



## PUBLIC CONSULTATION ON A EU ECOLABEL FOR FISHERY & AQUACULTURE PRODUCTS

**BLOOM Association**

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This written contribution presents our thoughts regarding existing eco-labelling schemes for fisheries and aquaculture products, as well as a discussion on the role of the EU regarding the growing use of these market tools. This contribution is part of the public consultation the EU launched to address this topic.<sup>1</sup>

### **1 - Our understanding of eco-labelling schemes, with a particular emphasis on seafood ecolabels**

Historically developed for "terrestrial" commodities such as coffee and timber, eco-certification has now fully embraced the field of marine fisheries. In France, we have recently seen the emergence of many different logos on seafood, created either by brands (e.g., "Qualité responsable" by Saupiquet; "Respect des ressources marines" by Findus), by distributors (e.g., "Pêche côtière" by Monoprix; "Pêche responsable" by Intermarché), or by the fishing industry itself ("Pavillon France" by France Filière Pêche). All these labels come in addition to various private initiatives created by NGOs such as the Marine Stewardship Council (MSC; which is the main eco-label present on the market), Friend of the Sea, or the Mr Goodfish program. More recently, the "Artysanal" eco-label was created to promote small-scale fisheries.

Initially, the rationale behind eco-label schemes was to allow consumers to "vote with their wallet", by choosing to only purchase sustainable products - a practice named "buycott".<sup>2,3</sup> However, the capacity of eco-labels to lead to a more sustainable exploitation and trade is not as straightforward as that. First, eco-labelled products only represent a small portion of the global market. Thus, they may facilitate the distinction between "bad" and "better" products, but have in no way vocation to eliminate "dirty practices". Furthermore, many eco-labels are empty shells, creating a huge gap between what the public assumes a logo means and what it actually means.

Existing seafood certification schemes have often been targeted due to several shortcomings:

**- A few, often the ones created by brands, are simple logos with no available technical requirements.** These are the worst types of eco-labels. With no transparency, one can neither get any information regarding the certification process nor verify the claims behind the logo. The "Pêche responsable"<sup>4</sup> (sustainable fishing) label belongs to this category of "empty shells-logos". It is issued by the 4,7 billion-worth Bureau Veritas, has been used by large-scale industrial fisheries such as the Scapêche deep-sea trawl fishery and is still used by the SAPMER purse-seine tuna fishery. Recently a new line of seafood products displaying the logo were launched by European smoked-salmon producer Meralliance, a company recently bought by the Bangkok-based Thai Union Frozen Product, the world's largest seafood

<sup>1</sup> [http://ec.europa.eu/dgs/maritimeaffairs\\_fisheries/consultations/ecolabel/index\\_en.htm](http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/ecolabel/index_en.htm).

<sup>2</sup> Friedman (1996) A positive approach to organized consumer action : the "buycott" as an alternative to the boycott. Journal of Consumer Policy 19: 439-451.

<sup>3</sup> Bozonnet (2012) Buycott et boycott : écocitoyenneté, libéralisme et cultures politiques en Europe. HAL SHS Archives Ouvertes: 16.

<sup>4</sup> [www.bureauveritas.fr/wps/wcm/connect/e0507c8049bad038bef6ff8be3abddf6/FP182-PecheResponsable\\_0414\\_FR.pdf?MOD=AJPERES&CACHEID=e0507c8049bad038bef6ff8be3abddf6](http://www.bureauveritas.fr/wps/wcm/connect/e0507c8049bad038bef6ff8be3abddf6/FP182-PecheResponsable_0414_FR.pdf?MOD=AJPERES&CACHEID=e0507c8049bad038bef6ff8be3abddf6).



company by sales, through its European Unit MW Brands. However, the technical requirements to obtain the "pêche responsable" logo are kept private (even upon demand)<sup>5</sup> and tailor-made to fit the client's practices, making them utterly obscure, misleading, and pointless from a sustainability perspective.

