



Regional Validation Workshop
Barbados, 24-25 August 2015

OVERVIEW OF CONSULTANCY FINDINGS



**Development of model legislation, protocols,
guidelines for health and food safety related to fisheries
and aquaculture in CARIFORUM States**



Programme Funded by the European Union

Implemented by CRFM and IICA

Project implemented by Global
Centre for International Law



Preliminary considerations

Development of model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States



The task...

- To strengthen national and regional SPS systems by establishing a comprehensive legislative framework for health and food safety (AHFS) in the fisheries sector.
- To develop and organize an efficient responsive institutional framework and mechanism for coordination of SPS issues at both the national and regional levels.
 - Model CARIFORUM Guidelines on Sanitary Standards for fishery and aquaculture products
 - Model CARIFORUM Sanitary Standards for Fishery and Aquaculture
 - Model Export Control Act
 - Model Supplementary Regulations
 - Model Guidelines on Developing Coordinating Mechanisms for National and Regional Fisheries SPS Governance



Starting point: global perspective

- **International trade system**

- increasing consumer awareness
- multiple & complex international standards

- **Ensuring / increasing market access**

- meet standards for difficult export markets, such as the EU
- ensure long-term access to export markets – challenges are increasing

- **Promoting competitiveness**

- develop efficient SPS systems which enable CARIFORUM countries to compete in a global market



Starting point: regional perspective

- Small export trade in most countries – scope for expansion
- Most previously exported to EU, but now most cannot
- EU market restricted for 15 years – continuing challenge to meet EU and US export conditions
- Continuing private sector interest in EU exports in most countries
- Intra-regional trade subject to some constraints
- Significant challenges in many countries (legislation, administration, technical, etc.)



Common problems

- ability to keep up with continually developing regulatory demands from importing countries
- increasing technological advances which require capacity-building, training and funding
- severe challenges due to financial, legal, technological and human resource constraints
- effective fisheries/food safety measures undermined by outdated and/or fragmented legislation, multiple jurisdictions, surveillance weaknesses, inadequate monitoring and enforcement of regulations, inadequate budgetary allocations and a lack of facilities and trained personnel



The approach

Development of model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

+ Identifying the SPS framework

Codex

- Standards
- Codes of Practice
- Guidelines

CrosQ

- Specifications (Standards)
- Codes of Practice

ISO

- ISO 22000 (food safety man.)
- 22000:2005 (guidelines)
- 22005:2007 (traceability)

Exporters

- EU (food safety Directives, etc.)
- USA (FSMA, etc.)

ISO 22000:2005 PRP (GHP,GMP) > HACCP Preparatory > HACCP Principles > Review

Other

- OIE
- IAEA
- WHO
- ASM

WTO

- SPS agreement
- TBT agreement

Private / Industry

- GFSI
- GAA
- etc.

National

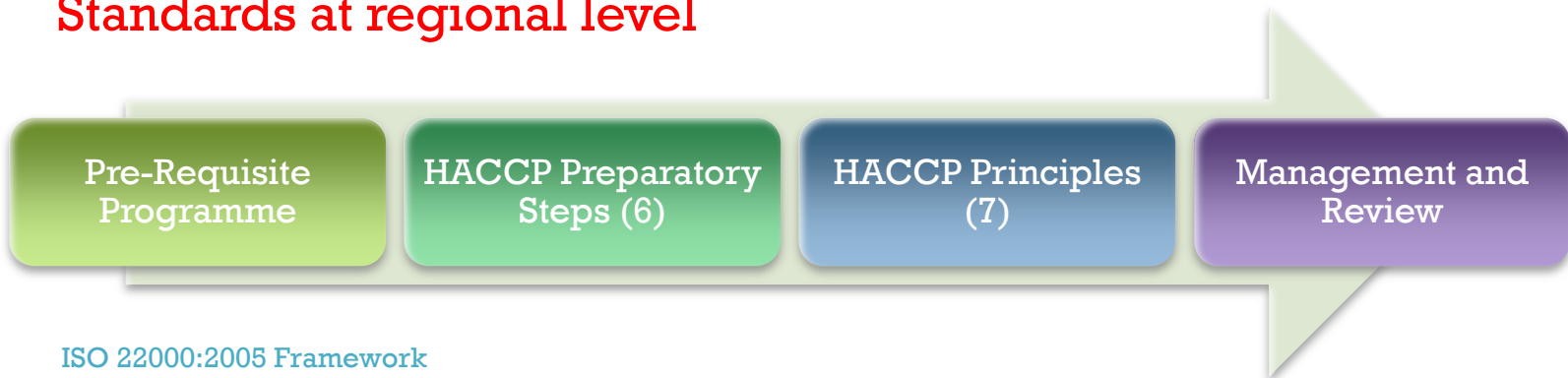
- Regulations
- Codes of Practice
- etc.



