

# PAS 1550:2017

Exercising due diligence in establishing the legal origin of seafood products and marine ingredients –  
Importing and processing –  
Code of practice



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# Foreword

This PAS was developed with the support of the Environmental Justice Foundation (EJF), Oceana, The Pew Charitable Trusts (Pew) and WWF.<sup>1)</sup> Its development was facilitated by BSI Standards Limited and it was published under licence from The British Standards Institution (BSI). It came into effect on 31 July 2017.

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- Environmental Justice Foundation (EJF)
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- Marine Management Organisation (MMO)
- MRAG Ltd.
- Oceana
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- Seafish
- UK Seafood Industry Alliance
- Tesco Stores Limited
- Wm. Morrison Supermarkets plc
- WWF

Acknowledgement is also given to the members of a wider review panel who were consulted in the development of this PAS.

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<sup>1)</sup> EJF, Oceana, Pew and WWF are working together to secure the harmonized and effective implementation of the EU Regulation to end illegal, unreported and unregulated fishing [1]. This coalition is financially supported by Oceans 5 and Paul M. Angell Family Foundation.

published as an amended PAS and publicized in *Update Standards*.

This PAS is not to be regarded as a British Standard. It will be withdrawn upon publication of its content in, or as, a British Standard.

The PAS process enables a code of practice to be rapidly developed in order to fulfil an immediate need in industry. A PAS can be considered for further development as a British Standard, or constitute part of the UK input into the development of a European or International Standard.

## Use of this document

As a code of practice, this PAS takes the form of guidance and recommendations. It should not be quoted as if it were a specification and particular care should be taken to ensure that claims of compliance are not misleading.

Any user claiming compliance with this PAS is expected to be able to justify any course of action that deviates from its recommendations.

It has been assumed in the preparation of this PAS that the execution of its provisions will be entrusted to appropriately qualified and experienced people, for whose use it has been produced.

## Presentational conventions

The provisions of this PAS are presented in roman (i.e. upright) type. Its recommendations are expressed in sentences in which the principal auxiliary verb is "should".

*Commentary, explanation and general informative material is presented in smaller italic type, and does not constitute a normative element.*



Where words have alternative spellings, the preferred spelling of the *Shorter Oxford English Dictionary* is used (e.g. “organization” rather than “organisation”).

The word “should” is used to express recommendations of this PAS. The word “may” is used in the text to express permissibility, e.g. as an alternative to the primary recommendation of the clause. The word “can” is used to express possibility, e.g. a consequence of an action or an event.

Notes and commentaries are provided throughout the text of this code of practice. Notes give references and additional information that are important but do not form part of the recommendations. Commentaries give background information.

## Contractual and legal considerations

This publication does not purport to include all the necessary provisions of a contract. Users are responsible for its correct application.

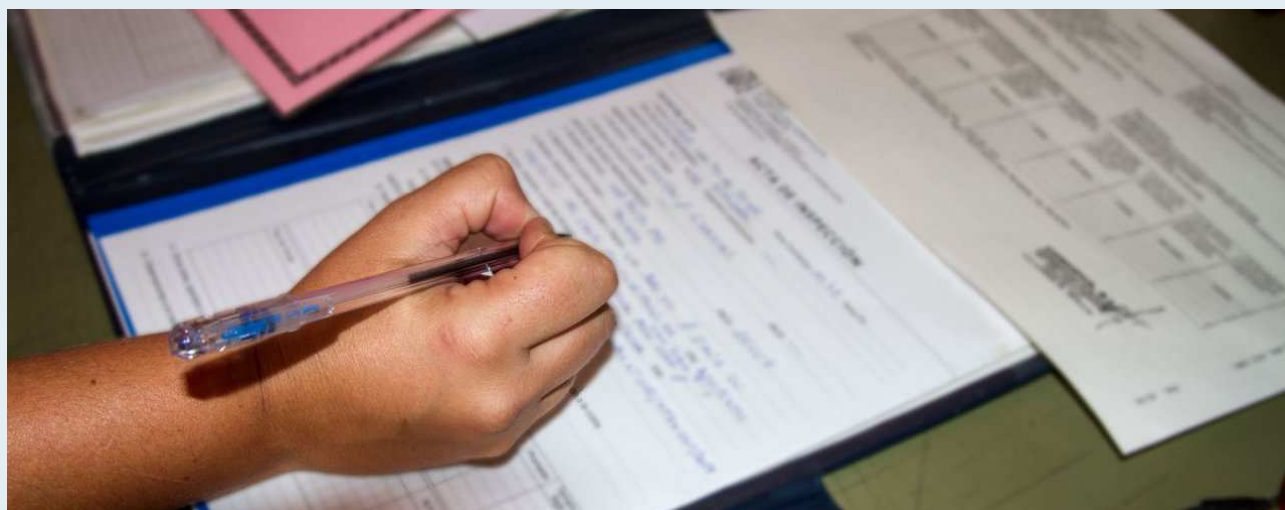
## Compliance with a PAS cannot confer immunity from legal obligations

Particular attention is drawn to the following legislation.

- Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (“the EU IUU Regulation”) [1].
- Commission Regulation (EU) No 202/2011 of 1 March 2011 [2].
- Modern Slavery Act 2015 (Transparency in Supply Chains) Regulations 2015 [3].

Attention is also drawn to the following agreements/ guidelines.

- Cape Town Agreement of 2012 on the implementation of the provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (“Cape Town Agreement”) [4].
- Food and Agricultural Organization (FAO) Agreement To Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas [5].
- FAO Agreement on Port State Measures (PSMA) to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. Revised Edition [6].
- FAO Code of Conduct for Responsible Fisheries [7].
- FAO International Plan of Action for the Management of Fishing Capacity [8].
- FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing [9].
- FAO Voluntary Guidelines for Flag State Performance [10].
- International Convention for the Safety of Life at Sea (SOLAS) [11].
- International Labour Organization (ILO) Work in Fishing Convention, 2007 (C188) [12].
- IMO Circular Letter 1886/Rev. 6 (extending the IMO number scheme) [13].
- United Nations Convention on the Law of the Sea (UNCLOS) [14].
- United Nations Convention on the Conditions for Registration of Ships [15].
- United Nations Fish Stock Agreement (UNFSA): The United Nations 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 [16].
- United Nations Guiding Principles on Business and Human Rights (UNGPs) [17].



# 0 Introduction

## 0.1 Illegal, unreported and unregulated fishing – why it matters

Seafood is an increasingly important source of livelihoods and food security across the globe, particularly in developing countries. Fishing and aquaculture provide over 250 million jobs world-wide and approximately 50% of protein intake in many countries including small-island developing States [18]. Globally, 60% of the world's fisheries are considered fully exploited (fished at maximum capacity) and 30% are overexploited (over-fished) [18]. Year-on-year, more fisheries are moving into an increasingly overfished state, therefore there is restricted potential for industry expansion [18].

A significant reason for the pressure faced by fisheries around the world is illegal, unreported and unregulated (IUU) fishing. The most comprehensive estimates are that IUU fishing costs the world between \$10 billion to \$23.5 billion annually; this represents between 11 to 26 million tonnes of catch [19]. IUU fishing activities devastate the marine environment, deny the possibility to fairly allocate resources and provide unfair competition to legitimate fishers.

These issues can be addressed by all actors in the supply chain working towards the same goal – ensuring that seafood and marine ingredients (herein “seafood”) have been sourced in a legal manner.

## 0.2 The EU IUU Regulation

The European Union (EU) Council Regulation (EC) No. 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing [1] came into force in 2010. The existence of this Regulation has positioned the EU as a global leader in the fight against IUU fishing. The EU accounts for 24% of the value of global trade in seafood and as the world's largest seafood importer, it is well placed for this role [18]. Prior to the introduction of the IUU Regulation [1], the EU stated that 1.1 billion Euros of IUU fish was entering the EU each year [20].

The EU IUU Regulation [1] has three key features. First of all it introduces a “catch certificate” (CC) scheme that requires seafood imports to be accompanied by a catch certificate that is validated by the flag State of the vessel that caught the fish. Secondly, it features a “carding” system whereby non-EU countries can be warned about inadequate design or implementation of legal and administrative fisheries management frameworks. If the warned non-EU countries do not improve their monitoring, control and enforcement systems, they can be sanctioned and their fisheries products blocked from being exported into the EU. EU flagged vessels would also face restrictions for fishing in the non-EU country's exclusive economic zone (EEZ). Thirdly, it puts on EU Member States an obligation to take appropriate action with respect to their nationals engaged in IUU fishing, even when they do so using vessels flagged to non-EU States.