**- Even when criteria and procedures are available for public scrutiny, few seafood eco-labels are satisfactory with regards to the actual claims on their products' sustainability.** This is in spite of the high stakes in global fisheries and marine habitats conservation. World catches are declining since the late 80s due to overcapacity of global fishing fleets,<sup>6</sup> top-predator species such as tuna and sharks have been particularly impacted,<sup>7</sup> discards of unwanted species are still significant (up to 60% in some shrimp trawl fisheries),<sup>8</sup> a large proportion of the global catch is still not accounted for by officials (Illegal, unreported and unregulated fishing),<sup>9</sup> and industrialized countries are exporting their fishing capacity despite the clear role they have in global overfishing.<sup>10</sup> In this context, to call a fishery "sustainable" is audacious. In fact, certified fisheries commonly use gears that impact the seabed or have adverse effects on ecosystems.<sup>11</sup>

**- In addition, social and economic criteria are often ignored in eco-label decision trees or have only been partially taken into account.** For example, consumers might expect that social criteria such as "working conditions" be verified throughout the value chain and not only onboard fishing vessels. Such a criterion would be worth discussing in Europe, where 60% of seafood is imported,<sup>12</sup> often from countries where social standards are much weaker. Economic criteria are also widely absent: despite the clear role of subsidies in overfishing,<sup>13</sup> they are often not taken into account in certification schemes. This is a matter of particular concern to us as the MSC is currently assessing the controversial Scapêche's deep-sea fishery against its standards,<sup>14</sup> which was shown to be 100% subsidized.<sup>15</sup> Subsidies were recently used to object the certification of the South Pacific albacore longline fishery,<sup>16</sup> but this formal objection was rejected by the conformity assessment body.<sup>17</sup>

**- Because of the requirements necessary to obtain a logo, certification schemes are often inaccessible to small-scale fishers, implying as an end result for the consumer that most certified products come from the industrial sector.** The MSC, for instance, is highly criticized for certifying "sustainable practices" only among those who can afford the time and cost required to enter its certification process. As a matter of fact, only a few artisanal fisheries can afford it, resulting in most certified fisheries being industrial.

In addition, eco-labels engaging with retailers can become less regarding about the actual sustainability of the products and prioritize getting "sustainable products" in quantity, therefore, preferably certifying the largest fishery clients. An

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<sup>5</sup> [www.bloomassociation.org/wp-content/uploads/2015/07/Bureau-Veritas-Reponse-Mars-2013-enligne.pdf](http://www.bloomassociation.org/wp-content/uploads/2015/07/Bureau-Veritas-Reponse-Mars-2013-enligne.pdf).

<sup>6</sup> Worm, *et al.* (2006) Impacts of biodiversity loss on ocean ecosystem services. *Science* 313: 291-292.

<sup>7</sup> Collette, *et al.* (2011) High value and long life - Double jeopardy for tunas and billfishes. *Science* 333: 291-292.

<sup>8</sup> Kelleher (2005) Discards in the world's marine fisheries: an update. FAO Fisheries Technical 470, Food and Agricultural Organization, United Nations, Rome (Italy). 131 p.

<sup>9</sup> Miller and Sumaila (2014) Flag use behavior and IUU activity within the international fishing fleet: Refining definitions and identifying areas of concern. *Marine Policy* 44: 204-211.

<sup>10</sup> Le Manach, *et al.* (2013) Who gets what? Developing a more equitable framework for EU fishing agreements. *Marine Policy* 38: 257-266.

<sup>11</sup> Christian, *et al.* (2013) A review of formal objections to Marine Stewardship Council fisheries certifications. *Biological Conservation* 161: 10-17.

<sup>12</sup> EUFOMA (2014) Le Marché Européen du Poisson. European Market Observatory for Fisheries and Aquaculture products, Brussels (Belgium). 64 p.

<sup>13</sup> Sumaila and Pauly (2007) All fishing nations must unite to cut subsidies. *Nature* 450(7172): 945-945.

<sup>14</sup> [www.msc.org/track-a-fishery/fisheries-in-the-program/in-assessment/north-east-atlantic/scapêche-roundnose-grenadier-black-scabbard-fish-and-blue-ling-deep-sea](http://www.msc.org/track-a-fishery/fisheries-in-the-program/in-assessment/north-east-atlantic/scapêche-roundnose-grenadier-black-scabbard-fish-and-blue-ling-deep-sea).

<sup>15</sup> [www.bloomassociation.org/en/analyse-des-comptes-de-la-scapêche](http://www.bloomassociation.org/en/analyse-des-comptes-de-la-scapêche).

