was dramatically restructured (3 October 2013), and members were asked whether they wanted a similar look for the sourcing code. The sourcing code has a lot of commitments and cannot be scaled back to the same degree as the labelling code, but a shorter summary document with annexes could be produced.

Discussion and comments

- Members agreed that some consolidation work needs to be applied to the sourcing code to simplify it and make it more user-friendly.

- One member stated that the sourcing code is different to the labelling code and it cannot be reduced in the same way (to two pages). They thought it should be a policy with the detail in relevant annexes rather than put in guidance.

- A member raised the point that the sourcing code is fundamental to the Terms of Reference, therefore they feel that the sourcing code has to be agreed upon by the group prior to the labelling code.

Agreed:

- The sourcing code should be simplified and shortened, by moving the detail into relevant annexes for each section.

Actions:

- The secretariat will re-draft the sourcing code in order to simplify it and make it more appropriate for distribution and use.

Item 8: Labelling code guidance document

A working group of members produced a draft labelling guidance document to accompany the shortened labelling code, and this document was presented to the group. Throughout the process, it became apparent that much of what has been covered in the guidance prepared for the labelling code will also be relevant to the sourcing code, so the document prepared proved to be relevant to both codes.

Discussion and comments

- Following a misunderstanding on the differences between an annex and a guidance document, the secretariat clarified to the group that any information or detail moved to an annex was still part of, and therefore a commitment of, the code. Any detail moved from a code to a guidance document was simply a recommendation and not a commitment and the group was reminded that the SSC codes are voluntary commitments and not legal requirements. This raised the question of whether the labelling code should be reworked.

- Several members thought there could be a single guidance document to cover both the codes to lessen the number of documents required. If the guidance did cover both codes, there would be significant delay in signing off the labelling codes. To resolve this, one member suggested the guidance could be updated in the future to include sourcing guidance once both codes have been signed and this was generally thought to be a good solution. If all members agree that a phased implementation is appropriate, the guidance will cover both codes from the outset.

- The secretariat reiterated that the sourcing code is a core commitment and fundamental to the aims and vision of the SSC, and the labelling code is close to agreement. However, the sourcing code should not be rushed to speed the agreement process. Several members shared this view.

- A member thought that because the labelling and sourcing codes are so interrelated it would be impossible to have separate guidance documents without a lot of repetition, and it would be sensible to sign off both codes simultaneously.

- The secretariat said that many foodservice and smaller members are dependent on the development of the Seafish RASS tool to enable them to implement the sourcing code, as their current resources are insufficient to meet the code. In this case, the sign-off of the sourcing code may be delayed until this is developed.

- A member responded by saying that as the codes are dynamic documents, and amendments will have to be made in the future, could the code not be signed-off earlier and then updated once the tool was developed.

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- A member raised the point that the process should not be rushed, as in essence members are agreeing to a universal procurement code, which is very ambitious. The members need to consider any associated costs they are committing to and ensure that they will not be driven beyond their resources.

- A member raised the point that the labelling code has already been agreed and that some members have already been making changes within their business policies in accordance with it. Another member supported this point, stating that in practice, many members have already been implementing what is being developed despite not having formally signed up to the labelling code.

- A member pointed out they feel that having an industry working group of members has accelerated the (labelling) code and guidance writing process, and the same may apply in developing the sourcing code.

- Members proposed that after sign off and implementation, the SSC meets on an annual basis to review the codes to discuss any potential amendments.

- Members discussed whether to wait for an agreement on the sourcing code before signing the labelling code, and launching both simultaneously.

Agreed:

- A vote should be held on whether the members' sign-off on the labelling code should be delayed until an agreement and sign-off is reached on the sourcing code. This may result in a phased sign-up to the sourcing code for members in the foodservice sector and small brands or suppliers who waiting for the release of the Seafish RASS tool.

- The secretariat is to talk to the code review group (which consists of SSC), to discuss comments on the redrafted labelling code guidance before sending the guidance to SSC members for review.

Actions:

- The secretariat will organise an online voting poll to members regarding when the codes should be signed off.

- The working group that re-drafted the sourcing code will meet to work on the labelling code guidance and the secretariat will be invited to contribute.

AOB and Recap

Members discussed potential dates for the next members meeting, which is proposed for early December or January.