Role of International Standards



- Set out globally accepted (and regionally adapted) standards for fisheries and food safety management
- Set the fundamental requirements for food safety and offer a comprehensive code for international best practice
- CROSQ: Organization with a mandate and a process for adopting regional standards exists
- **In this context, there needs to be no separate process for regional Standards – focus is on how to implement global Standards at regional level**



+ Regional Protocols

- Standards do not (necessarily)
 - Provide specific direction on steps to be taken
 - Guarantee compliance with export requirements
 - Indicate steps for a harmonized approach
- Regional Protocols designed to
 - **achieve** these objectives
 - **consistently** with international standards

Standards and export requirements

- Codex Alimentarius, ISO, EU requirements, etc.



CARIFORUM Protocols

- PRP, GHP, GMP, etc.

+ Role of Protocols

- Describe how to implement the global Standards and export requirements
- Contain all technical requirements typically contained in regulations
- Can replace need for detailed regulations in CARIFORUM States
- Management of Protocols
 - Should be managed at the regional level
 - Regional mechanism should be developed to keep Protocols up to date, provide guidance, distribute information, etc.
- Legal Status of Protocols
 - No legal status at regional level (in the short-term)
 - National mechanisms will “incorporate” standards into national law



Scope of Protocols

- Focus on pre-requisite programme
- Supported by requirement to implement HACCP

Water Quality Control Protocol

Product Processing Protocol

Product Weighing Protocol

Product Packaging Protocol