<sup>16</sup> [www.undercurrentnews.com/2015/07/28/wwf-concerned-over-msc-credibility-after-spate-of-controversial-certifications/?utm\\_source=Undercurrent+News+Alerts&utm\\_campaign=2569c1ad59-Tuna\\_roundup\\_Jul\\_28\\_2015&utm\\_medium=email&utm\\_term=0\\_feb55e2e23-2569c1a](http://www.undercurrentnews.com/2015/07/28/wwf-concerned-over-msc-credibility-after-spate-of-controversial-certifications/?utm_source=Undercurrent+News+Alerts&utm_campaign=2569c1ad59-Tuna_roundup_Jul_28_2015&utm_medium=email&utm_term=0_feb55e2e23-2569c1a).

<sup>17</sup> [www.msc.org/track-a-fishery/fisheries-in-the-program/certified/pacific/cook-islands-tuna/assessment-downloads-folder/20150127\\_CAB\\_RESP\\_ALB414.pdf](http://www.msc.org/track-a-fishery/fisheries-in-the-program/certified/pacific/cook-islands-tuna/assessment-downloads-folder/20150127_CAB_RESP_ALB414.pdf).



example of such a partnership is the one linking the Walmart multinational company and the MSC in 2012,<sup>18</sup> likely to have influenced the MSC to certify large fisheries to reach Walmart's objective of selling 100% of sustainably-caught fish.<sup>19</sup>

## **2- Thoughts about a new EU seafood eco-label**

**Given the shortcomings discussed in the above section, the proliferation of new initiatives in recent years and the little insight public policies have had on their development, the intention of the Commission to deal with eco-labels is welcomed. However, we are wondering about what has been discussed during the past 10 years on this topic.**

The online consultation questionnaire launched by the Commission<sup>20</sup> is broad in scope and suggests that the Commission is at the initial stage, where it is looking at options for a Union-wide eco-label scheme for fishery and aquaculture products. However, this is a curious approach to ignore the past debate on eco-labelling schemes for fisheries products that occurred 2005. The report of this consultation stated that:<sup>21</sup>

*"The Commission considers that creating a single publicly administered eco-labelling scheme for fisheries products is neither appropriate or practical. If the private sector sees advantages in and wishes to take the risk of establishing eco-labelling schemes, it should be free to do so, provided that it does not undermine major public policy objectives such as fair competition, objective information and the sound conservation and management of fish stocks."<sup>22</sup>*

Having rejected the first option (do nothing) and the second option (create a new eco-label), the Commission concluded that *"a third option would be for the Community to specify a set of minimum requirements for voluntary demand-led eco-labelling schemes. Eco-labelling schemes could thus freely develop through public and/or private initiatives as long as they comply with the minimum requirements. The involvement of public authorities would be limited to the registration of eco-labelling schemes, and the verification of their compliance with the minimum requirements. These requirements should cover technical as well as procedural and institutional aspects."*

We agree with these statements made 10 years ago: on the one side, we believe that creating an eco-label is not the role of a government, as it should rather be to develop policies to implement sound fisheries management. Creating a public EU eco-label for fisheries will be costly and time-consuming. In addition, using market-tools (created as a palliative for the lack of monitoring or enforcements of regulations) will be seen as a capitulation by public instances. On the other side and given the increasing number of certified but controversial fisheries, we highly doubt that a deregulated market will be able to solve the fisheries crisis.

Therefore, we recommend the same conclusion as the Commission in 2005: a set of minimum criteria should be listed in order to forbid harmful fisheries to access to eco-labelling. Then, **why not start the public consultation by asking citizens about minimum sustainability criteria and what they expect from their seafood? Below, we list several criteria that we deem critical for eco-labelled fisheries:**

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<sup>18</sup> <http://news.walmart.com/news-archive/2006/02/06/wal-mart-takes-lead-on-supporting-sustainable-fisheries>

<sup>19</sup> Christian, *et al.* (2013) A review of formal objections to Marine Stewardship Council fisheries certifications. *Biological Conservation* 161: 10-17.

<sup>20</sup> <https://ec.europa.eu/eusurvey/runner/Ecolabel>.

<sup>21</sup> Commission of the European Communities (2005) 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.(SEC(2005)840)Brussels (Belgium).

<sup>22</sup> *Ibid.* Commission of the European Communities (2005).



