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## REGIONAL CONSULTATION STRATEGY AND PACKAGE



**Annex E of Final Technical Report: Technical support to promote the adoption of comprehensive model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States**

CRFM Secretariat  
2017



**CARIFORUM**

## **Regional Consultation Strategy and Package.**

**Annex E of Final Technical Report: Technical support to promote the adoption of comprehensive model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States.**

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CRFM Secretariat,  
Belize

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## FOREWORD

This document was produced under the Sanitary and Phytosanitary Measures programme, one component of the 10<sup>th</sup> EDF Programme titled “*Support to the Caribbean Forum of ACP States in the Implementation of Commitments Undertaken Under the Economic Partnership Agreement (EPA): Sanitary and Phytosanitary Measures (SPS)*”, implemented by the Inter-American Institute for Cooperation on Agriculture (IICA), with the fisheries sub-component being executed by the Caribbean Regional Fisheries Mechanism (CRFM) Secretariat. The project facilitated CARIFORUM States in gaining and improving international market access and maintaining and expanding the trade of fish and fish products locally, regionally and internationally by: (a) building equivalence with EU and other export market Sanitary and Phytosanitary (SPS) measures and (b) helping CARIFORUM states to better develop their own regionally harmonized SPS measures and institutional capability.

Under the fisheries sub-component, two specific actions were undertaken in 2015 and 2016 to develop CARICOM model legislation addressing fisheries SPS matters. These activities were closely connected to parallel actions under the SPS Programme to develop CARICOM model legislation covering food safety and animal and plant health. The instruments of model legislation for fisheries and aquaculture were reviewed and endorsed by stakeholders through two regional validation workshops and follow-up processes during August - October 2015 and December 2016 - January 2017 and subsequently passed to CRFM to facilitate review and endorsement by COTED and other CARICOM bodies.

This publication is one of several related CRFM publications documenting the various consultancy reports and outputs associated with development of the model legislation for the fisheries and aquaculture sub-sectors. The list of related CRFM publications follows:

- CRFM, 2015. Final Technical Report – Technical support to develop model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States. *CRFM Technical & Advisory Document*, No. 2015/ 07. 368p.
- CRFM, 2015. Report of Regional Validation Workshop for the Fisheries Component of the 10<sup>th</sup> EDF funded Sanitary and Phytosanitary Measures Project. *CRFM Technical & Advisory Document* No. 2015 /08. 111p.
- CRFM, 2017. Final Technical Report: Technical support to promote the adoption of comprehensive model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States. *CRFM Technical & Advisory Document*, No. 2017 / 03.
- CRFM, 2017. Model Legislation for Health and Food Safety in fisheries and aquaculture. Annex C of Final Technical Report: Technical support to promote the adoption of comprehensive model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States. *CRFM Special Publication*, No. 19. 143p.
- CRFM, 2017. National Consultation Strategy and Package. Annex D of Final Technical Report: Technical support to promote the adoption of comprehensive model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States. *CRFM Special Publication*, No. 20. 39p.
- CRFM, 2017. Regional Consultation Strategy and Package. Annex E of Final Technical Report: Technical support to promote the adoption of comprehensive model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States. *CRFM Special Publication*, No. 21. 36p.

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## ACRONYMS AND ABBREVIATIONS

<b>AHFS</b>	Agricultural Health and Food Safety
<b>APHIS</b>	Animal and Plant Health Service of the USA
<b>CA</b>	Competent Authority
<b>CAC</b>	CODEX Alimentarius Commission
<b>CAHFSA</b>	CARICOM Agricultural Health and Food Safety Agency
<b>CARDI</b>	Caribbean Agricultural Development Institute
<b>Carib-Vet</b>	Caribbean Animal Health Surveillance Network
<b>CARICOM</b>	Caribbean Community
<b>CARIFORUM</b>	Caribbean Forum of the ACP States
<b>CBD</b>	Convention of Biological Diversity
<b>CITES</b>	Convention on International Trade in Endangered Species of Wild Fauna and Flora
<b>COTED</b>	Council for Trade and Economic Development
<b>CROSQ</b>	CARICOM Regional Organization for Standards and Quality
<b>CSME</b>	Caribbean Single Market and Economy
<b>EPA</b>	Economic Partnership Agreement
<b>FAO</b>	Food and Agricultural Organization of the United Nations
<b>FBD</b>	Food-borne related Diseases
<b>FDA</b>	Food and Drug Administration
<b>FTAA</b>	Free Trade Area of America
<b>GAP</b>	Good Agricultural Practice
<b>GMOs</b>	Genetically Modified Organism
<b>GMP</b>	Good Manufacturing Practice
<b>HACCP</b>	Hazard Analysis and Critical Control Points
<b>ICPM</b>	International Commission on Phytosanitary Measures
<b>IICA</b>	Inter-American Institute for Cooperation on Agricultural
<b>IPPC</b>	International Plant Protection Convention
<b>ISO</b>	International Organization for Standards
<b>IUU</b>	Illegal, Unregulated and Unreported fishing
<b>MOU</b>	Memorandum of Understanding
<b>MRL</b>	Maximum Residue Limits
<b>NAHFSA</b>	National Agricultural Health and Food Safety Agency
<b>NARI</b>	National Agricultural Research Institute
<b>NEPA</b>	National Environmental and Planning Agency
<b>NGO</b>	Non-Government Organization
<b>OECD</b>	Organization for Economic Cooperation and Development
<b>OECS</b>	Organisation of Eastern Caribbean States
<b>OIE</b>	Office of International des Epizootics
<b>OTN</b>	Office of Trade Negotiations
<b>PAHO</b>	Pan American Health Organization
<b>PVS</b>	Performance Valuation Strategy Tool
<b>SPS</b>	Sanitary and Phytosanitary Measures
<b>TBT</b>	Technical Barriers to Trade
<b>USDA</b>	United States Department of Agriculture
<b>UWIC</b>	University of the West Indies Consulting Unit
<b>VPH</b>	Veterinary Public Health
<b>WHO</b>	World Health Organization
<b>WTO</b>	World Trade Organization

## PART 1 INTRODUCTION

### 1.1 Background

The development, and even maintenance, of international fisheries markets raises significant challenges for CARICOM Members. These include: increasing food safety awareness amongst consumers; continually developing regulatory demands from importing countries; increasing technological advances which require capacity-building, training and funding; etc. Similar to other developing and in-transition regions, Caribbean countries are faced with severe challenges due to financial, legal, technological and human resource constraints. In most CARICOM countries, effective agricultural health and food safety control measures, including those for fisheries, are undermined by the existence of out-dated and/or fragmented legislation, multiple jurisdictions, weaknesses in food-borne related diseases (FBDs) surveillance, inadequate monitoring and enforcement of regulations, inadequate budgetary allocations and a lack of facilities and trained personnel.

It is recognized as imperative that Member countries maintain and develop export markets for their fisheries products which means ensuring that the very stringent internationally acceptable food safety standards are met routinely within the region. In some Member countries these constraints mean that the export requirements of the EU are not able to be met, even though there are private sector operators that have fully operational systems such as HACCP and meet relevant international standards. Even in those countries that do export to the EU, it is recognized that vigilance needs to be maintained to ensure long-term access.

In response to these challenges, various regional initiatives have been undertaken or are in progress with a view to strengthening both regional and national capacities. At the regional level, most significant is the operationalisation of the Caribbean Agricultural Health and Food Safety Agency (CAHFSA), through its Strategic Plan (Road Map) and Medium Term Work Plan.