Product Labeling Protocol

Product Storage Protocol

Material storage protocol

Product Transport Protocol

Personal Hygiene Protocol

Personnel Welfare and Safety Protocol

Waste Disposal Protocol

Facility / Product Protocols

Product Traceability Protocol

Product Sampling Protocol

Facility/Product Bio-security Protocol

Workers Flow Protocol

Equipment Flow Protocol

Product and Process Flow Protocol

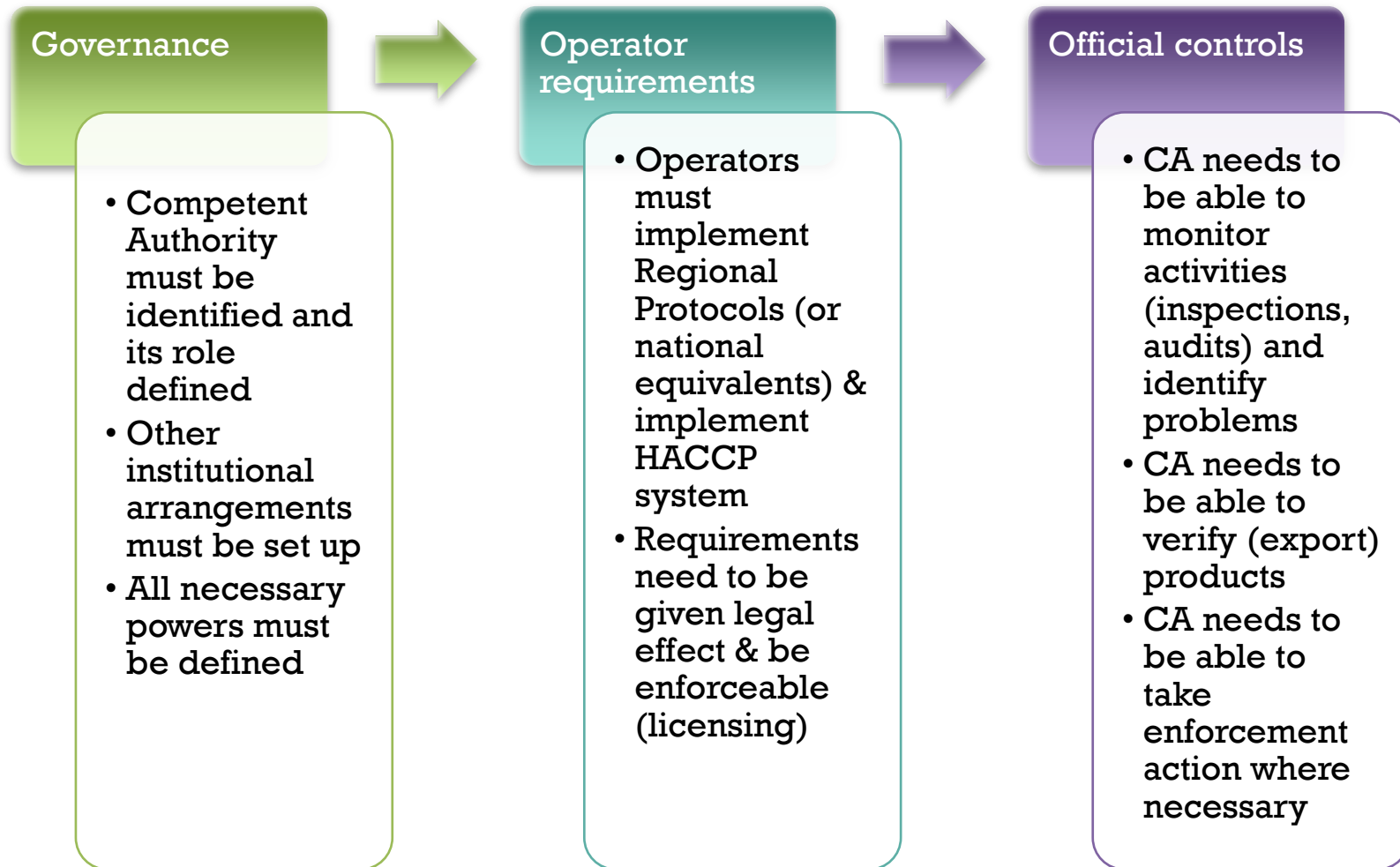
Pest Control Protocol

Pesticides Protocol

+ National legal requirements

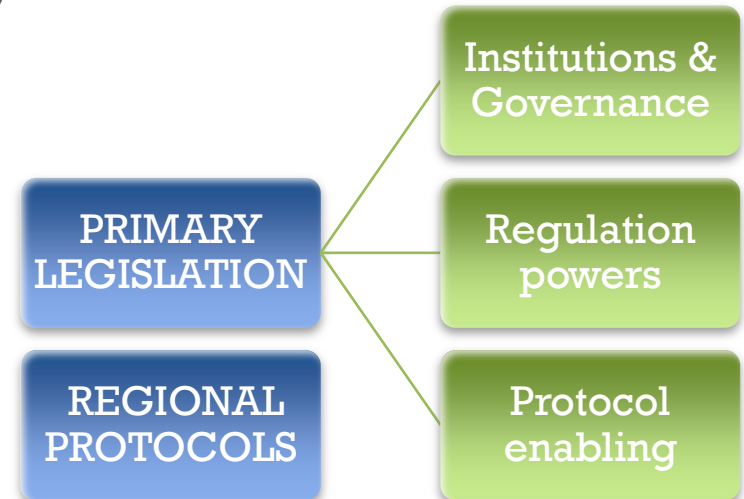
- System for implementing Regional Protocols
 - **necessary** for a harmonized approach
 - **assists governments:** national legislative implementation
 - **assists operators:** user-friendly Protocols, with built in guidance
- Implementation of Regional Protocols alone is insufficient
 - technical measures need to be **guaranteed by legislation**
 - technical measures need to be enforceable (licensing) and subject to official checks and controls
 - system needs to be supported by proper governance mechanisms (in particular – Competent Authority)

+ National legal requirements



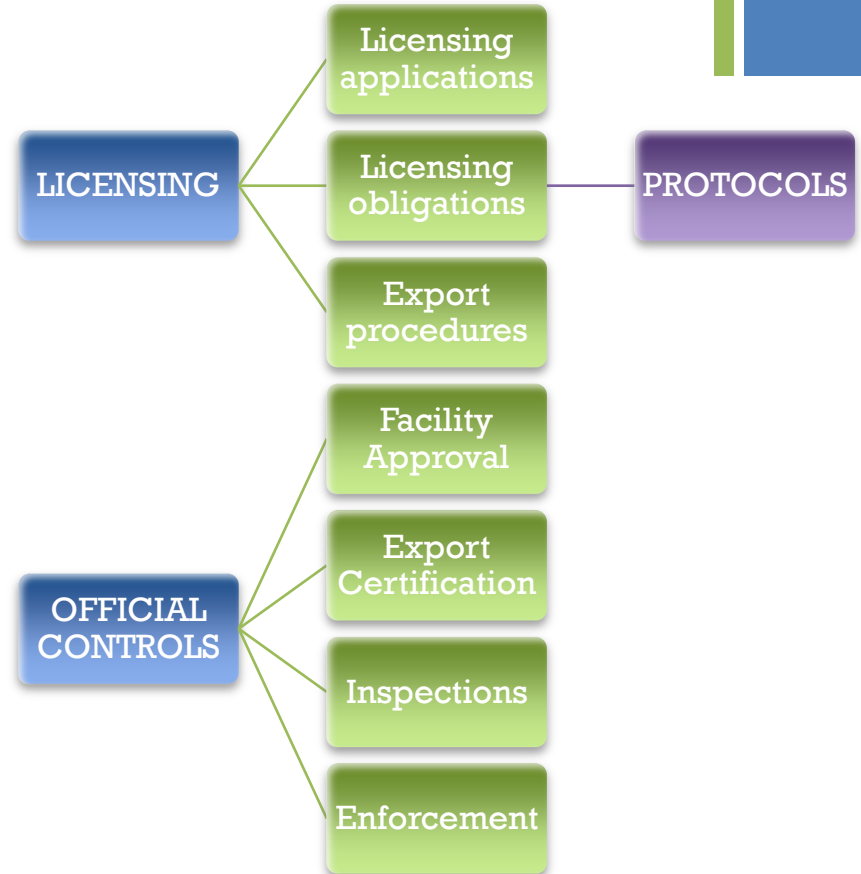
+ Primary legislation

- Essentially concerned with national governance mechanism
 - **define** all powers of government (Minister)
 - **define or enable** competent authority and its role
 - **define or enable** other institutional requirements
 - **provide for or enable** implementation of Regional Protocols
 - **provide for** all necessary regulation making powers
- **2 key questions**
 - division between fisheries specific and general food safety law / governance
 - division between primary and secondary legislation