**a) No logo suggesting the sustainability of a seafood product should enter the market without a minimum of transparency:**

The technical requirements of a label are listed in a document that can vary in length but cannot be limited to a statement of intent. It should at least describe the field of application of the label (what activities / products are to be labelled), the main objectives and vision of the label (what is the purpose of the label? What problems will be addressed), the certification process (what are the various stages until the label is obtained), and the requirements (what are the certification criteria and how are the fisheries scored according to these criteria). The technical requirements may have a different name (e.g., checklist, specifications), as long as the title is explicit enough for citizens to understand what the eco-label is about and that the document is readily accessible.

**The absence of technical requirements is a complete lack of transparency, which should be addressed by the EU set of minimum criteria.**

**b) Eco-labels should be consistent with regards to international and EU regulations such as:**

- International Labour Organisation's standards for decent work<sup>23</sup> and its conventions on child labor,<sup>24</sup> forced labor, human trafficking, slavery;<sup>25, 26</sup>
- FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the context of food security and poverty eradication;<sup>27</sup>
- FAO Code of conduct for responsible fisheries;<sup>28</sup>
- FAO international guidelines for the management of deep-sea fisheries in the High Seas;<sup>29</sup>
- United Nations' Fish Stocks Agreement;<sup>30</sup>
- EU Marine Strategy Framework Directive<sup>31</sup> and Habitats Directive;<sup>32</sup>
- Council Regulation (EC) No 734/2008 on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears;<sup>33</sup>

In addition, ecolabels should reward "best practices", i.e., they should not be attributed to companies before they have shown to have achieved high standards. As such, applying the precautionary principles when calling a fishery

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<sup>23</sup> <http://www.ilo.org/global/standards/lang--en/index.htm>

<sup>24</sup> [www.ilo.org/ipecc/facts/ILCconventiononchildlabour/lang--en/index.htm](http://www.ilo.org/ipecc/facts/ILCconventiononchildlabour/lang--en/index.htm).

<sup>25</sup> [www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/forced-labour/lang--en/index.htm](http://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/forced-labour/lang--en/index.htm).

<sup>26</sup> <http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>.

<sup>27</sup> FAO (2015) Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the context of food security and poverty eradication. Rome (Italy). 34p <http://www.fao.org/3/a-i4356e.pdf>

<sup>28</sup> FAO (1995) Code of conduct for responsible fisheries. Food and Agricultural Organization of the United Nations, Rome (Italy). 53 p.

<sup>29</sup> FAO (2009) International guidelines for the management of deep-sea fisheries in the High Seas Food and Agriculture Organization of the United Nations (FAO), Rome (Italy). xv + 73 p.

<sup>30</sup> United Nations (1995) Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks. Conference on straddling fish stocks and highly migratory fish stocks, 6th session, July 24-August 4, 1995, United Nations, New York, NY (USA). 40 p.

<sup>31</sup> Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (Text with EEA relevance); <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008L0056>

<sup>32</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora; <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01992L0043-20070101>

<sup>33</sup> European Union (2008) Council Regulation (EC) No 734/2008 of 15 July 2008 on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears. Official Journal L 201: 8-13.



“sustainable” really is a basic criterion to adopt: where there are threats of serious or irreversible damages, the lack of scientific certainty shall not be used as a reason for certifying fisheries.<sup>34</sup>

**c) "Destructive fishing gear" should be excluded from certification and fisheries using those gears should not be able to even enter the precertification stage**

The responsibility of certain fishing gears in habitat destruction is a major issue acknowledged in the FAO Code of conduct for Responsible Fisheries,<sup>35</sup> and EU law texts such as the Habitats Directive, the Marine Strategy Framework Directive, and the Common Fisheries Policy.<sup>36</sup> Thus, we advocate for a ban of the most destructive fishing gears from all certification schemes. In this respect, the impact of fishing gears used in the EU should be assessed, taking into account the amount of bycatch, the impacts on the sea bottom and the impacts on the ecosystem. Indeed, we noted that the MSC only recognizes poison and dynamite as destructive fishing practices. These two are, however, mostly used by artisanal fishers in developing countries, i.e., those who often have no alternative to fishing and who cannot afford to enter any certification processes anyway. In parallel, some European fisheries, which could be qualified as “destructive” considering the controversies around the gears they use, are still allowed to enter MSC assessments (and sometimes get certified) although they are not even economically sustainable or do not represent a significant number of employments. Therefore, **the list of destructive fishing gears should also include some large and efficient gears used in capital-intensive fisheries, such as:**

- Deep-sea bottom trawling, which is among the most destructive fishing techniques,<sup>37</sup> but which only represents a marginal part of European catches;
- Drifting fishing aggregating devices, used in tropical tuna fisheries and responsible for the bycatch of juveniles and a wide range of fish species;<sup>38</sup>

To be precautionary, new fishing gear with no independent assessments, such as pulse fishing or Danish seines, should also not be able to enter any certification processes.