Those affected by the EU IUU Regulation [1] include:

- owners and operators of fishing vessels catching fish for the EU market;
- processors of seafood destined for the EU market;
- Member State authorities;
- importers of seafood into the EU;
- distributors and retailers of imported seafood in the EU; and
- nationals subject to the jurisdiction of EU Member States that support or engage in fishing (e.g. workers on board fishing vessels, operators or beneficial owners of vessels, insurers, or investors), even if utilized vessels are flagged to non-EU States, or if fish is destined for non-EU markets.

## 0.3 The UK and the EU

The UK, one of the EU's largest seafood importers, voted to leave the EU on 23 June 2016. This exit-transition will not be complete in the very near future so looking at the impacts of the exit of the UK from the EU will be part of any potential first review of the PAS. Regardless of the UK leaving the EU, retailers, processors and importers will still want to be able to verify assurances that seafood they purchase has been caught in compliance with this code of practice.

## 0.4 Decent working conditions in the seafood industry

There is a growing recognition of the close relationship between IUU fishing and a lack of decent working conditions for workers in seafood supply chains. In this context, “decent” conditions are defined as those that comply with the eight fundamental International Labour Organization (ILO) Conventions ([21] to [28]) and ILO Convention C188 [12] (see 3.3.3, Note 5).

Fishers are among the most vulnerable of all workers and as such it is important that the utmost is done for their protection. The maritime sector (including fishers) is unique in the nature of the work and the risks involved in living on a vessel. It has been repeatedly documented that IUU fishing often coincides with abuses including human trafficking and modern slavery. For example, Thailand received a yellow-card or warning from the EU over concerns that it may be a non-cooperating country in the fight against IUU fishing. At the same time, public concerns were expressed regarding working conditions in the fishing industry there. Since then, Thailand has engaged in efforts to reduce this threat, but the EU Commissioner for Fisheries also pointed out that: “apart from the fishing issues, the Commission also believes that Thailand should also address promptly the human rights issues”<sup>2)</sup>.

Due to the close correlation between IUU fishing and a lack of decent working conditions, as well as the related reputational threats both of these issues pose to all actors in the supply chain, this PAS incorporates labour issues and considers illegal treatment of crew on fishing vessels to be linked with illegal fishing. The PAS provides recommendations to only work with organizations that have decent working conditions in their supply chains. One of the aims of this PAS is to help enable decent working conditions to be provided not only on board vessels but at all factories, work stations and during all activities throughout supply chains.

On 16 June 2011, the United Nations Human Rights Council (UNHRC) unanimously endorsed the Guiding Principles for Business and Human Rights (UNGPs) [17], which are the authoritative global standard on business and human rights. The UNGPs state that States are to negotiate and sign up to treaties and conventions, and then translate them into domestic laws and enforcement processes. Their duties include respecting human rights in what they do by protecting human rights against abuse by others, and ensuring the protection of human rights over time where that requires considerable resources, for example in providing access to education or clean water. The

<sup>2)</sup> Reported in <https://www.undercurrentnews.com/2015/12/18/eu-warns-thailand-to-promptly-address-human-rights-issues/>

corporate responsibility to respect human rights does not increase or decrease depending on whether States meet their own duty to protect human rights, so organizations need to put in place proactive policies and processes to respect human rights.

The UNGPs [17] have three pillars that outline how the UNGPs are to be implemented: the State duty to protect human rights, the corporate responsibility to respect human rights, and access to remedy for victims of business-related abuses.

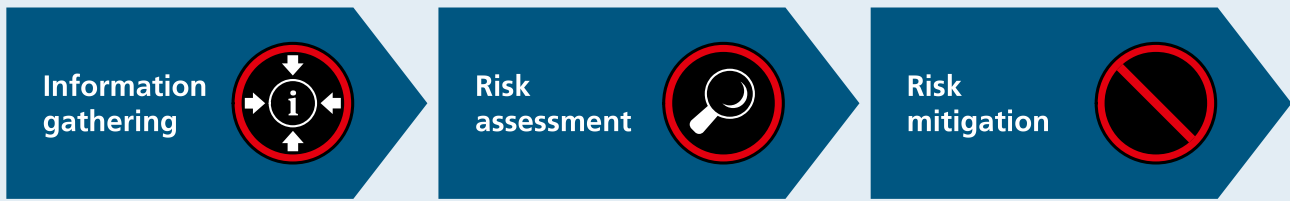
## 0.5 Due diligence and risk assessment

Many organizations, implicitly or explicitly, operate a system of due diligence on those from whom they are procuring seafood. Historically, this will have been to address concerns over the reliability of supply, food hygiene and quality assurance. The introduction of the EU IUU Regulation [1] means there is also a regulatory need to undertake due diligence on whether or not seafood has been legally caught, transported and processed. The UNGPs [17] also call on businesses to undertake a due diligence process to address human rights risks. For good decisions to be made, it is critical that organizations invest to gather sufficient information on their supply chain in order to assess the level of risk of illegality and a lack of decent working conditions occurring in the supply chain.

This code of practice sets out information that is to be requested by processors and importers as part of this due diligence process. Where this process finds evidence of illegality or a lack of decent working conditions and compliance with this PAS is to be claimed, processors are not to procure the seafood in question. However, more often a risk assessment will not provide definitive evidence of illegality or a lack of decent working conditions but will instead need to inform a subjective decision based on the perception and perspective of the processor and its clients. If the processor continues to procure seafood that has potentially heightened levels of risk, the findings of the risk assessment will outline both the level and type of measure that organizations are to take to mitigate the identified risks. Figure 1 demonstrates the three main stages for businesses to implement risk management.

Many factors will affect the risk rating or level within a particular fishery or supply chain, such as: Is the supply chain short and uncomplicated? Does it use trusted vendors with whom they have had a relationship for a long time? Is the species of high value? The questions that organizations applying the PAS will ask go beyond checks of legal compliance. A number of considerations that are not legal requirements are assessed to inform the risk assessment.

Figure 1 – Stages of risk management



### 0.6 The approach taken for this PAS

This PAS has been developed by collaboration among industry, governmental authorities and non-governmental organizations (NGOs), in order to help improve understanding of the EU IUU Regulation [1] and to help industry adapt their due diligence and risk assessment systems to reduce the risk of supplying or procuring IUU fisheries products, or fisheries products either caught or processed by workers who are not provided with decent working conditions. The PAS highlights the critical role that traceability plays to enable the tracking of products and enable each chain to be identified, monitored and regulated.

### 0.7 What about the other actors in the supply chain?

The audience for the PAS is the importing and processing actors in the global seafood supply chains. However, the PAS acknowledges that responsibilities to ensure legal, ethical and traceable supply chains exist at every stage and for every actor; each of which has their own role to play and activities to complete in order to achieve a demonstrable legal supply chain. The PAS would direct retailers and brands to the guidance of the *Advisory Note for the UK supply chain on how to avoid IUU fishery products* produced by the British Retail Consortium (BRC), the Environmental Justice Foundation (EJF) and WWF [29] and to Annex A. Additionally Annexes B, C and D provide important information to the rest of the supply chain. These Annexes aim to enhance application and provide guidance to these other stages of the supply chain.

### 0.8 How does the PAS help?

The PAS addresses a number of questions and issues that exist in modern seafood supply chains. These have been brought into one document to emphasize the need for businesses to address any potential risks in seafood supply chains and highlight the fact that “legality” does not disentangle IUU fishing, ethical labour and traceability. The PAS offers guidance in the hope that consolidation and simplification both complement and strengthen existing efforts to tackle these critical issues.

The PAS builds on the work of the BRC Advisory Note on avoiding the purchase of IUU seafood [29] and gives further recommendations to the importers and processors of seafood on traceability and decent working conditions. It is envisaged that the PAS complements the BRC Advisory Note [29] by providing the actors with a tool to guide them towards asking the right questions and considering the key elements that would satisfy the BRC Advisory Note’s [29] request of a due diligence approach.

The PAS is not a replacement for the EU IUU Regulation [1] or any other legal text or legal guidance on the traceability and legality of seafood or on working conditions on board fishing vessels or within the seafood supply chain. Rather, it is intended to be used alongside the EU IUU Regulation [1], ILO conventions and other measures and any subsequent regulations, implementing acts or guidance issued by competent authorities. It does not give legal advice.



# 1 Scope

This PAS gives recommendations for exercising due diligence in relation to Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate IUU fishing [1] (“EU IUU Regulation”), and to ensure robust traceability and decent working conditions in the seafood industry.

This PAS gives recommendations on the following.

- a) What are the considerations within a due diligence system in order to minimize the risk of IUU fish/seafood in the supply chain?
- b) What needs to exist to assure decent conditions at work in the seafood sector?
- c) What traceability systems are used to deliver the ability to verify claims?