In addition, the need for developing regional cooperation has been considered under the current project: the EU-funded, 10<sup>th</sup> EDF Programme *Support to the Caribbean Forum of ACP States in the Implementation of Commitments Undertaken Under the Economic Partnership Agreement (EPA): Sanitary and Phytosanitary Measures (SPS)*, implemented by IICA, with the fisheries sub-component being executed by the CRFM Secretariat. In particular, a Caribbean Fisheries Regional SPS Framework “Green Paper” (*SPS Green Paper*) was produced and consulted upon and which outlined various modalities and options for short and longer-term cooperation on SPS matters at the regional level.

The proposals in the *SPS Green Paper* were directed towards creating and/or strengthening the Regional and National SPS systems through systematic focus on the:

- a) establishment of a sound and comprehensive national and regional legislative framework for food safety, plant and animal health in the fisheries sector;
- b) development and organization of an efficient responsive institutional framework and mechanism for coordination of SPS issues at the regional level; and
- c) mechanisms for harmonizing national legislation and supporting its on-going development.

Significant in this context is that there is **considerable existing standardisation in AHFS**. Relevant Standards, Codes of Practice, Guidelines (hereafter referred to just as “Standards”) and



other documents are produced by various global organizations - foremost *Codex Alimentarius* and the *International Standards Organization*, but also the World Organisation for Animal Health (OIE), the World Health Organization (WHO) and others. At the regional level, some of these Standards have been taken up by CROSQ and adapted to the Caribbean context.



Figure 1 - Overview of the International Standards Framework

These Standards (etc.) set out globally accepted standards for fisheries and food safety management providing fundamental requirements for implementing international best practices in food safety. In this context, there is no benefit in general to developing alternative Standards at the regional level. Moreover, where there is a perceived need to develop regional Standards, there exists in CROSQ the organization with the mandate and process to undertake that task.

In this context, CARICOM Member countries have recognized the importance of the development and application of a harmonized SPS system. Such a system has the potential to build and share capacities, generate administrative and legal efficiencies, strengthen SPS measures across the region and facilitate intra-regional and external trade. Harmonization implies the application of SPS measures by Member countries which must be science-based, non-tariff restrictive/non-discriminatory and transparent. The following sections review some of the critical advantages to developing a region-wide system.

While Standards provide the framework, they leave some challenges and limitations for countries in the region. These include:

- **Lack of specific direction for regulatory transposition:** the Standards are not always written in language that is easily capable of transforming into legally enforceable requirements at the national level, or may be merely advisory or technical guidance that is not intended to be regulatory. There therefore exists a need for a “regulatory bridge” to identify and prescribe legally enforceable provisions at the national level.
- **Not necessarily sufficient for meeting third country import rules:** while adherence to international Standards can ensure good food safety practices, it does not necessarily ensure



that the specific requirements of importing countries will be met. Whilst such requirements are almost invariably also based on the same international standards, there may be specific requirements or specific methods of implementation that need to be met in the third country regulations. This leads again to the need for a “regulatory bridge” to ensure that the method of applying food safety Standards at the national level is consistent with (or equivalent to) that required in any countries that fish exports are sent to.

- **No single method of application:** the various Standards combined do not present a single, cohesive code of food safety management. While the HACCP safety system runs through all the Standards as the principal tool for managing food safety risks, consistently with the Standards, in practice there can be substantial variation in how the Standards might be applied. Factors that can influence food safety methodologies include (among others) the products and processes involved; national and regional food safety policy; national legislation; national consumer attitudes; economic circumstances; subjective determinations (e.g. the risk level, the efficacy of risk management procedures, etc.). Without harmonizing instruments, therefore, specific requirements elaborated at the national level will vary from country to country.

In order to fill these gaps and meet these challenges, the following elements were proposed within the Caribbean Fisheries Regional SPS Framework in the *SPS Green Paper*:

- 1 A **regional governance mechanism**, established by means of a trilateral **Memorandum of Understanding** between CAHFSA, CRFM and CROSQ.<sup>1</sup>
- 2 A regionally-agreed set of **Standards, Protocols and Guidelines** adopted through a **mechanism** for development and approval.
- 3 **Model legislation**, as the national (but regionally-led) component, which permits for the incorporation of the regionally-agreed Standards, Protocols and Guidelines into national law, whilst respecting the national regulatory and control requirements needed to ensure national food safety and export regulation compliance.

Taking these proposals forward will require a number of short, medium and longer-term processes to be developed. Some of these will focus on regional cooperation, while some will focus on building the capacity of CARICOM Members to respond to the legislative challenges of AHFS in the fisheries sector. This document sets out some proposed strategies.

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<sup>1</sup> Corresponding **national governance mechanisms**, centred around the establishment of **National Agricultural Health and Food Safety Agencies (NAHFSA)** were also recommended, while noting that these processes are already being developed in most CARICOM Member countries.

## PART 2 REGIONAL CONSULTATIVE STRATEGY

### 2.1 Introduction

The key priority, in the short to medium term, is to establish effective governance mechanisms at the regional level, and in particular to develop the means of cooperation between CRFM and CAHFSA (and other concerned agencies) on fisheries SPS and related matters. Various steps were outlined in the *SPS Green Paper*, in particular a model Memorandum of Understanding between CRFM, CAHFSA and CROSQ which is currently under discussion.

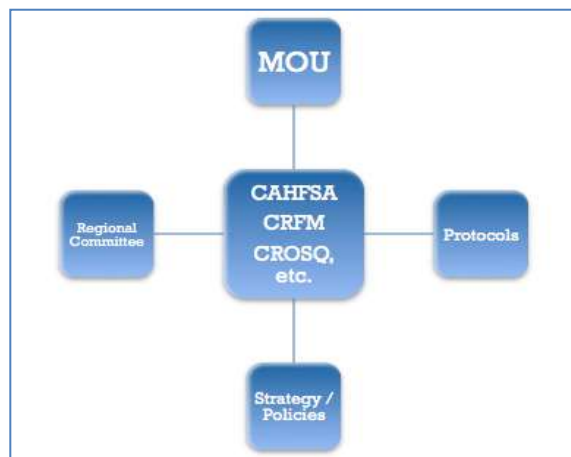
A key issue will be to define activities in fisheries SPS between CAHFSA and CRFM since both bodies have competences in this area.<sup>2</sup> CAHFSA has a mandate both to coordinate, implement, monitor and evaluate the national SPS programmes of CARICOM members, as well as to develop harmonized and/or integrated regional approaches. This mandate includes fish and other aquatic species, and the products derived from them, in the sense that these are animals, plants or food, as much as any other.

At the same time, since effective fisheries AHFS measures are critical to the development of fisheries sector, they fall within the overall mandate of CRFM; and specifically, the promotion of the conduct of trade in fish and fish products according to applicable agreements is a function of the Technical Unit under Article 13(e) of the CRFM Agreement. Taking this further, the Caribbean Community Common Fisheries Policy includes several provisions addressing Sanitary and Phytosanitary (SPS) issues in fisheries, including 3 of the 9 objectives (Art 4.3(b) (g) and (i)), and Article 18 which calls for cooperation in the development of: harmonised food quality assurance legislation; harmonised intra-regional SPS measures; common marketing standards for fisheries and aquaculture products; and (d) national or common policies, measures and standards to (among other things): develop new and existing markets in fishery products including external markets for the Caribbean region's fisheries products and facilitate trade between the Participating Parties.