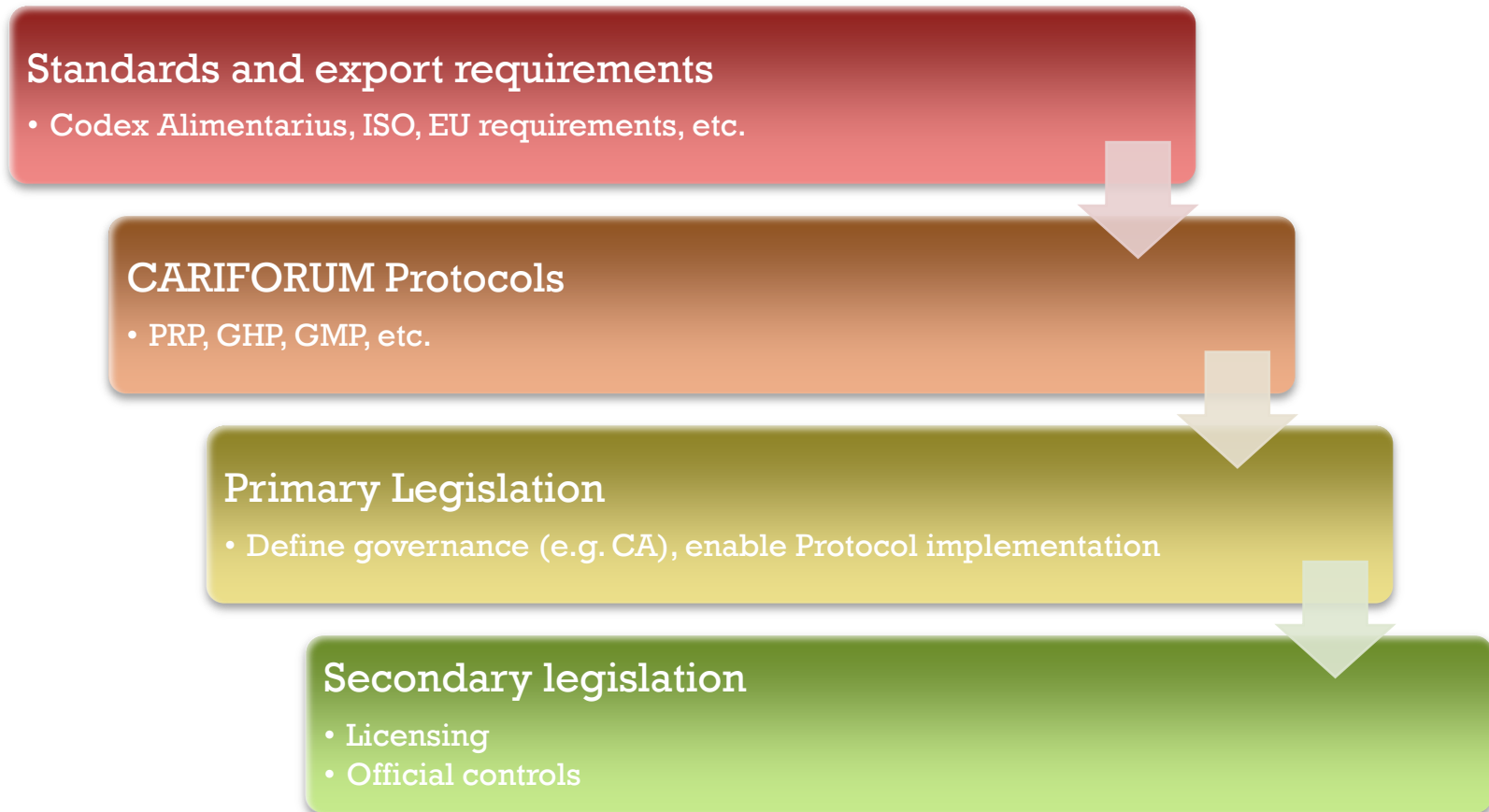


+ Secondary legislation

- Concerned with:
 - (1) operations in facilities (licensing)
 - (2) conduct of official controls
- **licensing** concerns
 - procedure for applying and granting licences
 - incorporation of Protocols as licence conditions
 - general duties of licensee
 - export procedures
- **official controls** concern
 - export certification
 - appointment and powers of authorized officers
 - enforcement powers and sanctions



+ Building the framework





Completing the framework

Standards and export requirements

- Codex Alimentarius, ISO, EU requirements, etc.

CARIFORUM Protocols

- PRP, GHP, GMP, etc.