This PAS covers those seafood products affected by the EU IUU Regulation [1], a list of which is given in Annex 1 of the Regulation [2]. In addition to those products listed in the Annex of the EU IUU Regulation [1], this PAS applies to all aquatic ingredients used in seafood or products sold into the retail, food service or any other sector that contain aquatic items (e.g. pharmaceuticals, pet food).

**NOTE** Annex 1 of the EU IUU Regulation [1] was most recently amended by Commission Regulation (EU) No 202/2011 of 1 March 2011 [2].

This PAS is for use by importers and processors (referred to as “organizations” throughout this PAS) that have an obligation to meet the requirements of the EU IUU Regulation [1], which includes the supply chains of seafood imported into and subsequently sold in the EU. This PAS can be of interest to any other organization involved in the seafood supply chain interested in improving or promoting legal sourcing practices, full chain traceability and decent work conditions (e.g. ILO Convention C188 for fishing vessels [12]).

This PAS can also be used by organizations trading products not covered by the EU IUU Regulation [1] such as marine ingredients, pet food, etc.

This PAS is of interest to competent authorities and other entities (such as NGOs, industry associations and certification bodies) where it can provide a benchmark for developing a due diligence system and provide information on the expectations of processors and importers.



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## 2 Terms, definitions and abbreviations

### 2.1 Terms and definitions

For the purposes of this PAS, the following terms and definitions apply.

#### 2.1.1 actor

business, individual, organization or other body that interacts with or influences the seafood

#### 2.1.2 authorized vessel list

list of vessels authorized to fish in a certain area by the appropriate management authority

#### 2.1.3 blacklist

list of vessels banned from fishing in an area as a result of engaging in illegal, unreported and unregulated fishing activity

*NOTE Can be published by a State or an organization, but most notably they are produced by regional fisheries management organizations (RFMOs) as IUU Vessel Lists. The EU publishes approximately every year an IUU Vessel List that combines the lists of RFMOs.*

#### 2.1.4 beneficial owner

financial beneficiary of revenue generated by vessels

*NOTE A beneficial owner could use companies or other corporate structures to hide their beneficial ownership, and they might employ management to operate the vessel on a day-to-day basis.*

#### 2.1.5 captain

licensed individual in command of a seafaring vessel; responsible for its safe and efficient operation, crew management and ensuring that the vessel complies with local, flag State and international laws, as well as company and flag State policies

*NOTE 1 All persons on board, particularly during navigation, including public authorities, State authorities, officers and crew, other on-board staff members, passengers, guests and pilots, are under the captain's authority and are his or her ultimate responsibility.*

*NOTE 2 A "skipper" is the captain of a UK fishing vessel.*

#### 2.1.6 control

regulatory conditions under which the exploitation of the resource may be conducted

#### 2.1.7 crew

individual(s) employed to work on a seafaring vessel or on-board as self-employed, excluding the captain and officer(s)

#### 2.1.8 due diligence

on-going, proactive and reactive process through which organizations can identify, prevent, mitigate and account for how they address their actual and potential adverse impacts as an integral part of business decision-making and risk management systems

*NOTE Due diligence can help organizations ensure they observe the principles of international law and comply with domestic laws.*

#### 2.1.9 exclusive economic zone (EEZ)

area, extending from the baselines from which the breadth of the territorial sea is measured to a maximum of 200 nautical miles (370 km), in which a State has the sovereign right to explore, exploit, conserve and manage its natural resources

#### 2.1.10 fish

**(noun)** all species of living marine resources, whether processed or not

**(verb)** activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish for any purpose

[SOURCE: Adapted from the US Code of Federal Regulations [30]]

#### 2.1.11 fishing vessel

vessel of any size used or intended for use for the purposes of commercial exploitation of fishery resources, including support ships, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fishery products, except container vessels

*NOTE 1 These vessels support ships, carrier vessels and any other vessels directly involved in such fishing operations.*

**NOTE 2** See also definition of “industrial fishing vessel” (2.1.17).

#### 2.1.12 forced labour

situation in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as accumulated debt, retention of identity papers or threats of denunciation to immigration authorities

[SOURCE: International Labour Organization]

#### 2.1.13 full chain traceability

linkage from the point of capture to the consumer of one stage of production at a time, from any stage of production to any other point along the entire supply chain (often through documentation)

#### 2.1.14 human rights

rights inherent to all human beings, whatever their nationality, place of residence, sex, national or ethnic origin, colour, religion, language or any other status

[SOURCE: Adapted from United Nations Office of the High Commissioner for Human Rights]

#### 2.1.15 human trafficking

recruitment, transfer, harbouring or receipt of persons, by means of the use of threat, force, deception or other forms of coercion, for the purpose of exploitation

[SOURCE: Social Accountability International, SA8000 [31]]

#### 2.1.16 illegal, unreported and unregulated (IUU) fishing

fishing that is conducted contrary to legal conservation and management measures currently in place around the world

[SOURCE: International MCS Network]

**NOTE** For the FAO definition of illegal, unreported and unregulated fishing see Annex D.

#### 2.1.17 industrial fishing vessel

fishing vessel that does not qualify for a simplified catch certificate

**NOTE 1** Attention is drawn to Article 6 and Annex IV of Commission Implementing Regulation 1010/2009 of 22 October 2009 [32] laying down detailed rules for the implementation of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing [1].

**NOTE 2** Vessels that qualify for a simplified catch certificate, and are therefore not considered to be industrial fishing vessels, are those:

- a) with an overall length of less than 12 m not using towed gear; or
- b) with an overall length of less than 8 m using towed gear; or
- c) without a superstructure; or
- d) of less than measured 20 gross tonnes.

#### 2.1.18 maximum sustainable yield (MSY)

highest theoretical equilibrium yield that can be continuously taken on average from a stock under existing average environmental conditions without significantly affecting the reproduction process

#### 2.1.19 point of sale

time and place where a transaction or purchase is made or payment is made for delivery of a good or service

#### 2.1.20 port

onshore or offshore terminal or other installation for landing, transshipping, packaging, processing, refuelling or resupplying

#### 2.1.21 port State control

inspection of all ships in national ports to verify that the condition of the ship and its equipment complies with the requirements of international conventions and that the ship is manned and operated in compliance with these rules

#### 2.1.22 port State measure

requirement established by port States which a foreign fishing vessel is required to comply with as a condition for use of ports within the port State

#### 2.1.23 seafood

aquatic (marine, freshwater, estuarine) life regarded as consumable by humans

#### 2.1.24 supply chain

route that the seafood takes from the time that it is in contact with a fisher/farmer to the final product form that it takes when it is sold to the end consumer

#### 2.1.25 surveillance

degree and types of observations required to maintain compliance with the regulatory controls imposed on fishing activities

**2.1.26 risk**

possibility of exposure to the chance of suffering harm or loss; a hazard or dangerous chance

**2.1.27 transhipment**

unloading of all or any fishery products on board a fishing vessel (includes all vessels engaged in processing or first transport of fish) to another fishing vessel either at sea or in port

**2.2 Abbreviations**

For the purposes of this PAS, the following abbreviations apply.

AIS	automatic identification system	IPOA	international plan of action
CC	catch certificate	IUU	illegal, unreported and unregulated
PSMA	FAO Port State Measures Agreement	NPOA	national plan of action
EEZ	exclusive economic zone	MCS	monitoring, control and surveillance
EJF	Environmental Justice Foundation	MSC	Marine Stewardship Council
EU	European Union	MSY	maximum sustainable yield
FAO	Food and Agriculture Organization of the United Nations	RFMO	regional fisheries management organization
IHSM&T	IHS Maritime & Trade	UNGPs	United Nations Guiding Principles on Business and Human Rights
IMO	International Maritime Organization	UVI	unique vessel identifier
		VMS	vessel monitoring system



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## 3 Management

### 3.1 General

The organization should have systems in place to manage critical aspects of legality. These should comply with requirements such as the EU IUU Regulation [1], relevant policy, standards and labour conventions. These systems should include traceability, processes, information verification and transparency.

The managers of the organization should engage on improvement work with other suppliers or actors in the supply chain (e.g. audits, reviews, site visits, etc.). Where improvement work identifies corrective actions that can be completed to satisfy the organization's standards/policies, then support (e.g. approval/verbal, finances, time, meetings, etc.) should be given to the supplier or actor.

Any seafood in the supply chain of the organization should be addressed using the same systems and level of scrutiny. Traceability and legality should be a minimum requirement for all seafood.

### 3.2 The EU IUU Regulation

**NOTE 1** *The attention of organizations involved at any stage in the catch, production, processing, trade and sale of seafood or products that contain seafood is drawn to EU IUU Regulation [1] in order that they can determine how the Regulation applies to them.*

The organization should document which of the products they sell are covered by the EU IUU Regulation [1].