**d) Forage fisheries should be excluded from certification**

Responsible practices associated with fishing should not only cover the catching of the fish, but also the end use of that catch. Reduction fisheries, also known as ‘forage fish’ fisheries, are those fisheries associated with reducing wild capture fish to fishmeal and fish oil, both of which are then primarily used as a component in feeds for animals such as pigs, poultry, fish, and pets.<sup>39</sup> From about 33 million tonnes of wild-captured fish (i.e., one third of the global fish catch), 6.2 million tonnes of fishmeal and about 1.3 million tonnes of fish oil will be produced. Europe is a major player in the fishmeal and fish oil sector, landing over 3.5 million tonnes combined of sandeel, Norway pout, capelin, blue whiting, European sprat and herring in 2012 (from the North-East Atlantic FAO Area), most of which was destined for reduction.<sup>40</sup> **Europe and other countries such as Russia and China are also very active in reduction fisheries off the coast of West Africa (Maroc, Mauritania, Senegal), essentially targeting sardinella.**

Given that these fisheries (i) often occur in countries that heavily depend on such species for food security (such as West African countries) and (ii) **that they take the species at the basis of marine ecosystems out of these regions,**<sup>41</sup> this activity

<sup>34</sup> Principle 15, Rio Declaration on Environment and Development, Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1972; <http://www.unep.org/Documents.Multilingual/Default.asp?documentid=78&articleid=1163>

<sup>35</sup> Ibid. FAO (1995).

<sup>36</sup> Art.17. Regulation (EU) N°1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy

<sup>37</sup> [www.bloomassociation.org/en/our-actions/our-themes/deep-sea/what-is-the-problem](http://www.bloomassociation.org/en/our-actions/our-themes/deep-sea/what-is-the-problem)

<sup>38</sup> Davies, *et al.* (2014) The past, present and future use of drifting fish aggregating devices (FADs) in the Indian Ocean. *Marine Policy* 45: 163-170.

<sup>39</sup> Bailey and Le Manach (2015) Food for feed: the European reduction fisheries. Association BLOOM, Paris (France).

<sup>40</sup> FAO (2013) FishStatJ - Software for fishery statistical time series. V2.1.1. Food and Agriculture Organization of the United Nations (FAO), Rome (Italy).

<sup>41</sup> Cury, *et al.* (2011) Global seabird response to forage fish depletion - one-third for the birds. *Science* 334: 1703-1706.



is highly questionable.<sup>42</sup> **At the very least, no fish that is “reduced” but that could otherwise be consumed by humans should ever be labelled as “sustainable”.**<sup>43, 44, 45</sup>

**e) Heavily subsidized and economically unviable fisheries (i.e. unable to operate without subsidies) should be excluded from certification**

Subsidies are increasingly recognized by governments, researchers and NGOs as a major barrier to the transformation of the fishing sector to an economically viable and environmentally responsible activity, as most of them are harmful to biodiversity and encourage overfishing.<sup>46</sup> The lengthy and vivid debate that occurred at the World Trade Organization during the ‘Doha Round’ clearly demonstrates that this issue is pressing (e.g., with regards to fuel subsidies<sup>47</sup>) and must be dealt with. The last article asserting these objectives dates from June 2012 (article 173) at the Rio+20 Conference when nations “*reaffirm[ed their] commitment in the Johannesburg Plan of Implementation to eliminate subsidies that contribute to illegal, unreported and unregulated fishing and overcapacity, taking into account the importance of this sector to developing countries, and [...] reiterate[d their] commitment to conclude multilateral disciplines on fisheries subsidies that will give effect to the WTO Doha Development Agenda and the Hong Kong Ministerial Declaration mandates to strengthen disciplines on subsidies in the fisheries sector, including through the prohibition of certain forms of fisheries subsidies that contribute to overcapacity and overfishing*”.<sup>48</sup>

It is essential that all eco-certification schemes do promote sustainable fisheries that produce positive social and economic output. It is also essential that fisheries that would not exist without subsidies should not get certified. BLOOM has shown that this was the case for the Scapêche deep-sea bottom trawl fishery.<sup>49</sup>