Primary Legislation

- Define governance (e.g. CA), enable Protocol implementation

Secondary legislation

- Licensing
- Official controls

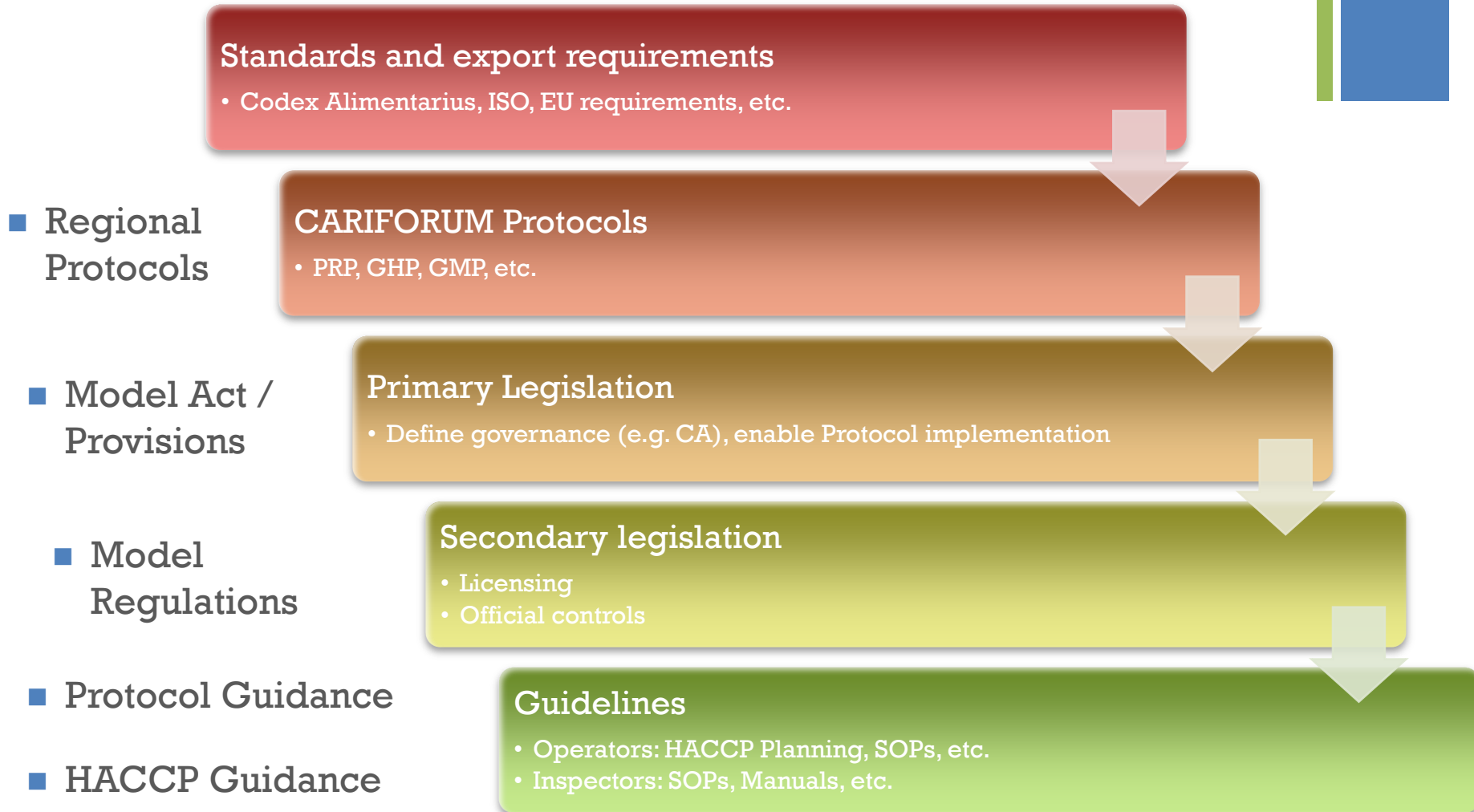
Guidelines


- Operators: HACCP Planning, SOPs, etc.
- Inspectors: SOPs, Manuals, etc.

■ Guidelines need to support implementation

- operators
- inspectors

+ Completing the framework





+ Regional and national governance

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Governing the framework



REGIONAL



NATIONAL

Standards and export requirements
• Codex Alimentarius, ISO, EU requirements, etc.



CARIFORUM Protocols
• PRP, GHP, GMP, etc.



Primary Legislation
• Define governance (e.g. CA), enable Protocol implementation



Secondary legislation
• Licensing
• Official controls



Guidelines
• Operators: HACCP Planning, SOPs, etc.
• Inspectors: SOPs, Manuals, etc.

+ Regional governance: functions



- coordination and cooperation amongst regional institutions concerned with SPS in the fisheries sector
- oversee development and implementation the Regional Framework for SPS in the Fisheries Sector
- manage procedure for adopting, reviewing and updating Regional Protocols
- oversee long-term strategies (e.g. capacity building, national auditing, new cooperation mechanisms)



Regional governance: approach



- Regional MOU
 - coordination mechanism for main regional organizations
 - key objectives include:
 - developing and implementing the Regional Framework for SPS in the Fisheries Sector;
 - cooperating in the development and implementation of other regional approaches and actions in support of SPS measures in the fisheries sector;
 - enhancing the action and operation of each party in the fisheries sector; and
 - avoiding unnecessary duplication of efforts by any party in the fisheries sector
 - specific functions to implement regional SPS framework, including management of Protocols