**NOTE 2** *Table 1 outlines the seafood types covered by the EU IUU Regulation [1].*

The organization should have management systems in place covering the requirements of the EU IUU Regulation [1] if it sells any of the products covered by this Regulation [1].

**Table 1** – The scope of the EU IUU Regulation

	Covered by the EU IUU Regulation [1]	Not covered by the EU IUU Regulation [1]
<b>Products</b>	All imports of frozen and fresh wild marine capture fishery products, both whole and processed.	<i>Inter alia</i> freshwater fishery products, aquaculture products obtained from fry or larvae, mussels, oysters, fresh or chilled scallops, fish fats and fish or shark oils.
<b>Imports into the EU</b>	Catches made by non-EU vessels landed directly in an EU port or landed in a third country port and subsequently exported to the EU, whether processed or not processed. Catches made by EU vessels, landed and imported in a third country and from there imported in the EU, whether processed or not processed.	Catches by EU vessels that land directly into ports of EU Member States.  Catches by EU vessels outside EU waters, unloaded in a third country port without being imported into the third country and loaded in containers to be shipped to the EU.
<b>Exports from EU</b>	Those with a catch certificate – if required by third country.	–

### 3.3 Policies and processes

#### 3.3.1 General

There should be documented policies and processes in place that provide requirements for full chain traceability to be ensured.

**NOTE 1** *The industry is encouraged to share good practices (subject to competition law).*

Policies and processes should be audited and have the contents reviewed on, at a minimum, an annual basis in case changes or amendments are required to be made.

**NOTE 2** *The audit could be conducted by either a first, second or third party.*

Organizations should produce reports at least annually on the implementation and monitoring of the policies and processes that are in place to address risks (see 3.3.2 for risk assessments).

**NOTE 3** *Organizations which have a public policy towards decent working conditions and follow up with implementing that policy, often have a better view of how to manage their risks. Attention is drawn to the UNGP Reporting Framework which is a tool for organizations to report on human rights issues in line with their responsibility to respect human rights: see: <http://www.ungpreporting.org/>*

Policies and processes should be available upon request and made available to other actors in the supply chain within seven days of such a request being made.

**NOTE 4** *Availability might be subject to commercial confidentiality.*

The policies and processes should be demonstrated to have been communicated throughout the supply chain to, at a minimum, the stage before and the stage after the processor/importer.

Organizations should be able to demonstrate compliance and implementation of all of the required regulations, conventions and standards (dependent on the supply chain and market).

**NOTE 5** *The UNGPs [17] expect businesses to understand and show that they respect human rights.*

#### 3.3.2 Due diligence through risk assessments

The organization should conduct risk assessments on all of the supply chains from which it sources and be able to demonstrate that it does so.

**NOTE 1** *The level of risk in supply chains can be reduced by identifying and taking mitigation actions or measures. Attention is drawn to the BRC Advisory Note for the UK Supply Chain on How to Avoid IUU Fishery*

*Products [29] which provides guidance on factors that need to be considered if completing a risk assessment in seafood supply chains; figure 11 [29] contains a sample decision tree on how to assess risks of illegal fishing.*

**NOTE 2** *Many of the provisions in this PAS set out information or evidence that is to be requested as part of these risk assessments. A list of suggested risk assessments is provided in Annex C.*

The organization should prioritize its use of each supply chain from which it sources according to the findings of the risk assessments.

**NOTE 3** *Prioritization is subject to the needs and perspective of the individual organizations that are utilizing the results of the risk assessments. Ranking during a prioritization exercise can include assigning metrics that will evaluate these results against factors such as the level of risk, the volume, the importance of the supply chain to the business or the profile of the item in question.*

The risk assessment system should demonstrate and document that for each supply chain an assessment and any required actions have been applied, that are appropriate according to the results of the risk assessments and prioritization exercises.

**NOTE 4** *For instance, if a supply chain is identified as higher risk, then it will require additional verification for the organization to be assured of its integrity.*

Risk assessments should be reviewed on a regular basis (e.g. monthly, annually, bi-annually, etc.) depending on the level of risk, or if something changes. The risk assessments should be completed at a minimum annually, and then at least six-monthly for supply chains identified as higher risk.

**NOTE 5** *Supply chains where actors have long-established business transactions, transparency, good communication and understanding of each other's needs regarding policies, etc. can be considered worthwhile to work with as an existence and development of trust is important in the seafood industry. Working together with such partners on supply chain assurance and improvement can be worthwhile and deliver lasting change to effectively prevent and reduce illegal activity within supply chains.*

#### 3.3.3 Decent working conditions

The organization should establish and use policies, practices and confidential reporting and assurance systems at every worker facility in all countries where fisheries products are sourced. This should allow all workers to have the ability to report labour infringements, unfair

working conditions or associated unlawful treatment as necessary.

Each of these systems should be supported by a transparent process available upon request as part of supply chain audits, and be equally applicable for workers with or without union representation.

Confidential reporting processes should be established and maintained with associated policies and practices embedded throughout the corporate culture led at senior board level.

All complaints from workers should be dealt with objectively and confidentially through independent and impartial reviews leading to a remedy where applicable. These remedies should end the infringement, unfair working condition or associated unlawful treatment and provide retrospective financial compensation to the worker and referral to legal authorities where individuals have broken the law. Complaints and associated remedies should be documented and available for external scrutiny, with safeguards taken to protect the identity of victims.

**NOTE 1** Attention is drawn to the shift guidance on designing a grievance mechanism system in an eco-system approach, see B.5.2.



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Social responsibility should be addressed explicitly in the policies and processes (see 3.3.1) of the organization, by including as a minimum:

- a) freedom of association;
- b) the right of workers to organize;
- c) forced labour;
- d) minimum age of workers;
- e) child labour;
- f) equal remuneration; and
- g) discrimination.

**NOTE 2** The UNGP Reporting Framework provides a tool for developing a human rights due diligence process, prioritizing human rights risks and reporting on company policies aimed at addressing those risks. Identifying salient human rights issues is critical for any company seeking to understand how the most severe kinds of harm to people might be associated with its activities and business relationships. It is the first stage of human rights due diligence and a vital internal process that gets companies out in front of risks and enables them to address them proactively. For more information refer to The UNGPs Reporting Framework at: <http://www.ungpreporting.org/>

**NOTE 3** It is expected in the UNGPs that a business risk assessment prioritizes risks to people and personnel and not only the risks to the business itself.

**NOTE 4** Attention is drawn to the reporting requirements of the UK Modern Slavery Act 2015 [34] for supply chains that supply the UK. In the Transparency in Supply Chain Provisions in the Act [34], businesses are required to publish an annual statement if they have an annual turnover above a threshold (£36 million).

**NOTE 5** Attention is drawn to the eight “fundamental” conventions of the ILO listed here and ILO C188 specifically for fishing vessels [12]:

- a) Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) [21];
- b) Right to Organise and Collective Bargaining Convention, 1949 (No. 98) [22];
- c) Forced Labour Convention, 1930 (No. 29) [23];
- d) Abolition of Forced Labour Convention, 1957 (No. 105) [24];
- e) Minimum Age Convention, 1973 (No. 138) [25];
- f) Worst Forms of Child Labour Convention, 1999 (No. 182) [26];
- g) Equal Remuneration Convention, 1951 (No. 100) [27]; and
- h) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) [28].

The ILO’s Governing Body identified these eight conventions as “fundamental”, covering subjects that are considered as fundamental principles and rights at work. There are currently over 1,357 ratifications of these conventions, representing 91.7% of the possible number of ratifications. The ILO’s Forced Labour Convention, 1930 (No. 29) [23], the Abolition of Forced Labour Convention, 1957 (No. 105) [24] and the Worst Forms of Child Labour Convention, 1999 (No. 182) [26] are most relevant to trafficking of human beings.

The principles given in these eight conventions are also covered in the ILO’s Declaration on Fundamental Principles and Rights at Work (1998) [33] which is also central to the fight against trafficking and for the rights of workers, whatever their nationality.

### 3.4 Traceability

Records of traceability should be kept that demonstrate whether or not a product originates from a source where reliable evidence of legality (e.g. registration, licensing, catch documentation and compliance records) is available. If it is not possible to trace to the origin of the seafood, this should trigger an investigation and the completion of steps to remedy the situation.