In the longer-term, the objectives should be to establish the boundaries, forms and objectives of cooperation amongst the key institutions (being, as a minimum: CAHFSA, CRFM and CROSQ). In the draft MOU, it is proposed that these organizations would: establish a mechanism through which to cooperate (a Regional Committee); develop and consult on regional strategies and policies; and oversee the development of the Regional Protocols on SPS measures (see below).

Thus, the MOU would have specific and general objectives for the Parties as follows:

- 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.



<sup>2</sup> See Annex 1 for a wider elaboration of the regional framework.

A specific longer-term role for the Parties would be to review and adopt proposed Standards, Protocols and Guidelines through a specifically developed mechanism (see the *SPS Green Paper* for further details on the proposed mechanism).

## 2.2 Finalise MOU

Discussions and efforts to finalise an agreement on the proposed MOU should continue between CRFM, CAHFSA and CROSQ. Once agreed, the Parties should operationalise the methods of cooperation foreseen in the MOU. In particular, priority should be given to setting up regular meetings between the Parties (see below) and to establishing gateways for the exchange of information. These two actions will facilitate other actions through the MOU.

In the interests of transparency, and preliminary cooperation, the finalised MOU should be published on the websites of each Party, and a joint press release should be issued.

The Parties should also plan a specific process, during year 2, to carry out an initial evaluation exercise on progress under and effectiveness under the MOU to consider whether the terms of the MOU are sufficient (including whether other Parties should be brought into the MOU).

### Recommended Actions

- In cooperation with CAHFSA and CROSQ, CRFM should work to finalise a memorandum of understanding on SPS matters.

## 2.3 Implement regular coordination process

The key objectives underlying all aspects of the MOU are to increase cooperation, coordination and harmonization of the work of regional agencies concerned with fisheries SPS matters. At the heart of this is the need for a regular (and permanent) coordination process. Within the draft MOU, it is proposed that the Parties agree to meet periodically and as necessary to discuss current issues, experiences and new developments of mutual interest with respect to food safety and fish (and other aquatic species) health, and that a Steering Group be set up to meet ordinarily at least once in every six months. The Steering Group is to be composed of a nominated contact person in each organization, supported by such other persons as the Parties may nominate (who may vary from meeting to meeting, depending on the specific expertise that might be required).

Important objectives of this mechanism are to establish dedicated focal points to lead SPS coordination within each organization, and to enable continuity from meeting to meeting to provide on-going momentum to cooperative efforts. In this context, since there may be matters to discuss and coordinate inter-sessionally, a system for remote coordination should also be established through the focal points. An example where such cooperation might be needed arises in relation to meetings of international organizations, where joint positions or assistance to Member countries might be required. The objective of enhancing cooperation is to enable genuine discussion and exchange of ideas, beyond a simple “request for comments” from the lead agency.

### Recommended Actions

- CRFM should nominate a member of staff as contact / focal point for fisheries SPS matters.
- A first meeting of the Steering Committee should be organized, and rules of procedure agreed.

## 2.4 Harmonize strategic direction and planning for fisheries SPS and trade

In order to address SPS issues in marine fisheries and aquaculture, a plan is outlined in the CRFM's Strategic Plan and Biennial work plan, which represents a consensus of Member States priorities, under Strategic Objective C: Sustainable Management and Use of Fisheries Resources. The overall aim of the SPS plan is to reduce post-harvest loss, improve the quality of fish and fisheries products, and improve infrastructure for marketing and trade of fish and fisheries products to meet domestic needs and international standards. At the same time, CAHFSA has its own Strategic Plan (Road Map) and Medium Term Work Plan. Inevitably, given the stage of CAHFSA as an organization, and its wider scope on AHFS matters, the CAHFSA planning documents – while including fisheries – are not focussed on them.

The two organizations should cooperate with the specific objective of aligning, where possible, actions on AHFS matters in fisheries, and determining which organization will undertake or lead on particular matters, so as to agree common priorities and avoid overlaps or gaps. This process will also enable technical assistance needs to be better coordinated. This does not need to be limited of course to matters specifically connected to legislative matters (see Part 3).

An essential function of such cooperation will be to determine the relationship between AHFS matters and other trade-related measures in the fisheries sector. It is imperative for CARICOM Members that these matters are closely aligned since many measures required to implement IUU fishing trade-related measures (for example, catch documentation schemes, traceability systems, etc.) overlap or complement AHFS measures. It is essential, therefore, that at the regional level all Parties are aware of the wider framework for trade measures in the fisheries sector and can develop coherent approaches. (See Annex 2 for a summary of the key trade measures in fisheries which give rise to complementarities).

A further function of regional planning cooperation could be to identify those areas in which capacity could be built regionally or sub-regionally, rather than in individual countries. For example, all laboratories which provide services in support of national animal health and food safety objectives should build capacity towards formal internationally recognized accreditation (e.g. ISO 17025). But strategically, the needs of some countries, especially those, small and geographically closely located, may be better met from a regional or sub-regional facility.

### Recommended Actions

- CRFM and CAHFSA to review planning mechanisms as they related to AHFS matters in the fisheries sector, and develop a common planning strategy where possible.

## 2.5 Initiate consultative exercise on a regional protocol system

The *SPS Green Paper* outlined a potential model for developing (food safety<sup>3</sup>) Protocols and/or Standards at the regional level, though a collaborative process involving (at least) CAHFSA, CRFM and CROSQ. This concept was integrated into the proposed MOU on regional cooperation (“**Development of regional measures:** The Parties will facilitate the development of regional approaches and measures, including the adoption of Standards, Protocols and Best Practice Guidelines.”).

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<sup>3</sup> *In principle, these could also be developed for animal and plant health.*

A principal rationale behind this approach was to address one of the key constraints that emerged in every Member country during in-country consultations: the challenge of maintaining up-to-date regulations which reflect the moving goalposts of international SPS requirements. Since in principle each Member country is operating to apply the same framework of Standards (subject to national policy considerations) and Member country has broadly similar objectives of trying to export fish products and develop the highest safety standards nationally, each Member country needs to transpose closely similar requirements into national legislation. By adopting measures developed once at the regional level, Member countries can benefit from a “develop once, use many times” approach – the burden of developing national regulatory requirements can be shared at the regional level, rather than replicated many times at the national level. (Member countries would be free to develop specific mechanisms, as required, to adopt and implement the Protocols within national legislation).

The use of regional Protocols would have other advantages<sup>4</sup>, including:

- enabling countries more easily and more effectively to take stock of regional and international best practices;
- facilitating equivalency and harmonization of regional SPS standards and measures that will facilitate intra-regional and global trade;
- providing a basis, consistent with international standards, from which Member countries can develop national measures;
- promoting efficient regulatory controls, ensuring SPS compliance while enabling operators to work in a competitive environment, without unnecessary regulatory, administrative and technical burdens.

While there are very specific benefits for the fisheries sector (as identified through the consultations with Member countries), it is likely that similar benefits would accrue to other agricultural sectors. The system for protocols should therefore extend beyond the fisheries sector, and should fall within the overall mandate of CAHFSA. (These questions should be the subject of consultations with CAHFSA and agricultural stakeholders). However, since the system for developing Protocols anticipates that a regional organization may propose draft Protocols for review (see Part B of the **Regional Protocols Review Process**, Annex 2 of the *SPS Green Paper*), CRFM could be a key driver for the development of Protocols concerning the fisheries sector.