+ Regional governance: approach



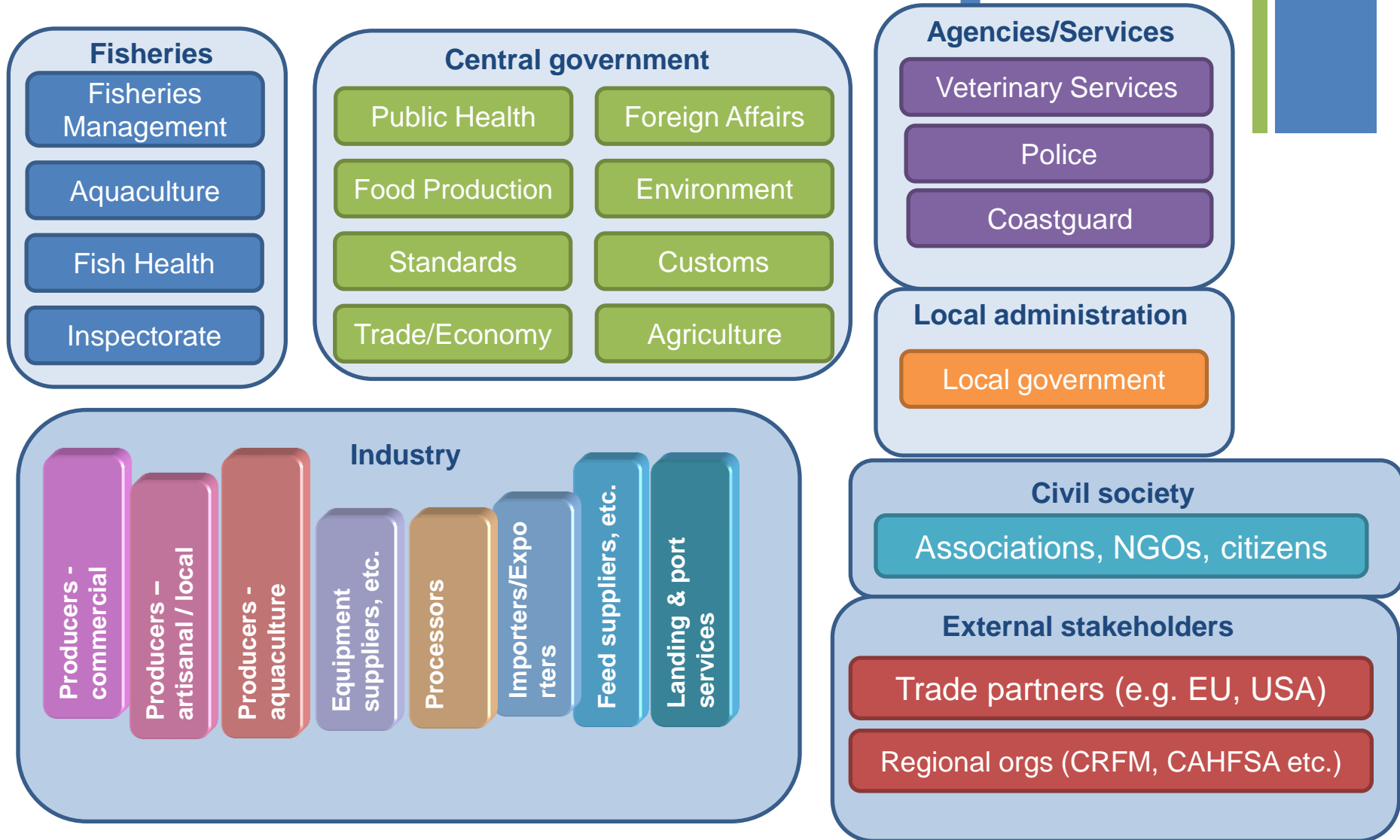
- Protocol Review Mechanism
 - includes all key actors – regional and national
 - incorporates a process for separating: Standards, Protocols, Guidelines
 - implements a detailed review and adoption process, which includes expert/technical review and requires “ratification” by national governments