**We recommend that fisheries relying on public subsidies for the conduct of their fishing activities and failing to achieve long-term economic sustainability should not be able to even access the assessment/certification scheme.**

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**In addition to this list of minimum criteria, we would like to develop a couple of other ideas, which could help setting a frame of an acceptable eco-label for the EU:**

**f) Alternatives to certification by private certification bodies should be authorized**

Currently, most certification schemes are constructed in a similar fashion: the label owner sets the standards; the client pays the certification body to be assessed against these standards. The institutional independence between certification bodies and standard setters is presented as a guarantee of sustainability. This setting, named third-party certification, is currently the most widespread and considered by many as the most credible route for certification. It has gained importance in an era in which auditing applies to almost every sphere of modern life, following political demand for accountability and control.<sup>50</sup>

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<sup>42</sup> Tacon and Metian (2009) Fishing for feed or fishing for food: increasing global competition for small pelagic forage fish. *AMBIO: A Journal of the Human Environment* 38(6): 294-302.

<sup>43</sup> Jacquet, *et al.* (2009) Conserving wild fish in a sea of market-based efforts. *Oryx, The International Journal of Conservation*: 1-12.

<sup>44</sup> Jacquet and Pauly (2010) Seafood stewardship in crisis. *Nature* 467(2): 28-29.

<sup>45</sup> *Ibid.* Tacon and Metian (2009).

<sup>46</sup> *Ibid.* Sumaila and Pauly (2007).

<sup>47</sup> Harper S, Bevacqua D, Chudnow R, Giorgi S, Guillonneau V, Le Manach F, Sutor T and Sumaila UR (2012) Fuelling the fisheries subsidy debate: agreements, loopholes and implications. *Fisheries Research* 113(1): 143-146.

<sup>48</sup> United Nations (2012) Report of the United Nations Conference on Sustainable Development, Rio de Janeiro (Brazil), June20–22, 2012.

A/CONF.216/16, United Nations, New York, NY (USA). iv + 120 p.

<sup>49</sup> <http://www.bloomassociation.org/des-flottes-de-peche-deficitaires/>

<sup>50</sup> <https://www.timeshighereducation.co.uk/books/in-checking-we-trust/157193.article>





The effects of third-party audits, however, still needs to be empirically investigated. The technical framework put in place for certification by "independent auditors" has sometimes induced misunderstandings of what an "evidence" really is. Auditors in third-party audits mostly rely on specific forms of proof, an approach which automatically disqualifies claims that fit a different format than the one specified by the procedure.<sup>51</sup> Our organization recently witnessed such an absurd situation: during the site visit of the evaluation of Scapêche's black scabbardfish, roundnose grenadier and blue ling fishery, we provided a list of 70+ publications showing the impact of deep-sea bottom trawling fisheries on the sea bottom, but it was not considered as "valid" because none of them specifically addressed the audited area/company.

Another concern about third-party certification is the influence of the commercial relationship between the audited company - the fishery client - and the certification body.<sup>52</sup> It has been suggested by several authors that the auditor's impartiality may be constrained by a kind of financial dependency with the audited company, since only a few certification companies exist.

It is therefore worrisome that third-party auditing is considered by several existing schemes, among which the newly developed public french ecolabel ("Ecolabel Pêche Durable"),<sup>53</sup> as the only acceptable form of proof of sustainability. Alternatives exist: certification schemes adopted certification by peers or internalized the sustainability debate within a local group. A few of these schemes exist in agriculture (e.g., charts, participatory systems); all present advantages worth considering before going blindly for third-party certifications.