#### Recommended Actions

- Initiate a consultative exercise with CAHFSA to explore the possibilities to develop a regional system for food safety Protocols, and to define the potential roles for each organization.
- Continue to consult with Member countries to understand and represent the continuing challenges they face in maintaining up-to-date food safety laws. Examine with Member countries possible modalities for incorporating regional Protocols at the national level.

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<sup>4</sup> These are set out in more detail in the *SPS Green Paper*: see section 3.4.

## **PART 3     MODEL LEGISLATION CONSULTATIVE STRATEGY**

The model legislation consultative strategy, for the purpose of this guidance, is focussed on facilitating the implementation of the model legislation at the national level. In this context, regard should also be had to the National Consultations Package, and to the Model Legislation itself (along with the Annotated Explanatory Notes), which can be used as part of CRFM’s model legislation consultative strategy. It is anticipated that the communications materials (for example, the fact sheets) could also be used. This section highlights some of the additional actions that could be taken at the regional level to support the progress of the model legislation.

### **3.1     Regional support**

The next stage for the model legislation is for it to be passed to the CARICOM machinery. There are some key questions for the development of the legislation, which are set out in Part 1 of the Annotated Explanatory Notes. These relate in particular to the relationship between the Model Fisheries Legislation (in particular the Bill) and the other Model AHFS Bills. Moreover, these questions may develop further following the review of (and potential amendments to) the AHFS Bills. CRFM will need to be closely involved in these discussions, and to keep an on-going interest. CAHFS should also be closely involved.

The key issues relate to whether the AHFS Bills should include a separate Bill on fisheries. Since, in principle, legislation (at least primary legislation) can be organized in any manner, this is primarily a policy question in the first place. However, once the policy is determined it will be essential to ensure that the model Bills provide the necessary powers, in themselves or to create implementing regulations, to enable effective regulation of fisheries specific matters in AHFS fields.

The matters pertinent to the fisheries sector which primarily need to be covered include—

- licensing of and standards for fishing vessels (food safety)
- management of marine and inland waters for food safety and animal health regulation (e.g. demarcation of waters for food safety purposes)
- inspection and monitoring at sea and on board fishing vessels
- certain jurisdictional and evidential issues that tend to arise in the enforcement of matters at sea (see the Annotated Explanatory Notes for more details).

In addition, legislation should reflect: (a) the governance need for other agricultural health and food safety authorities to coordinate and cooperate closely with the national fisheries authority; and (b) the practicalities of enforcement in the fisheries sector, much of which happens at sea or at landing sites, where fisheries officers have the primary presence and role. In this regard, the fisheries / aquatic elements also apply to aquatic plants.

The priority for CRFM will be to ensure that these matters are fully and properly addressed within the on-going consideration of the model legislation.

At the same time, CRFM could consider a wider advocacy strategy (beyond CARICOM) to build support for the model legislation. This could include engagement in particular with fisheries and AHFS ministers in the region, with a view to encouraging the “championing” of this policy area. This could also include engagement with the OECS Council of Ministers.



### Recommended Actions

- CRFM should work closely within CARICOM processes to ensure that fisheries matters in AHFS legislation are properly and effectively addressed, whether through combined or exclusive model Bills. Input will also be required into the consideration of the model regulations.
- CRFM should develop a wider advocacy strategy to build support for strengthening AHFS controls in the fisheries sector.

## 3.2 Supporting the national policy process

While the responsibility to adapt national legislation and measures to harmonize with CARICOM model legislation rests with the Member countries themselves, is it part of CRFM's mandate to provide support to these processes. It is evident that each country needs to develop its own approach.

While in some sectors, the implementation of model legislation often implies a need to update mostly just the sectoral legislation with relatively minor ancillary amendments, in the case of AHFS legislation the position is potentially more complex. First, the organization of the legislation (between each component of AHFS) may already be determined, or may need to be developed in a particular way. Additionally, there may be different priorities or implementation of international standards across different agricultural standards – thus, some agricultural sectors (commodities) may be trade internationally in compliance with international standards, whereas others may not. Legislative systems for these commodities may be specific (to the sector) or form part of a more general framework.

Amongst Member countries, each situation is unique with: different current and planned legislative structures; varying (generally, and within sectors) implementation of international standards (legislatively, and in terms of government and private sector capacities); and different policy objectives and priorities.

A specific element that should be emphasized at the national level is the need to attach a higher priority to developing strategic national visions and national implementation strategies, plans and policies for fisheries SPS. Implementing and maintaining new approaches in fields such as fisheries SPS is a complex, long-term and challenging process. It presents a government with many choices and options, but also raises many challenges, such as prioritising and selecting the right options to achieve policy aims, and identifying and procuring the necessary financial, technical and human resources to implement those options.

Deciding how and when to use the functions and powers is a complicated matter – and one which can only be determined effectively with a clear strategy of what needs to be achieved, what resources are available, what mechanisms can be utilised, etc. An **implementation strategy**, as part of the overall policy framework, therefore needs to be developed to build a roadmap for implementation.

A common vision, shared by all major stakeholders, at the national level is a pre-requisite to the development of a fisheries export policy, and to provide a foundation for decisions concerning implementation of regional measures and national legislation (see the National Consultations Package for further elaboration of these principles). There are several reasons why the development of a national vision and the elaboration of explicit objectives are essential:

- It is **indispensable support** to the political decision to develop (and provide government finance for) such a policy.
- A shared vision entails a process which **promotes understanding** of the importance of a country's fisheries industry, amongst all stakeholders.
- It **highlights national issues** related to fisheries export and **brings together** all government administrations and all major stakeholders into a common process.
- It builds a common understanding on the **priorities for national fisheries policy** and on the **objectives** of integrating fisheries export policies with other sectors.

Having such a strategic vision at the national level not only assists national governments and stakeholders in strengthening the sector, but it also enables national governments to properly inform regional processes and ensures that regional mechanisms properly reflect national needs.

#### Recommended Actions

- Provide assistance (including high-level advocacy) to Member countries in assisting them in identifying and developing policy goals and measures, consistent with international standards and regional approaches but also specific national needs.
- Support the development, in Member countries that do not have one, of specific policies or strategies for AHFS matters in the fisheries sector, aligned with on-going developments in the national AHFS framework.

### 3.3 Technical assistance and capacity building

At the same time as legislative and policy support, Member countries also need on-going technical assistance and capacity building in other aspects of their national AHFS systems. Many of these needs are complementary to building effective legislative and governance, however. Moreover, unless Member countries can aim realistically to develop these other aspects, policy priority for develop new legal systems will be weakened (since there will be no means to implement the rules).

Modern AHFS systems (e.g. as reflected in the EU's general food safety and animal health laws) need to be based on a framework of regulatory control comprising the following internationally accepted elements:

- modern AHFS laws and regulation
- coordinated food control and animal health management
- well-trained and effective inspection services
- accredited laboratory services
- effective information, education and training
- institutionalized public and private sector cooperation.

In most Member States, there is scope for considerable progress in each of these areas. While these areas of technical assistance are not necessarily directly related to the model legislation, ultimately all of these matters will need to be addressed if the new legislation is to be fully and properly implemented and to fulfil its policy aims of ensuring the long-term durability of AHFS controls in the fisheries sector.

#### Recommended Actions

- Through joint planning processes with CAHFSA, CRFM should identify technical assistance priorities that will assist implementation and fulfilment of the model legislation.