**NOTE 1** *The existence of a traceability system that delivers full traceability to vessel with all of the below information is the only way to be confident that the seafood comes from where suppliers state it is from. Traceability underpins any claims that a business makes on the origin on the raw material of seafood products.*

**NOTE 2** *BS EN ISO 22005:2007, BS ISO 12875:2011, BS ISO 16741:2015, BS ISO 18537:2015, BS ISO 18538:2015, BS ISO 18539:2015 and the WWF Traceability Principles (see B.7) for wild capture fisheries provide detailed information on requirements to ensure traceability in seafood supply chains. This PAS does not stipulate which of the standards are to be followed; rather it provides guidance on the aspects relating to demonstrating legality.*

**NOTE 3** *Attention is also drawn to the Modern Slavery Act 2015 [34], where every business with a turnover of £36 million or higher is required to publish an annual statement on the steps that they have taken (or not) to “ensure that slavery and human trafficking is not taking place in any of its supply chains or business”. This encourages businesses to have demonstrable traceability.*

The organization should complete data (or data system) verification exercises to verify the authenticity of data entering the traceability system.

Information gathered, stored and processed on traceability should enable full chain traceability to be assured transparently.

All traceability systems, and all claims based on them, should be subject to external verification mechanisms and regular independent audits. Traceability data should be accessible during verification checks and audits.

Traceability should be provided to the vessel or group of vessels that caught the seafood.

Trace-back exercises should be carried out at a frequency based on risk assessment (see 3.3.2) and in a timescale that is appropriate for the origin of the seafood.

The organization should complete random trace-back exercises that are able to verify full traceability from point of sale to source within 48 hours.

**NOTE 4** *During trace-back exercises the full list of information can be used to identify the data available in specific supply chains. Organizations may also implement reliable third-party mechanisms to verify this data.*

Sales transactions between actors in the supply chain should be accompanied and traced by unit or batch numbers on or accompanying invoices. To allow effective tracking of products, all buyers and sellers should be able to match sales transactions between them.

The organization should cooperate with the relevant competent authorities (that conduct active and effective regulatory oversight and verification) by using effective compliance and enforcement mechanisms.

In order to ensure consistency in the requests for information in supply chains, the following information should be collected (via request) and associated with the products:

- a) vessel identity (home port, name, flag and call sign), registration and, where issued IMO or other UVI number;
- b) location of catch [e.g. GPS coordinates, specific location of fishery, FAO codes, EEZ's ISO country code, relevant Regional Fisheries Management Organization (RFMO)];
- c) fishing license and validity;
- d) species (FAO alpha 3 code), product name and code;
- e) fishing method used;
- f) fishing dates of capture;
- g) quantities (in kg) of catch;
- h) date/area/position/estimated weight/call sign and declaration of any transshipment at sea. This will include the receiving vessel name and where applicable the IMO number or other UVI number; and
- i) person/enterprise with custody and ownership after landing.

**NOTE 5** *Attention is drawn to EU Regulation 1379/2013 (CMO) [35] and the EU IUU Regulation [1] regarding the information to be collected and associated with products.*

**NOTE 6** *The above list though made up of information about fishing activities, can make it easier for those down the supply chain to research labour conditions. Items which cannot be found on the catch certificate can be researched with the supplier and kept in the product's records. As previously stated, the organizations can be able to get to this information where there is an EU catch certificate and in a supply chain where there is access to the catch certificate information.*



Not all of this information will accompany the product at every stage, but the information should be maintained and available on request.

**NOTE 7** *The following items are not required as part of the EU catch certificate but can be collected as good practice and to inform the due diligence process:*

- a) *identity of vessel owner/operator (including beneficial owner);*
- b) *fishing authorization or permit;*
- c) *catch composition data (e.g. data on non-target catch and discards);*
- d) *habitat impacts if relevant (e.g. for bottom trawl fisheries);*
- e) *the presence and type of monitoring on-board the vessel (e.g. observers, CCTV, etc.); and*
- f) *transformation of fish prior to landing (at sea processing, co-mingling, segregation, aggregation, details of catch certificate numbers, the processing vessel name, validation date, catch description, total landed weight, processed weight and processed fishery product).*

Information relating to the products should be maintained in an electronic system. As a minimum the key data should be held in the system, and other documentation such as EU Catch Certificates attached electronically or a record noting their physical location attached.

**NOTE 8** *It is good practice for steps to be taken towards achieving digitization and interoperability of information and systems such as participation in dialogue with other businesses and regulators towards definition of a pre-competitive framework (standardized practices), agreement on data exchange formats, or the setup/testing of electronic exchange systems. Although this has not been achieved in all seafood supply chains yet, it is important that it is developed for the seafood sector as whole to support traceability. Electronic data capture is good practice and can be used where possible to facilitate the efficacy of traceability systems. The digitization and interoperability of information and systems makes it easier to trace products and interrogate the supply chain.*

### 3.5 Information verification and transparency

The organization should work with other actors in the supply chain to agree levels of information required and share it to ensure a level of transparency that is appropriate to enable regulatory visibility across the entire supply chain. The organization should engage with other actors in the supply chains to resolve any barriers that prevent this from being possible. When

assessing the impact on decent working conditions, engagement with those potentially affected (in this case, workers) should be undertaken. If any information is unavailable during a trace-back exercise then this should be investigated.

All stages in the supply chain should be available for inspections, audits and/or site visits upon request.

The commitments, expectations and standards of the organization should be documented and available to other actors in the supply chain within 48 hours of the request.

**NOTE 1** *This transparency will ensure that organizations have the ability to conduct verifiable trace-back exercises from any stage in the supply chain.*

**NOTE 2** *Shorter, simpler and more transparent supply chains generally have a lower level of risk; as they increase in length, with more transfers, increased numbers of actors and steps in the supply chain, then this increases the risk of illegality.*

First-, second- and third-party verification of information should be allowed at any point in the supply chain. Access should be granted to those conducting inspections, audits and/or site visits on behalf of those in the supply chain to check for aspects of legality, traceability and decent working conditions. Random spot checks and unannounced audits should be permitted.

**NOTE 3** *In addition, DNA testing within traceability systems to verify species and stock origin to counter fraud and verify the species and catch area stated in the catch certificate is an emerging technology. It is good practice to remain aware of the evolution of this technology and consider its application in spot checks.*

**NOTE 4** *Commercial transparency can be in place and supply chains can use third parties to ensure inspections are conducted without jeopardizing necessary business confidentiality.*

All of the text on the final product labelling and packaging should be written in plain language and be correct according to the source of the product – this includes all claims made about the origin of the product.

**NOTE 5** *It is good practice for voluntary information beyond mandatory legal requirements to be clear, unambiguous and verifiable. Attention is drawn to Regulation (EU) 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products [35] as well as the Sustainable Seafood Coalition's Code of Conduct on Environmental Claims (see Annex B for more information).*

## 4 Fisheries and fishing operations

### 4.1 Management of fisheries

In a risk assessment (see 3.3.2) seafood should be assessed as higher risk if sourced from a fishery that is either regarded as overfished or for which there is neither sufficient data to ensure it is not overfished nor a plan in place to collect such data.

**NOTE 1** *There is no one list that expresses the state of all of the different fisheries. At global and national levels there are various assessments completed by a range of organizations that assess whether fisheries are in an overfished state. In the best cases, a competent authority such as the International Council for the Exploration of the Sea (ICES) or RFMOs, provide independent assessments of fisheries. In the absence of such organizations, NGOs, independent consultants and fisheries experts undertake such evaluations.*

**NOTE 2** *Where fish is overfished or data does not exist to assess whether it is overfished, there is a higher risk that it is unreported and/or unregulated (as defined within IUU fishing). It is good practice for seafood to be sourced from fisheries with a peer reviewed assessment that demonstrates that the fishery is not fished in excess of the maximum sustainable yield (MSY). More information is available from the Sustainable Seafood Code of Conduct for seafood sourcing, see Annex B.*

Where seafood originates or might originate from a fishery where RFMOs, intergovernmental organizations, States (including EU Member States) and NGOs have identified high levels of risk of IUU fishing, or if the species is assessed to be of higher risk, then the organization should consider this seafood to be higher risk.

When procuring higher risk seafood, extra measures should be taken to ensure full traceability, maximum transparency, and the trustworthiness of the supply chain, including by as a minimum completing risk assessments or audits at least once every six months with steps taken to mitigate risks.

**NOTE 3** *Actors in such a supply chain might also consider gaining Marine Stewardship Council (MSC) or other independent certification (including the associated Chain of Custody certification where applicable) for the fishery to mitigate the higher risk presented by the fishery. They might also consider working with coastal States and NGOs to develop and implement a fishery improvement project (FIP).*



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## 4.2 Fisheries access control

Where seafood and marine ingredients are identified as originating from a vessel that is flagged to a State, or that fishes in the territorial or EEZ waters of a coastal State, that does not have a transparent register of authorized vessels, then the organization should ensure that there is full chain traceability and that independent audits are completed at least every 12 months.