### **g) Ensure that disenfranchised groups can access eco-labelling**

Because of the cost and time required to enter certification, small-scale fishers are often absent from such schemes. The MSC, for example, is known for having a bias towards industrial fisheries in developed countries.<sup>54</sup> In a world increasingly governed by the market, it might be important to consider the influence of the economic landscape in which eco-labels develop and whether it is in line with their original goal. In 1995, Elizabeth Dowdswell, then Secretary-General of the United Nations Environment Program, stated, "*the market is replacing our democratic institutions as the key determinant in our society*". Since then, we have witnessed an accelerated move towards deregulation of the global economy. In fisheries, the advance of neoliberalism incentivized capital intensive and efficient practices through increased investments in technology for capture fisheries, essentially due to "northern" developed countries.<sup>55</sup> Transnational corporations have been able to build global oligopolies as well as increase their role in the control of production and trade. Within the agro-food system, there is a disproportionate influence of some of the biggest actors on the structure and functioning of the whole system, often not at the advantage of smaller groups of interest.<sup>57</sup> The public sector is losing its capacity to regulate these corporations and the harmful effects of their activities, new forms of private regulations emerged as alternative ways to enforce environmental and social standards.<sup>58</sup> Initially, eco-labels may have been created as a tool to achieve sustainability. Yet, while hundreds of such initiatives have emerged, there is a widespread feeling that eco-labels are currently mostly benefiting their own interests or the ones of their clients, rather than the ecosystems and livelihoods they were supposed to support. **Several experts have expressed their doubts about the ability of the Northern market to ensure better conservation and management of marine capture fisheries in the South.**<sup>59</sup>

<sup>51</sup> Silva-Castañeda (2012) A forest of evidence: third-party certification and multiple forms of proof—a case study of oil palm plantations in Indonesia. *Agriculture and Human Values* 29: 361-370.

<sup>52</sup> Ibid. Silva-Castañeda (2012).

<sup>53</sup> <http://www.franceagrimer.fr/filiere-peche-et-aquaculture/Appui-a-la-filiere/Innovation-et-qualite/Ecolabel>

<sup>54</sup> <https://www.msc.org/track-a-fishery/fisheries-in-the-program/certified/certified-fisheries-on-the-map>

<sup>55</sup> Hadjimichael and Hegland (2016) Really sustainable? Inherent risks of eco-labeling in fisheries. *Fisheries Research* 174: 129-135.

<sup>56</sup> Jacquet (2009) Silent water: a brief examination of the marine fisheries crisis. *Environment, Development and Sustainability* 11: 255-263.

<sup>57</sup> Österblom, *et al.* (2015) Transnational Corporations as 'Keystone Actors' in Marine Ecosystems. *PLoS ONE* 10(5).

<sup>58</sup> Ibid. Silva-Castañeda (2012).

<sup>59</sup> ICSF (1998) Fish Stakes - The pros and cons of the Marine Stewardship Council initiative: a debate from the pages of SAMUDRA Report. International Collective in Support of Fishworkers, Chennai (India). 39 p.



## h) Recognize eco-labelling as a tool that serves a vision

The recurrent naming of eco-labels as "neutral information", "based on scientific knowledge", or "scientifically valid", tend to ignore that eco-labelling is inherently political.<sup>60</sup> To a certain extent, eco-labels always reflect the vision of sustainability seen through the prism of who sets the standards. Depending on the producers and practices that we choose to put forward as "good examples", we'll have different types of fisheries in the future. The science behind certifying a product must include other values, interests, ideologies, and visions of what makes a "sustainable product".<sup>61</sup>

In our view, it is essential to consider eco-labelling with this angle, not in the sense that we should reject all eco-labels because they fail to be neutral, but rather to acknowledge that creating an EU eco-label will be a political statement. To ensure that the minimum criteria addresses concerns of many citizens, it will be essential to consult stakeholders' and answer their concerns satisfactorily, e.g., by paying particular attention to groups that typically have had difficulties to enter eco-labelling schemes (i.e. small-scale fishers).

## Conclusion

This contribution is not exhaustive. It only includes a few of our concerns, but we think this is a good basis to start the discussion on the role of the EU concerning seafood eco-labelling. Here, we only considered the eco-labelling of wild capture fisheries. However, the eco-labelling of aquaculture products is likely to also require public scrutiny: this sector is rapidly growing since the 1950s to supply the increasing demand for seafood, yet, the bulk of the aquaculture production aimed at developed countries (mainly top-predator species) relies upon wild capture fisheries' production (forage fish; see above).

We suggest that the next step in this process should be to assess the reliability of current schemes and impose sanctions upon those that make false claims. We believe that there is a need for a public supervision of eco-labels, simply because they often focus on common goods. We advocate for a control of organizations that set the technical standards, as well as a control of certification bodies.

Hadjimichael M and Hegland T (2016) Really sustainable? Inherent risks of eco-labeling in fisheries. *Fisheries Research* 174: 129-135.

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<sup>60</sup> Boström and Klintman (2008) *Eco-standards, product labeling and green consumerism*. Palgrave Macmillan, New York, NY (USA). 256 p.

<sup>61</sup> Ibid. Boström and Klintman (2008).