## APPENDIX 1 | REGIONAL LEGAL AND INSTITUTIONAL FRAMEWORK

It is recognised that ensuring the long-term development of fish and fishery product hygiene and food safety will require action both at the regional and national levels. Regionally,

### **Caribbean Community (CARICOM)**

The Revised Treaty of Chaguaramas impacts on a regional SPS framework in a number of ways. Most directly, Article 57 of the Revised Treaty, speaks of the implementation of the Caribbean Community Agriculture Policy for achieving the goals as set out in Article 56, in order to support among other objectives: the establishment of an effective regime of sanitary and phytosanitary measures. However, many other parts of the Revised Treaty also elaborate the framework for regional SPS; particularly relevant are provisions in Chapter 5 on 'Community Trade Policy', Chapter 7 on 'disadvantaged countries, regions and sectors', Chapter 8 on 'competition policy and consumer protection' and Chapter 9 on 'dispute settlement'.

Fisheries exports are an integral part of Community Trade Policy, the goal of which under Chapter 5 includes "the sustained growth of intra-Community and international trade". Among the objectives of Community Trade Policy under the Treaty are the active promotion of export of internationally competitive goods and services originating within the Community; the establishment of common instruments, common services and the joint regulation, operation and efficient administration of the internal and external commerce of the CSME; and participation and joint representation in international and regional organizations governing international and regional trade.

Trade in fisheries products is also a component of the Caribbean Single Market and Economy (CSME), and the harmonization of SPS measures across CARICOM countries is one area where significant implementation deficits exist. The core CARICOM institutions, including the Secretariat and COTED, have a role to play in guiding and developing policy, and assisting agencies such as CAHFSA and CRFM in the development and implementation of proposals and programmes for the achievement of the objectives of the Community.

CARICOM also plays an important role in trade negotiations, including those within WTO. Currently all CARICOM Member States are members of the WTO with the exception of The Bahamas (which is preparing for membership) and Montserrat, but only a few Member States are able to maintain a permanent office in Geneva. During WTO meetings each country votes individually, but the Office of Trade Negotiation (OTN) provides technical support and expertise for CARICOM Members and is the main negotiating body for CARICOM.

### **Caribbean Agricultural Health and Food Safety Agency (CAHFSA)**

The Caribbean Agricultural Health and Food Safety Agency (CAHFSA) is mandated to provide regional and national support to the countries of the Caribbean in establishment, management and operations of their agricultural health and food safety programmes and more specifically to execute on behalf of those countries such actions and activities that can be more effectively and efficiently executed through a regional mechanism (see Revised Agreement Establishing the Caribbean Agricultural Health and Food Safety Agency, 25 February 2011). It aims to complement and build upon existing Caribbean programmes in animal and plant health and food safety in support of National Agricultural Health and Food Safety Services for Member States, and will specifically plan, organize and implement activities that will assist regional and national authorities to more

effectively and efficiently fulfil their food control programmes from “farm to fork” and facilitate increased trade and improved human health.

Its specific objectives include, to:

- provide a framework for the continuous monitoring and evaluation of national and regional agricultural health and food safety programmes and the provision of technical support directed at strengthening the respective programmes.
- provide an effective mechanism for partnership in the efficient use of scarce human and financial resources and infrastructure in protecting human, plant and animal health.
- provide a mechanism for the coordination and integration of technical support to stakeholders by the Regional and International Organizations.
- facilitate the development of regional SPS standards and the use of such standards as well as international SPS standards.
- strengthen the legal framework for SPS issues.
- facilitate the harmonization of technical procedures in relation to matters such as Good Agricultural Practices (GAPs), Good Manufacturing Practices (GMPs), HACCP, quarantine systems, surveillance and laboratory analysis.
- provide a framework for the identification and definition of the human and financial resource requirements or national health and food safety programmes, and the determination and execution of strategies to address deficiencies, including the training of personnel and the mobilization of external funds.
- provide a mechanism for regional consensus building on SPS issues that can be represented in international fora such as SPS Committee of WTO, FTAA, Codex Alimentarius Commission and IPPC.

Promotion of the development and use of regional and international SPS standards; support for the development and strengthening of legislative framework; and, harmonization of technical procedures, are among the key functional areas of focus for CAHFSA.

### **Caribbean Regional Fisheries Mechanism (CRFM)**

CARICOM established the Caribbean Regional Fisheries Mechanism (CRFM) in 2002 to promote and facilitate the responsible utilization of the Region’s fisheries and other aquatic resources for the economic and social benefits of the current and future population of the region. All CARIFORUM States are members of the CRFM, with the exception of the Dominican Republic (which cooperates closely through a Memorandum of Understanding).

The objectives of the CRFM are: (a) the efficient management and sustainable development of marine and other aquatic resources within the jurisdiction of Member States; (b) the promotion and establishment of cooperative arrangements among interested States for the efficient management of shared, straddling or highly migratory marine and other aquatic resources; and (c) the provision of technical advisory and consultative services to fisheries divisions of Member States in the development, management and conservation of their marine and other aquatic resources.

In order to address SPS issues in marine fisheries and aquaculture, a plan is outlined in the CRFM’s Strategic Plan and Biennial work plan, which represents a consensus of Member States priorities, under Strategic Objective C: Sustainable Management and Use of Fisheries Resources. The overall aim of the SPS plan is to reduce post-harvest loss, improve the quality of fish and fisheries products, and improve infrastructure for marketing and trade of fish and fisheries products to meet domestic needs and international standards.

### **Caribbean Standards Organizations (CROSQ)**

The CARICOM Regional Organisation for Standards and Quality (CROSQ) is the regional centre for promoting efficiency and competitive production in goods and services, through the process of standardization and the verification of quality. In this regard, CROSQ aims to support international competitiveness for the enhancement of social and economic development of the region.

It has adopted at the regional level two of the major Standards relating to fisheries SPS – *Code of Practice for Fish and Fishery Products* (CRCP 4: 2010) and *Code of Practice for Food Hygiene - General Principles* (CRCP 5: 2010). In terms of a role within a regional framework for fisheries SPS, CROSQ would have a general and a specific role. Specifically, it would maintain its role as the regional standard setting body and – where appropriate Standards relating to fisheries hygiene, production and trade are identified, CROSQ's normal procedures would continue to apply, with the support of the other institutions involved in the regional framework. On the other hand, in the development of implementation of SPS measures more widely and in particular the development of Protocols and Guidelines, CROSQ has considerable experience and expertise to bring to other participants and can be expected to undertake an advisory role.

### **Caribbean Community Common Fisheries Policy (CCCFP)**

Finally, the recently approved Caribbean Community Common Fisheries Policy includes several provisions addressing Sanitary and Phytosanitary (SPS) issues in fisheries, including 3 of the 9 objectives (Art 4.3(b) (g) and (i)), and Article 18 which calls for cooperation in the development of: harmonised food quality assurance legislation; harmonised intra-regional SPS measures; common marketing standards for fisheries and aquaculture products; and (d) national or common policies, measures and standards to (among other things): develop new and existing markets in fishery products including external markets for the Caribbean region's fisheries products and facilitate trade between the Participating Parties.

## APPENDIX 2 | SUMMARY OF OTHER TRADE-RELATED ISSUES

A key task for CRFM will be to coordinate not only with other agencies and with Member countries on trade issues related to AHFS, but also to integrate (within the fisheries sector itself, and also with the other stakeholders) other trade-related measures which apply to the fisheries sector. This will apply, in particular, to trade-related measure associated with IUU fishing: i.e. primarily catch documentation schemes, traceability systems and vessel black lists.