Where fish products are sourced from high seas fisheries or from any stock subject to the jurisdiction of an RFMO or other international management arrangement, the organization should only source from vessels:

- a) operating in fisheries governed by RFMOs or other international arrangements that:
  - 1) have fishing quotas or other seasonal, temporal or technical catch restrictions that are operated in a transparent manner, meaning that they are publically available for instance on a website;
  - 2) apply sanctions or require flag States to apply sanctions to fishing vessels that are sufficient to deter IUU fishing, meaning that fines are in the order of at least five times the value of the catch caught by the vessel during the period IUU activity took place;
  - 3) operate sanctions or require flag States to apply sanctions on fishing vessels for IUU fishing in a transparent manner, meaning they are published on a publically available website; and
- b) are operating under the flag of States that comply fully, and ensure that vessels operating under their flag comply fully, with all conditions and measures required by the international rules and/or authority responsible for managing or setting the norms of management for the fishery.

**NOTE 1** *Good practice and conditions that would exist for a fishery to be considered to be lower risk would be vessels operating in the territorial or EEZ waters of coastal States that:*

- a) *issue licenses in a transparent manner, meaning that the application process is published and the list of all licensed vessels is publically available on a website. In addition, the European Commission has proposed a requirement that all EU distant water vessels pay fees and payments to government bank accounts that can be audited by government audit authorities in the licensing States. This can also be considered good practice going forward for all vessels;*

- b) *have fishing quotas and other seasonal, temporal or technical catch restrictions that are operated in a transparent manner, meaning that they are publically available, for instance on a website;*
- c) *apply sanctions to fishing vessels that are sufficient to deter IUU fishing and illegal labour practices, meaning that fines are at least five times the value of the catch caught by the vessel during the period IUU activity took place;*
- d) *operate sanctions on fishing vessels for IUU fishing or illegal labour practices in a transparent manner, meaning they are published on a publically available website;*
- e) *cooperate with other States in the region as well with as flag and port States involved in the catch and distribution of seafood products caught in the coastal States' territorial or EEZ waters, meaning that at a minimum, coastal States make known to the above parties named officials who are responsible for coastal State fisheries duties and that any requests for information from the above parties receive a full and accurate reply within 10 working days; and*
- f) *either physically inspect crew conditions on fishing vessels to verify that conditions for crew meet the standards established by coastal State law or have a published and defined system whereby they place reliance on particular flag States to do so in the case of distant water vessels that are unlikely to call at port in the coastal State.*

**NOTE 2** *The publication of IUU offences and sanctions about vessels who previously infringed the rules allows States (coastal, flag, port and market) to make informed decisions in the future regarding the vessels.*

## 4.3 Monitoring, control and surveillance

### 4.3.1 General

**NOTE 1** *Monitoring, control and surveillance (MCS) relates to compliance with fishery management measures. According to the FAO: "Monitoring gathers information on the fishery that is used to assist in developing and assessing appropriate management measures, while surveillance uses this information to ensure that these controls are complied with". The objective of MCS is to contribute towards good fishery management by ensuring that appropriate controls are set, monitored and complied with. The tools available for MCS include a range of components and approaches that relate to fishing operations.*



*NOTE 2 Seafood and aquatic ingredients can be considered low risk and from best practise fisheries where established national, sub-regional or regional MCS frameworks are in place and vessels in these fisheries operate in compliance with the MCS measures in this PAS.*

#### 4.3.2 Due diligence

The organization should complete due diligence on their supply chains (see Clause 3) related to MCS. When undertaking due diligence on a new supplier or product (or when repeating due diligence for an existing supplier or product), the organization should assess and record the following factors relating to flag States, coastal States and RFMOs responsible for MCS of a supplying vessel.

##### a) Monitoring systems:

The organization should research whether or not industrial fishing vessels in the supply chain are required by flag State authorities to have an installed vessel monitoring system (VMS) transponder, automatic identification system (AIS) transponder or other tracking technology onboard. These systems where required should be continuously transmitting in accordance with any national programmes or requirements and those which have been sub-regionally, regionally or globally agreed among the States concerned. Those responsible for tracking schemes that are required should be able to track the movements of these vessels continuously from port to port.

##### b) Logbooks:

The organization should research whether or not MCS authorities require that vessels demonstrate they have met the requirements for recording and timely reporting of vessel position, catch of target and non-target species, fishing effort and other relevant fisheries data in accordance with coastal State or other sub-regional, regional and global standards for collection of such data.

##### c) At sea inspections:

The organization should research whether or not vessels in the supply chain are subject to a regime of inspections by MCS authorities. Vessels should give information to the relevant coastal State or duly authorized RFMO inspecting authority regarding vessel position, catches, fishing gear, fishing operations and related activities. The appropriate authority should be allowed to inspect the vessel, its license, gear, equipment, records, facilities, fish and fish products and any relevant documents necessary to verify compliance with coastal State rules and regulations or relevant RFMO conservation and management measures.

##### d) Observers:

The organization should research and ask for evidence that seafood is sourced from fisheries where observer programmes, whether electronic or human, or alternative measures have been implemented through national, sub-regional and regional observer programs in which the flag State is a participant. Information on observer coverage levels, or alternative measures such as increased inspections where observer schemes are not possible, should be obtained from an RFMO (where relevant) or coastal State.

Where fish is identified to originate from a vessel that is flagged to a state or that fishes in the territorial or EEZ waters of a coastal State that does not operate a national observer program, then the organization should ensure that there is full chain traceability and that independent audits are completed at least every 12 months.

*NOTE 1 This is information gathering to inform decisions in the supply chains as part of a risk-based approach. It might be difficult at the present time to find information in all seafood supply chains on the above points in this clause. However, their inclusion in a due diligence system has been recommended as these are currently considered good practice and factors that reduce the risk of illegality in the supply chain.*

*NOTE 2 The above text refers to compliance observers and not scientific observers. Compliance observers do not, at present, conduct labour inspections although the flag State authorities can be contacted for crew related issues. At sea inspectors can conduct these types of inspection but only where they have been appropriately trained.*

Where it is known that seafood or marine ingredients are sourced from vessels flagged to a State that is different than the State of nationality of their beneficial owner, this should be regarded as increasing the risk of supplying illegal products.

*NOTE 3 The increased risk for vessels where the ownership entity is of a different nationality than the flag State arises from the difficulty the flag State might have sanctioning the owner if an infraction occurs, which might reduce the deterrent effect of such sanctions. In addition, the different nationality might be a sign that the entity owning the vessel has flagged the vessel to another State either to evade sanctions from a previous flag State or because the chosen flag State is seen as less effective at monitoring the activities of vessels it flags. It is important to note that there may be other reasons to seek a different flag, such as access to that flag's fishing quotas or because of laws restricting fishing in a coastal state by vessels that fly a foreign flag.*





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**NOTE 4** *It is good practice to research the beneficial ownership of vessels supplying seafood, but getting this information is not always straightforward. If the beneficial ownership is not clear from information supplied through the supply chain and processors or importers wish to establish this, they can consider either asking directly for evidence of beneficial ownership from suppliers or researching on the internet, including through vessel databases such as Sea-Web ([http://www.sea-web.com/seaweb\\_welcome.aspx](http://www.sea-web.com/seaweb_welcome.aspx)).*

#### 4.3.3 Market controls

The organization should undertake analysis of its supply chains and implement a system to enable it to identify the carding status of its supply chains.

The organization should require that vessels in the supply chain are not flagged to or licensed to fish by States that have been issued a red card by the EU.

**NOTE 1** *Attention is drawn to Article 31 of the EU IUU Regulation [1].*

Purchases should not be made from fishing vessels flagged to States that have not notified a competent authority to the EU under the EU IUU Regulation [1].

**NOTE 2** *Information on this can be found at [https://ec.europa.eu/fisheries/sites/fisheries/files/docs/body/flag\\_State\\_notifications\\_en.pdf](https://ec.europa.eu/fisheries/sites/fisheries/files/docs/body/flag_State_notifications_en.pdf)*

Where fish is sourced from vessels flagged to a state given a yellow card by the EU or fishing in a coastal State given a yellow card by the EU, the organization should be able to demonstrate that there is a system that enables full chain traceability and that audits are completed at a minimum once every 12 months.