+ National governance

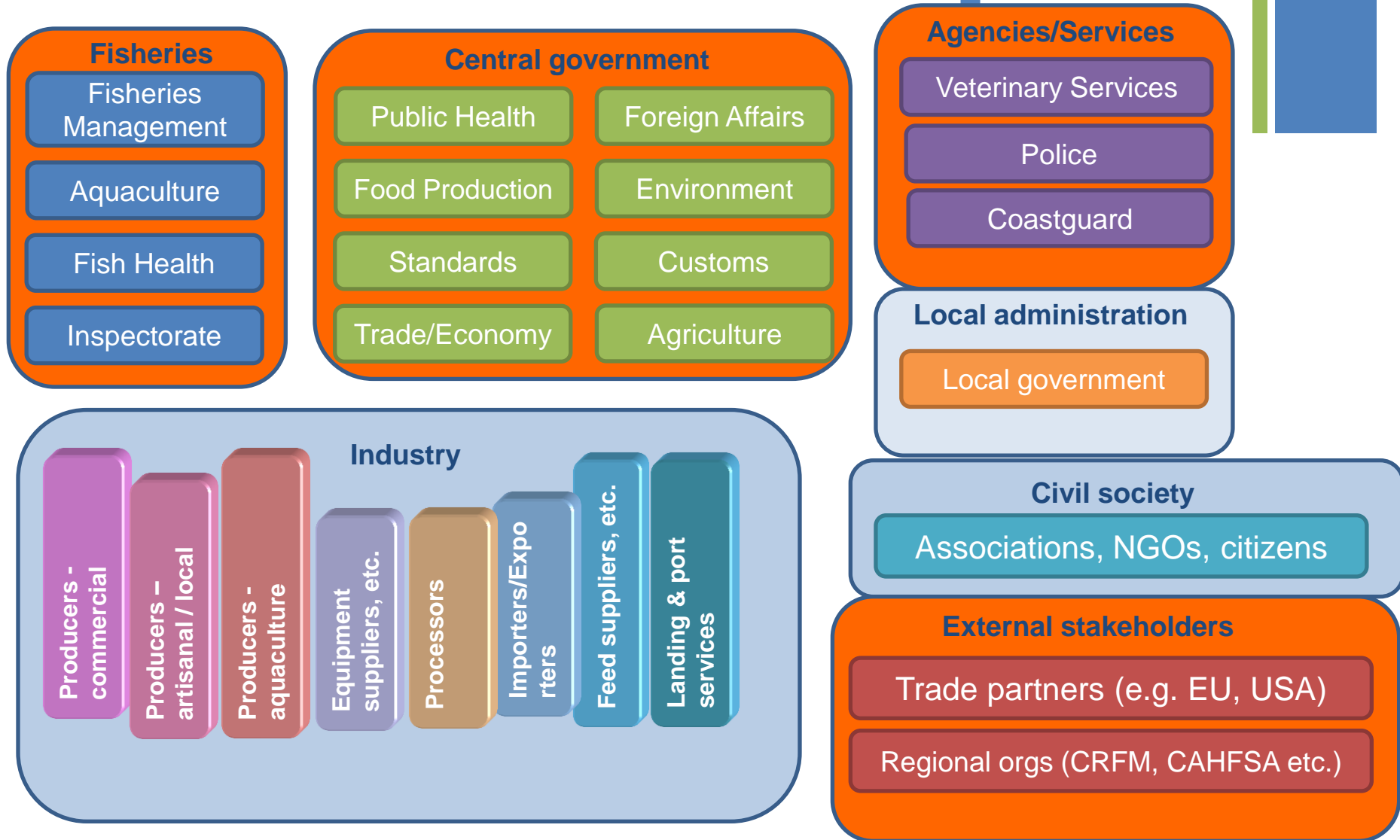


- Clearer definitions of governance in primary legislation
 - **define** all powers of government (Minister)
 - **define or enable** competent authority and its role
 - **define or enable** other institutional requirements
 - **provide for or enable** implementation of Regional Protocols
 - **provide for** all necessary regulation making powers
- Key step is establishment of NAHFSAs
- Key challenge is to connect NAHFSAs with the fisheries sector
 - Fisheries Committee

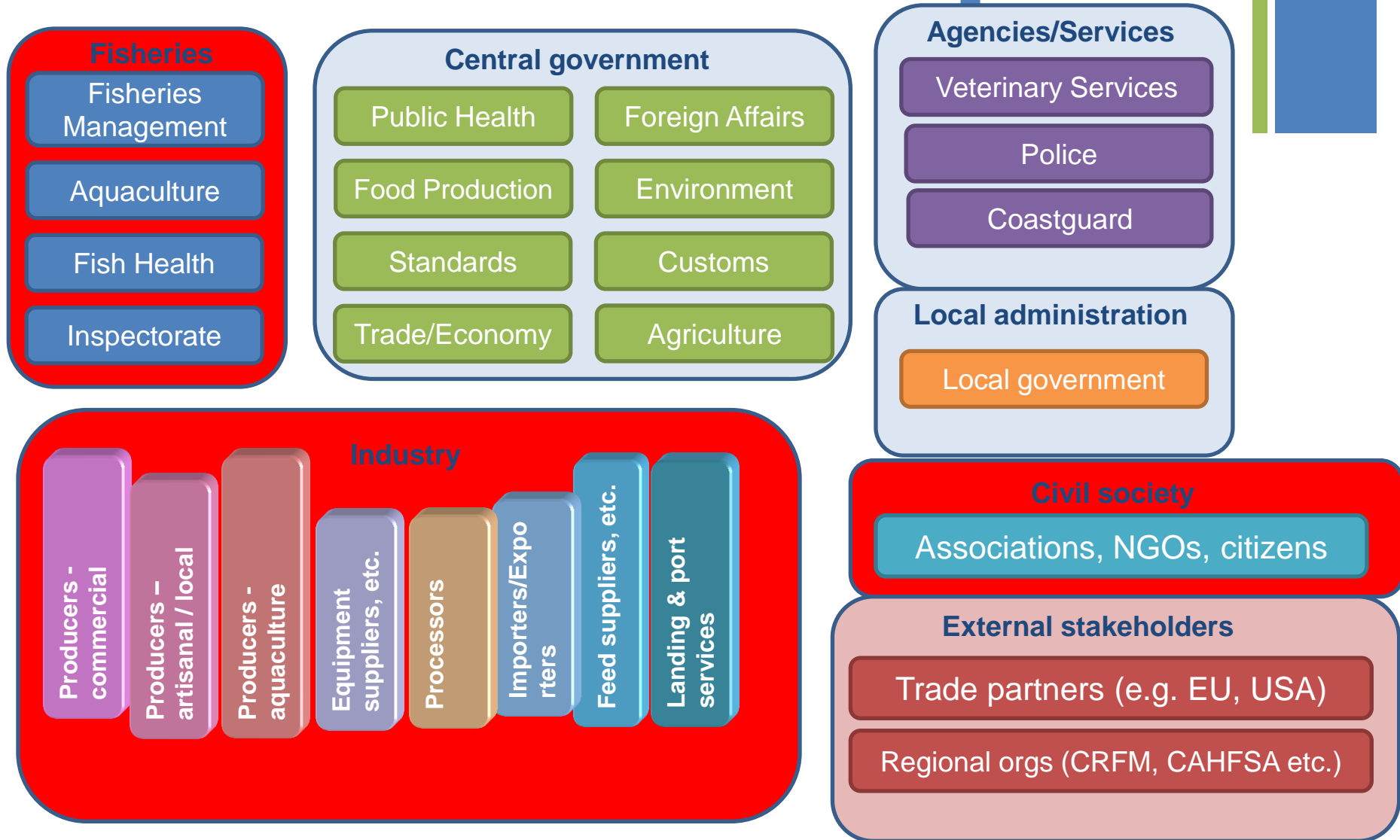
+ Indicative stakeholder “map”