### **Catch documentation**

Prominent among trade measures to address IUU fishing are catch documentation schemes. The EU Regulation on IUU Fishing, for example, uses a catch certification scheme to ensure the effectiveness of its prohibition on the import of fishery products obtained from IUU fishing into the EU. The catch certificate contains information such as vessel name, fishing licence number, flag state, description, date of catch, and estimated weight for all landings, transshipments, and imports of fish products into the EU. It also requires competent authorities of the flag state relevant vessels to certify that the catches concerned have been made in accordance with the applicable laws, regulations, and international conservation and management measures.<sup>5</sup>

The potential for coherence (or, alternatively, duplication and conflict) with SPS measures is clear, since similar requirements (both in relation to information that needs to be captured and provided, and the requirements applicable to competent authorities) apply.

### **Traceability requirements**

Similarly, with their reliance on disclosure of information, traceability requirements such as those developed to address food safety are similar to catch documentation schemes. Traceability is facilitated by electronic storage of data as well as scientific and technological developments relating to the genetic identification of products. The EU Regulation on IUU Fishing, for example, “seeks to ensure full traceability” of marine fishery products traded with the EU through its catch documentation scheme. (It is noteworthy also that in the United States, the Food and Drug Administration have been widening their traceability requirements for a number of years).

### **Vessel black lists**

Schemes to identify products from IUU fishing rely, at the regional level, on vessel lists. Negative lists, or “black lists,” operate to identify violating vessels. Positive lists, or “white lists,” on the other hand, oblige participant States to only allow vessels deemed to be of “good standing” to land or transship catches. According to the EU Regulation on IUU Fishing, trade in fish products from IUU fishing should be prohibited. This is made effective with a catch certification scheme applying to all traded fish products described above as well as through a negative list.

The European Commission works with EU Member States, third countries and other bodies to identify fishing vessels suspected of carrying out IUU fishing. If these inquiries lead to a finding that a fishing vessel is engaged in IUU fishing and that the competent flag state has not taken effective action, the Commission places the vessel on a special IUU vessel list. This process is based on a risk-

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<sup>5</sup> *At the multilateral level, customs requirements similar to catch documentation schemes have been agreed by states party to CITES, as a means of implementing their agreement to restrict the trade in listed threatened species. In the context of fisheries, CITES parties are increasingly seeking to include marine species as threatened, despite opposition from commercial fishing groups in some countries. Due to the listing of conch in the Caribbean, most CARICOM Member countries are familiar with the CITES requirements.*



management approach that is intended to systemically identify risk and regularly monitor and review outcomes. If the relevant flag (usually, but also port, coastal or market) States fail to take appropriate measures to ensure compliance by the vessels, the EU may adopt trade measures, which include the prohibition of fish imports and the non-acceptance of accompanying catch certificates.

Following these procedures, in March 2014, the EU decided to restrict the import of fish products from Belize (among several others), although this was lifted in October 2014 after new control measures were introduced.<sup>6</sup>

### **Other measures**

In addition to the current or proposed use of catch documentation, traceability and market denial measures, there is a range of other mechanisms to address IUU fishing that have a trade dimension, including domestic prosecutions of importers for trade violations, reform of subsidy rules and even marine protected areas. Private initiatives are also increasingly important, for example, industry groups have sought to remove IUU fishing products from the supply chain through voluntary arrangements, for example voluntary programmes for the certification of sustainable fisheries.

### **WTO considerations**

Under the WTO agreements, Members must ensure that trade measures are non-discriminatory. For example, national trade measures (such as the EU IUU Fishing Regulation) must be implemented in an even-handed manner with respect to third countries (e.g. EU and non-EU countries for that Regulation). Moreover, if catch documentation schemes or traceability requirements amount to “technical regulations” under the WTO Agreement on Technical Barriers to Trade (usually called the TBT Agreement), they must not be prepared with a view to creating unnecessary obstacles to trade and must not be more trade restrictive than necessary to fulfill a legitimate objective.

There are a range of legitimate objectives listed in the TBT Agreement that align to the purpose of catch documentation schemes, including “national security requirements; the prevention of deceptive practices; protection of human health or safety, animal or plant life or health, or the environment.” In addition, technical regulations that are based on international standards attract a rebuttable presumption that they are not an unnecessary obstacle to international trade. To this end, it is worth noting that the FAO is currently working on the development of best-practice guidelines for catch documentation schemes (see [www.fao.org/fishery/nems/40840/en](http://www.fao.org/fishery/nems/40840/en)).

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<sup>6</sup> *The US has a similar system. The US approach allows for the unilateral prohibition of fish imported from countries engaged in IUU fishing in certain circumstances. The relevant legislation requires the secretary of commerce to identify, in a biennial report to Congress, those nations whose fishing vessels are engaged, or have been engaged at any point during the preceding two years, in IUU fishing. The US then consults with the identified countries, and if these fail to demonstrate that they have adequately addressed the relevant violations, they may be subjected to trade bans or a denial of port privileges by the US.*

# APPENDIX 3 | MODEL SLIDES FOR USE IN REGIONAL ADVOCACY AND CONSULTATION



**Model Slides**  
Regional Consultation Package  
Technical support to promote the adoption of comprehensive model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

This slide features a blue background with a green rectangular block in the top right corner. Below the green block are two small images: the top one shows a pile of seafood including fish and shellfish, and the bottom one shows a close-up of several large, cooked orange crustaceans, likely crabs or lobsters.



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General Background

This slide has a blue background with a vertical purple bar on the left side. It contains a white plus sign and the text "General Background" centered on the slide.

## Challenges for the fisheries sector

Issues/Challenge	Main SPS Programme Activities
<p><b>THE WORLD IS MORE FOOD SAFETY-CONSCIOUS</b></p> <p>As efforts continue towards more trade within the CARIFORUM states at the international level, the fisheries sector faces more pressure from consumer and advocacy groups who continue to demand quality and healthy foods for human consumption.</p>	<p>Proper laws, standards and policies to support sustainable fisheries in the CRFM countries, will be established. This will guide the industry by:</p> <ul style="list-style-type: none"> <li>• spelling out the requirements for fishery product facilities, establishments or factories,</li> <li>• laying down the base for quality and safety assurance systems.</li> <li>• A strong and effective national coordination mechanism will, in the long run:               <ul style="list-style-type: none"> <li>• maximize profits from agricultural and fisheries production,</li> <li>• improve the food safety and quality record of the country</li> </ul> </li> <li>• place it in the best place to reach markets both regionally and internationally.</li> </ul>

## Challenges for the fisheries sector

Issues/Challenge	Main SPS Programme Activities
<p><b>TECHNICAL EXPERTISE AND PHYSICAL CAPACITY</b></p> <p>In order to have effective and efficient systems for agricultural and fisheries health and food safety, there must be strong technical skills amongst fisheries employees and stakeholders, as well as the necessary physical infrastructural capability.</p>	<ul style="list-style-type: none"> <li>• Several "Train the Trainers" courses are to be planned for regulatory and industry employees on how to develop SPS guidelines.</li> <li>• Fisher folk will be trained in harvesting and handling techniques that will contribute to maintaining of fish stocks and reducing negative impacts on the marine environment.</li> <li>• There will be improvements in proper waste-disposal and usage.</li> <li>• Food safety operational manuals are to be developed and distributed</li> </ul>