**NOTE 3** *However, these audits might need to be more frequent depending on new listings/information/status.*

**NOTE 4** *Sourcing fish from such vessels puts a supply chain into a higher risk category, therefore there should be more frequent checks. The individual supply chain might be fine and not of the same level of yellow as the State (that is carded). It is the States that are pre-identified (given a yellow card) and not the supply chain. Nevertheless, some fisheries sectors of the state might be better managed or monitored than others, and not all pre-identification decisions are due to poor resource management (coastal State responsibilities), other factors are also taken into consideration such as flag and port State responsibilities.*

If sourcing from these countries, the organization should research the reasons for the yellow card and, where it has access, record (and, where possible, support) efforts by the yellow-carded State to address these reasons.

**NOTE 5** When the EU gives a yellow card to a third country, it generally details in its decision the reasons why it decided to list that specific country. More details on the carding process can be found in the following document published by NGOs working to reduce IUU fishing: [http://www.iuuwatch.eu/wp-content/uploads/2016/06/IUU\\_Carding\\_Brief\\_FINAL.SPREADS.LOW\\_.pdf](http://www.iuuwatch.eu/wp-content/uploads/2016/06/IUU_Carding_Brief_FINAL.SPREADS.LOW_.pdf).

**NOTE 6** It is good practice for an importer or processor to identify if seafood/marine ingredients have originated from a vessel that is flagged to a State or that fishes in the territorial or EEZ waters of a coastal State that:

- a) does not have a National Plan of Action on IUU fishing (NPOA-IUU) that implements the guidelines contained in the FAO International Plan of Action to Prevent, Deter and Eliminate IUU fishing (IPOA-IUU);
- b) does not have a transparent register of authorized vessels;
- c) scores badly on the World Bank corruption, rule of law, government effectiveness and regulatory quality indices; or
- d) does not operate a national observer programme.

If it is identified that one or more of the above is the case, then those sourcing the seafood might decide to ensure that there is full chain traceability and that independent audits are completed at least every 12 months. This list is not exhaustive and other factors relating to coastal or flag State governance might come to the attention of the processor and importer that impact their assessment of the risk associated with sourcing seafood from that State. NPOAs can be found at: <http://www.fao.org/fishery/lipoa-iuu/npoa/en> and World Bank indices can be found at: <http://info.worldbank.org/governance/wgii/index.aspx#home>

**NOTE 7** Actors in such a supply chain might also consider gaining MSC or other certification (including the associated Chain of Custody certification where applicable) for the fishery to mitigate the higher risk presented by the fishery. They might also consider working with coastal States and NGOs to develop and implement a “fishery improvement project” (FIP).

## 4.4 Source fishing vessels

**NOTE 1** In cases where a higher risk of IUU fishing/fish has been identified, taking extra precautions like requesting information on the captain, vessel operators and licenses is a way to verify the supply chain and provide additional reassurance that the source material is legal.

Seafood should not be sourced from a vessel(s) that appears on any recognized blacklist (those established by RFMOs). There should be a system in place to verify whether vessels appear on any of the available blacklists.

**NOTE 2** Other blacklists exist, but RFMO blacklists are the only ones recommended here.

The organization should only source from fishing vessels that appear on authorized vessel lists where these are available for relevant coastal State EEZs and territorial waters or, where on the high seas, by the relevant RFMO.

The organization should request the following information from suppliers to inform their due diligence risk assessments (see Clause 3).

- a) Evidence that all qualifying fishing vessels (under IMO adopted resolution A.1078(28) and the latest version of Circular Letter 1886 [13]) in their supply chain have a unique vessel identifier (UVI) issued by IHSM&T on behalf of the IMO.
- b) Evidence that those not qualifying for an IMO number have an alternative internationally or nationally recognised UVI. Such UVIs should remain the same for the entire life of the vessel, be marked on the vessel and appear on all related documentation including the catch documentation.
- c) Evidence that all fishing vessels in their supply chain have up-to-date authorizations and fishing licences issued by the relevant competent authorities. It should be possible to request this information from the suppliers and receive the information within 14 days.
- d) Evidence that vessel operators obtain confirmation directly from the coastal State and/or RFMO that authorizations and fishing licences have been issued and the dates they are valid for, and make this information available upon request.
- e) Evidence that vessel operators have obtained and documented a full list of all of the conditions of fishing licences and authorizations directly from coastal State authorities and/or RFMOs; including locations where fishing is restricted, gear use, crew requirements, observer requirements and any other conditions.
- f) Evidence that fishing vessels and the companies that own them pay their license fees to State

bank accounts and not to agents, and that they provide documentation and evidence of this to the processor/importer if requested.

**NOTE 3** Items d) and f) are a relatively new practice that will be unfamiliar to many organizations. They are designed to make it more difficult for unauthorized agents or corrupt officials to issue fraudulent licenses or authorizations. Spain now requires confirmations of licenses, authorizations and payments from coastal States for vessels it flags that fish in third countries' EEZs following the discovery of fraudulent licenses obtained through unauthorized fishing agents in a third country. There is also an expectation that the EU will require it for EU flagged vessels fishing through the revised Fishing Authorization Regulation. As it becomes more and more of an international norm, suppliers and states will become more accustomed to providing this evidence.

- g) Evidence that fishing vessels have a vessel monitoring system (VMS), automatic identification system (AIS) or other vessel tracking technologies that are continuously engaged while at sea and actively monitored by the coastal or flag State.
- NOTE 4** Where the risk assessment of the State leads to the processor or importer viewing the State as higher risk, they might consider asking for evidence that positional information is monitored by a competent, independent third party. This positional information can be analysed and assessed for validity by third parties. The provision of this data might not be released by some authorities.
- h) Evidence that the vessels are in compliance with inspection regimes. This includes evidence that the vessel management:
- 1) accept and facilitate the prompt and safe at sea boarding by relevant coastal State inspectors or duly authorized RFMO inspecting authority;
  - 2) cooperate with and assist in the inspection of the vessel conducted pursuant to an authorized at-sea inspection;
  - 3) do not obstruct, intimidate or otherwise interfere with relevant coastal State inspectors or duly authorized RFMO inspecting authority in the performance of their duties; and
  - 4) allow the relevant coastal State inspectors or duly authorized RFMO inspecting authority to communicate with the authorities of the flag State of the vessel and the relevant coastal State during the boarding and inspection.
- i) Evidence that fishing vessels engage crew in decent conditions.

**NOTE 5** Attention is drawn to ILO Convention C188 [12] which sets minimum international levels for crew conditions on fishing vessels. The Convention will come into force on 16 November 2017. Its basic requirements are set out in Annex A with a link provided to the full Convention.

- j) Evidence that suppliers (e.g. fishing vessel companies) have checked the references and background of vessel captains before they were hired.
- k) Evidence that captains who have been found guilty of IUU fishing on more than one occasion are not engaged and that those convicted on a single occasion receive extra supervision and audit.
- l) Evidence that captains or other persons are not engaged if checks find they have been found responsible for any previous human rights abuses.
- m) Evidence that suppliers are not procured from if checks find they have been found responsible for any previous human rights abuses.

**NOTE 6** The above items that are to be requested and assessed as part of a due diligence assessment are not to be confused with the items in 3.3.2, which are key data points that should accompany products as they travel through a supply chain. Where there is duplication, then this will facilitate the due diligence assessment as the duplicated data will be readily available to use in the risk assessment.

Where any of the above checks find evidence of IUU fishing or illegal working conditions, fish should not be sourced from those suppliers.

Where suppliers are unable to supply one or more of the above areas of evidence, this should be documented as part of the risk assessment, informing the decision of whether or not to supply and what mitigating actions are to be taken.

The organization should research vessels, companies and their beneficial owners from which it is sourcing seafood. This research should include verifying the IMO numbers for any new vessels entering a supply chain.

**NOTE 7** Verification can be done either through IHSM&T directly or through their website: <http://maritime.ihs.com/>

The organization should not source seafood where this research finds evidence of vessels, companies or beneficial owners with a history of engaging in illegal activity (see 4.3.2).

The organization should be able to provide copies of the flag State fishing authorizations granted to fishing vessels when/if requested by any actor or relevant party. Evidence should be maintained in the supply chain



about the use of VMS and a fisheries logbook by the flag State to monitor vessel activities.

**NOTE 8** *The flag State shares this information with other fisheries authorities when investigations are being carried out or requests are made.*

**NOTE 9** *Many EU-generated catch certificates are made from data that are created after the seafood product has been processed and identified to be shipping to the EU. It is good practice for data that informs catch certificates to be built up with the product like a passport rather than retrospectively. It is good practice for buyers to be challenged to ascertain how the catch certificate generation process is undertaken and steps taken where it is done through retrospective landing documentation for only EU sold fish rather than as custom and practice for all seafood caught and landed by the State flagged vessels.*

## 4.5 Transhipment

The organization should require that:

- a) all transhipments in their supply chains are recorded, monitored and covered by an independent observer programme appropriate to the fishery;
- b) if a transhipment is licensed (and therefore permitted) then the vessel is checked to see if it is on the relevant authorized register for fish carriers;
- c) both vessels in the transhipment have uninterrupted VMS, AIS or other vessel tracking technology operating.