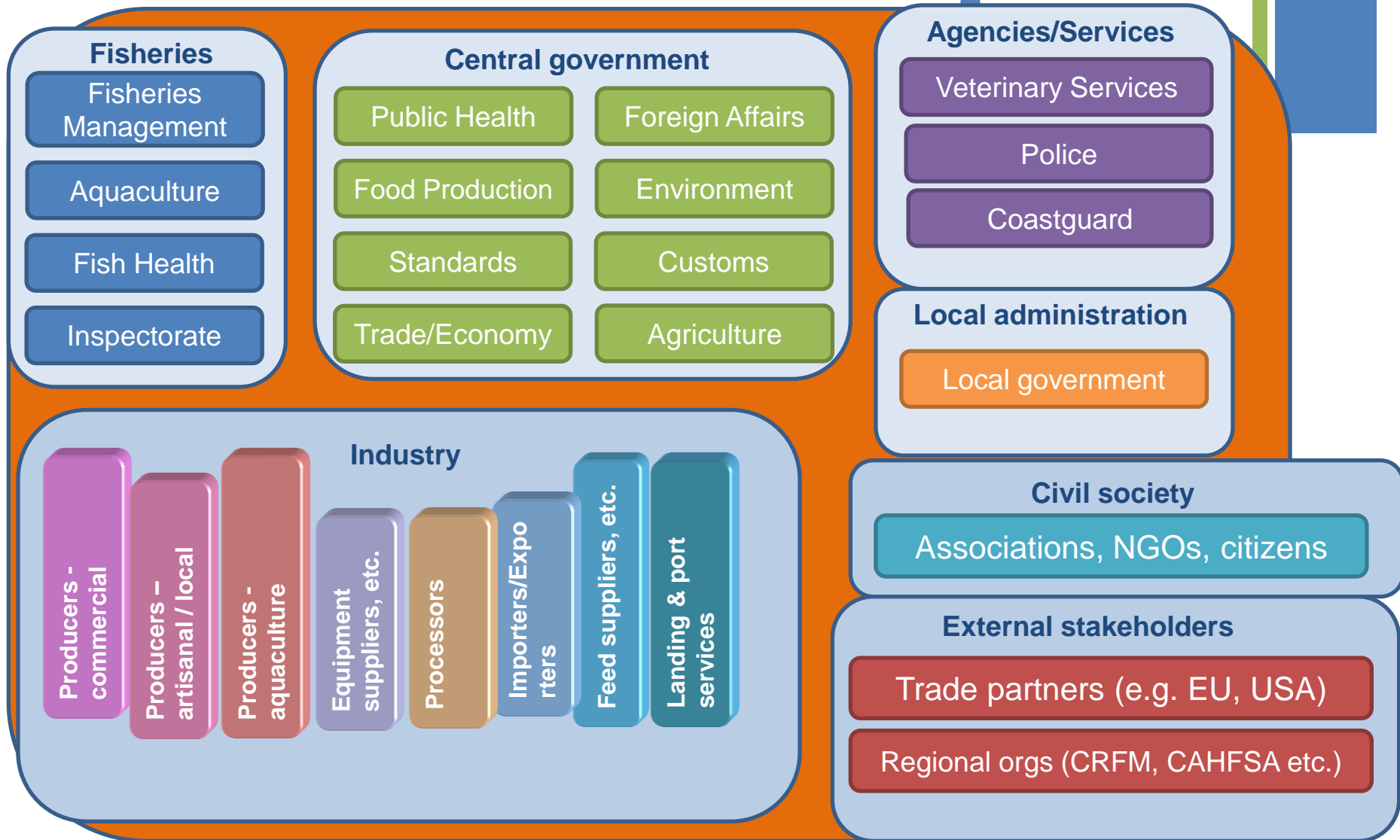
+ Indicative stakeholder “map”



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+ Indicative stakeholder “map”





Thank you



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