## Challenges for the fisheries sector

Issues/Challenge	Main SPS Programme Activities
<p><b>MANAGEMENT WOES</b></p> <p>In many CRFM states, the responsibility for managing SPS efforts is spread over a number of agencies. This lack of structure often leads to patchy standards that are harder to enforce and monitor for progress.</p>	<p>Competent authorities will be established for specific areas. This will:</p> <ul style="list-style-type: none"> <li>• promote the efficient and effective delivery of fisheries services to stakeholders,</li> <li>• remove duplication of efforts,</li> <li>• generally make national stakeholders and international trading partners more confident.</li> </ul> <p>Where it makes more sense to do so financially and time-wise, some SPS operations will be done collectively. These include:</p> <ul style="list-style-type: none"> <li>• developing SPS legislation,</li> <li>• upgrading and use of laboratories, training,</li> <li>• public education,</li> <li>• establishment of databases and</li> <li>• discussion forums on new and emerging issues,</li> <li>• adoption of positions and input into the international forum and standard setting bodies.</li> </ul> <p>Accordingly, the Caribbean Agricultural Health and Food Safety Agency (CAHFSA) is a regional agency which was created for the main reason of avoiding duplication of operations that other agencies are already doing.</p>

## Challenges for the fisheries sector

Issues/Challenge	Main SPS Programme Activities
<p><b>ENVIRONMENTAL CONCERNS</b></p> <p>The biodiversity of the ecosystems in the region provide a rich source of income for many local fisher-folk; however, they are very fragile, often being severely affected by natural disasters such as hurricanes.</p>	<p>Many wide-ranging weather and climate related early warning systems will be developed for the agriculture sector including the fisheries sub-sector. Therefore, this will contribute significantly to a decrease in the financial losses related to natural disasters.</p>

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## Overview of SPS Systems

<b>Codex</b> <ul style="list-style-type: none"><li>• e.g. General Principles of Food Hygiene</li><li>• Code of Practice for Fish and Fisheries Products</li></ul>	<b>OIE</b> <ul style="list-style-type: none"><li>• Aquatic Animal Health Code</li></ul>	<b>ICPM</b> <ul style="list-style-type: none"><li>• International Standards for Phytosanitary Measures</li></ul>	<b>ISO</b> <ul style="list-style-type: none"><li>• e.g. ISO 22000 (food safety)</li><li>• ISO 34700 (animal welfare)</li></ul>
<b>CARICOM</b> <ul style="list-style-type: none"><li>• Revised Treaty</li><li>• Common Fisheries Policy</li><li>• CAHPSA, CRFM, CROSQ</li></ul>	<b>WTO</b> <ul style="list-style-type: none"><li>• SPS agreement</li><li>• TBT agreement</li></ul>	<b>Export Countries</b> <ul style="list-style-type: none"><li>• EU (food safety Directives, etc.)</li><li>• USA (FSMA, etc.)</li></ul>	<b>National Standards</b> <ul style="list-style-type: none"><li>• Regulations</li><li>• Codes of Practice, etc.</li></ul>



## 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



## Expected benefits from integration







## Regional Protocols

These slides outline a potential model for Regional Protocols, and their relationship to global standards and national implementation.

### Nature of Protocols

- 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

## 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

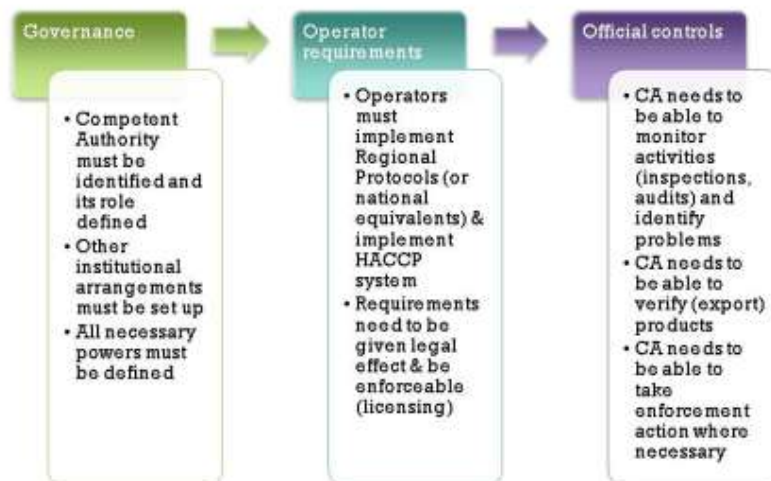
• PRP, GHP, GMP, etc.

## 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)

## + Supporting National Legislation

### 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



## + Regional and national governance

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

## Governing the framework





## 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



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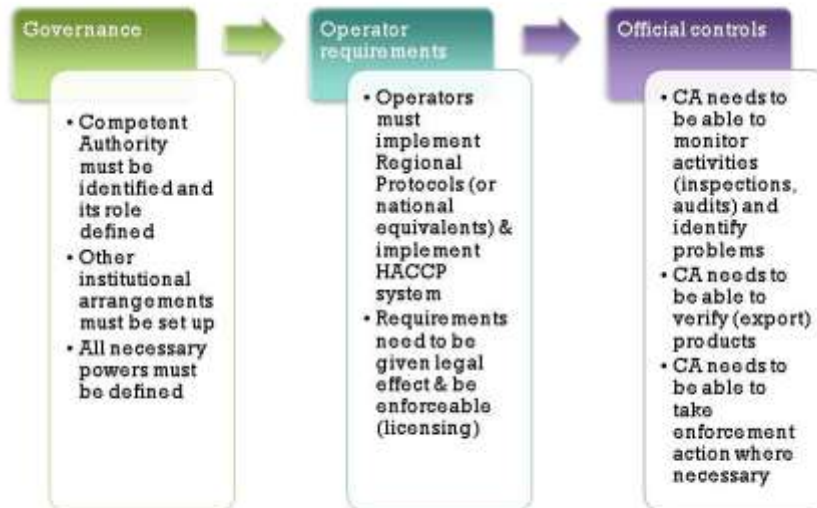
## National Governance



### 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

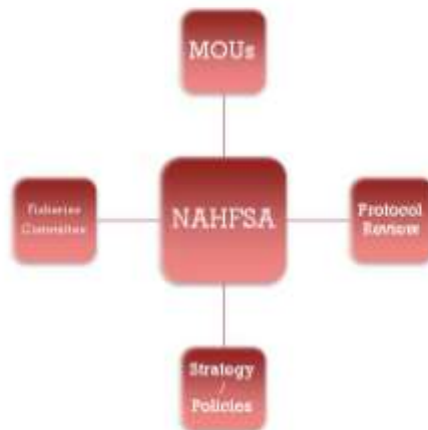
## National legal requirements



## Regional Governance



## National Governance



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SPS Project

## + Product Package

- Legislation, based on the CARICOM Model Bills
  - Aquatic Hygiene (?) Bill
    - Fish Inspection Regs
    - Aquatic Animal Health Regs
  - Technical Protocols
- Regional Consultation tools
  - Regional Consultation Package
  - Impact Assessment
- Implementation Tools
  - Explanatory Notes
  - National Consultation Package
    - Strategy, Consultation docs, etc.
- Communication tools
  - Awareness (press releases, video, etc.)
  - "Resource pack"

## + Implementation tools

### Reformulation

- Explanatory Notes
  - Intended to accompany drafting instructions, ministerial submissions, publication of regulations, etc.
- Annotated Explanatory Notes
  - Additional guidance for officials; could also be published (if edited)
- National Consultation Package

## + National Consultation Package

- Strategy Guidelines
- (Model/Template) Tools
  - Consultation Document + Letter
  - Drafting Instructions
  - Cabinet Submission
- Other guidelines
  - Regulatory principles
  - Consultation principles

## + National Consultation Package

### Defining a process

- Identifying policy lead
- Agreeing common vision / strategy

- Establish policy process

- Consultation tools
- Drafting instruction tools

#### Establish a Working Group

- First step - provide continued momentum of the process
- Guide the review and transformation of the Draft Act to legislation

#### Agree policy

- Identify outstanding issues
- Organise meetings, consultations, etc. accordingly

#### Consultations

- Consider need for further consultations
- Arrange consultations accordingly

#### Finalisation

- Advise Minister and prepare Ministerial submissions
- Finalise drafting instructions for AG's Office



# + National Consultation Package

## Regulatory principles

<b>Proportionate</b>	regulation must be <b>no more than is required</b> to achieve the aim (not "too heavy" or "too light") - it should not impose a heavy burden on competitiveness
<b>Targeted</b>	regulatory instruments should target a <b>particular policy aim</b> , and address only relevant <b>issues</b> and <b>persons</b>
<b>Consistent</b>	consistent in itself, consistent with other laws, capable of consistent implementation
<b>Transparent</b>	regulation should be <b>open, simple</b> and <b>user-friendly</b> - good regulation must be well understood and usually supported by the majority of the industry
<b>Accountable</b>	implementing authority should be accountable for regulations and able to <b>justify decisions</b> taken under them, <b>consistent</b> procedures are required



## Creating a National Vision

## + National Consultation Package

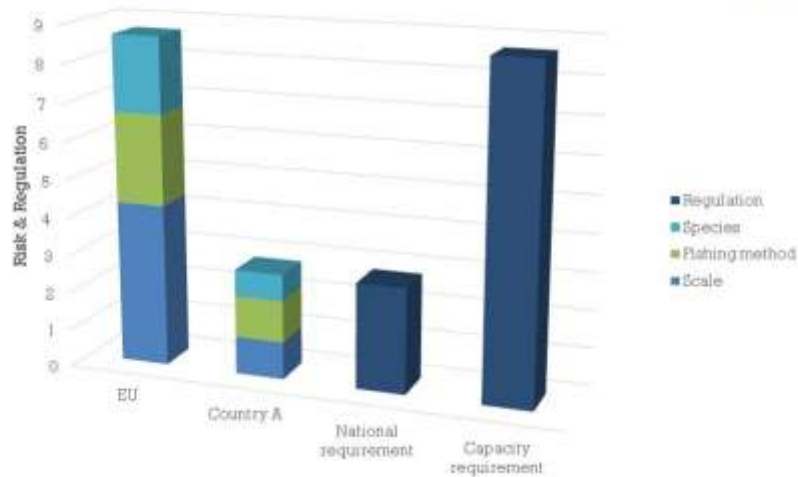
### Creating a Vision

- **indispensable support** to the political decision to develop policy and/or legislation
- **promotes understanding** amongst all stakeholders
- **highlights national issues** related to fisheries, food safety and agricultural health
- **brings together** all government administrations and all major stakeholders into a common process.



## + National Consultation Package

### Strategic Vision



# + National Consultation Package

## Consultation Criteria

### Criterion 1

When to consult

### Criterion 2

Duration

### Criterion 3

Clarity of scope and impact

### Criterion 4

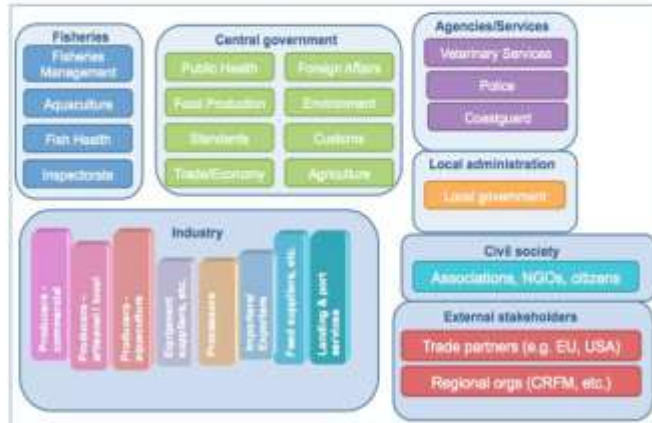
Accessibility

### Criterion 5

Burden of consultation

### Criterion 6

Responsiveness of consultation exercises

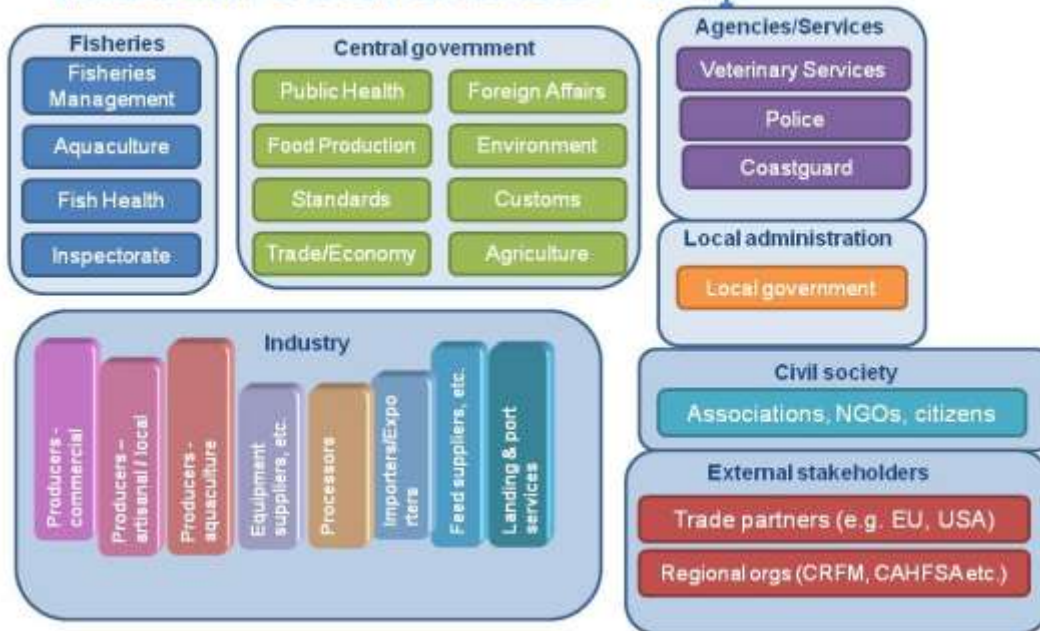


# + Regional Consultations Package



- Regional Strategy and Advocacy
- Moving regional agenda forward
- Supporting MC implementation
- Monitoring (impact assessment tool)

## Indicative stakeholder “map”



The CRFM is an inter-governmental organization whose mission is to “Promote and facilitate the responsible utilization of the region’s fisheries and other aquatic resources for the economic and social benefits of the current and future population of the region”. The CRFM consists of three bodies – the Ministerial Council, the Caribbean Fisheries Forum and the CRFM Secretariat.

CRFM members are Anguilla, Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago and the Turks and Caicos Islands.

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