**NOTE 1** *Guidelines exist for good practice for transhipments; see The Association of Professional Observers Best Practice Guidelines [37].*

All of the information regarding any at sea transhipments should be made available to the end purchaser of the seafood in the supply chain (e.g. restaurant, brand).

The organization should check that EU IUU and other catch certificates provide information about any transhipments that have taken place. All required documentation and authorizations should be validated by appropriate authorities.

**NOTE 2** *Transhipments at sea, even with the measures above, make traceability more difficult and increase risk of illegal fish entering supply chains and also provide an opportunity for trafficked crew to be moved between ships to avoid inspection at port. In order to reduce the risk of IUU fish or having a lack of decent working conditions in this supply chain it is good practice to avoid transhipments at sea wherever feasible.*

## 4.6 Landing at port

### 4.6.1 General

The organization should request the landing procedures and controls of the port of landing. This information should then be used in the risk assessment and due diligence process. The organization should assess and record whether ports are in States that are party to, and have implemented, the Port State Measures Agreement (see 4.6.2). Ports with records of non-compliance should be identified as higher risk.

**NOTE 1** *Port inspections are one of the best ways of assuring compliance.*

**NOTE 2** *Ports known for lax law enforcement or limited inspection capacity are safe havens for IUU fishing vessels and can effectively act as portals for IUU fish to enter supply chains.*

The organization should assess and record whether or not ports in their supply chain meet the following criteria and include the information as part of their risk assessment:

- a) the port State competent authorities have resources that use a risk-based targeting approach to control;
- b) the control systems in the port are appropriate for the volume of cargo and vessels;
- c) there are enough inspectors provided at the port to be able to inspect the volume of cargo and vessels that the port handles;
- d) the port State competent authorities are able to demonstrate that they operate in an effective and transparent manner;
- e) all records relating the port State control are well-maintained and available upon request to the relevant authorities or actors requesting information;
- f) the port State verifies the catch documentation and maintains organized documentation and files/ records; and
- g) there are no recorded instances of bribery and any personnel found guilty of this are not permitted to work in the port.

### 4.6.2 Port State Measures Agreement

**NOTE 1** *The FAO Port State Measures Agreement (PSMA) [6] will help prevent IUU fish from entering international markets through ports. The PSMA [6] entered into force in 2016. For more information on the PSMA [6] see: <http://www.fao.org/fishery/psml/ agreement/en>*



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The organization should check whether the port(s) at which the seafood that they are purchasing is landed is located in a State party to the PSMA. If not, then the ports should be considered to be higher risk in the due diligence process.

As part of their risk assessment process, organizations should seek evidence on whether or not the PSMA [6] requirements are being implemented by the contracting party of the PSMA [6] in which the port found in the supply chain is located. Evidence of non-compliance or lack of evidence of compliance should be treated as an increased risk of fish passing through the port being illegal.

**NOTE 2** Measures that organizations can check are listed below. These can be gathered by consulting the FAO database of Port State Measures at: <http://www.fao.org/fishery/psm/search/en> or by writing to suppliers in the port State or to port State authorities. Measures include:

- a) designation of ports through which foreign fishing vessels may enter;
- b) authorities are conducting dockside inspections following set standards;
- c) authorities are blocking entry to vessels known or believed to have been involved in IUU or those on an IUU vessel list of a RFMO; and
- d) authorities are sharing information with the governments of vessels with IUU product, when discovered during inspection, as well as the State of which the Master of the vessel is a national.

**NOTE 3** Where an organization's supply chain features a port in a State that has not implemented the PSMA [6], they could consider working with any supplier in that State to advocate for implementation of the PSMA to reduce the level of risk of products passing through the port.

#### 4.6.3 Vessel in port

The organization should require that:

- a) crew on fishing vessels it sources from are free to leave port when vessels dock, as far as is permitted by the immigration laws of the port State (see also 3.3.3 on the right to organize and freedom of association);
- b) all crew are verified as present as per the crew list provided to the port State inspector, are in possession of their own work contracts and identification documents and are available for confidential interview if a request is made by the port State authorities;
- c) the captain is available at the port inspection and is able to provide all documentation and enquiries required at the port State inspection.

**NOTE 1** Inspections at ports, especially regarding crew welfare, are inconsistent across the world therefore it is good practice to consider port inspections and levels of corruption within a risk assessment process. Where high levels of crew exploitation exists then normal interview practices might not be effective and can place crew at greater risk. It is good practice for interviews that are conducted by inspectors in high risk areas to take into account the provision of non-official intermediaries (e.g. civil society or trade union representatives), translators and private, confidential exchanges with crew away from the vessel. See 4.7 on crew welfare.

**NOTE 2** In addition to the above there is information that can be requested on other indicators of the quality of crew protection and welfare, such as: evidence of salary transfers, the methods used to recruit the crew, the leave arrangements that are in place, the level of awareness of rights and the availability of membership of a trade union.

## 4.7 Decent working conditions in the fishing sector

The organization should include in its policies and require from its suppliers that all of the major issues that are identified in ILO Convention C188 [12] are addressed by source fisheries; these are essential to providing decent work conditions on board fishing vessels.

**NOTE 1** Attention is drawn to ILO Convention C188 [12] which sets minimum international levels for crew conditions on fishing vessels and additionally the International Bill of Human Rights [36] as well as the International Labour Organization's Declaration on Fundamental Principles and Rights at Work 1998 [33] (see 3.3.3, Note 5). Onboard fishing vessels long working hours are of particular concern: while this is a recognized part of working on a fishing vessel, a collective bargaining agreement undertaken through a crew representative body such as a trade union is an effective way for the shifts and requests of the crew to be discussed. See 3.3.3 which sets out the need for organizations to have policies and procedures that address the right of crew to have freedom of association and the right to organize, with attention drawn to ILO Conventions CO87 [21] and CO98 [22].

Wherever possible and relevant, the organization should demonstrate that it supports the ratification of the ILO Convention C188 [12].

**NOTE 2** This demonstration can be conducted when an organization is in dialogue with a source State that has not yet ratified the Convention [12].

**NOTE 3** The ILO Convention C188 [12] has been ratified by 10 States and will come into force in November 2017. The progressive implementation approach of the Convention allows countries committed to improvement to adhere to the Convention and work towards implementation of all of its provisions over time in a gradual process. The Convention is applicable to all fishing vessels and not only larger or industrial types. Work is underway to use the guidelines in this Convention to improve conditions for the tens of millions of people working in the industry. However, many States have not ratified the Convention [12] and the enforcement of it presents significant challenges due to limitations and capacity of inspectors. There is the added problem that many vessels enter port, unload their catch, re-stock supplies and fuel and might leave with no opportunity for crew to have rest or leave. To check which States have ratified the ILO Convention C188 [12] see the following website: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300\\_INSTRUMENT\\_ID:312333](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312333)

Traceability should be ensured down to vessel level to enable businesses with a turnover of over £36 million to produce their annual slavery and human trafficking statement that covers what is being done in the supply chain to address the issue.

**NOTE 4** Attention is drawn to the Modern Slavery Act 2015 [34].

**NOTE 5** To complement individual efforts for greater supply chain transparency, importers and processors can support and promote specific action by government and statutory agencies. The introduction of a centralized electronic system for the digital collection of catch certificates, crew manifests, ship logbooks and vessel data by States will significantly strengthen transparency and traceability across the fishing sector, reduce unfair competitive advantage for those not investing in transparency and traceability and will help importers and processors make informed sourcing decisions.

**NOTE 6** Attention is also drawn to the Seafish Responsible Fishing Scheme (RFS), which is a voluntary vessel-based programme certifying standards of crew welfare and responsible catching practices on fishing vessels. More information is given in B.6.

The organization should develop and make public protocols that guide how and when it will inform statutory agencies of human rights infractions identified during audits, risk assessments and other internal reviews.

Industrial fishing vessels should have a social and ethical responsibility policy/standard that includes the points in 3.3.3.

Inspections, audits and checks should include, where possible, in-person interviews with the relevant workers or crew, which are conducted in a neutral and safe environment, guaranteeing the security and anonymity of the interviewees.

**NOTE 7** Where inspections, audits or checks highlight any violations or gaps in labour infringements, unfair working conditions or associated unlawful treatment see 3.3.3.

**NOTE 8** It is good practice to work with other organizations that share similar risks, as well as governments and trade associations, to develop protocols and share lessons learned, as well as coordinate information-sharing and victim identification.



## 5 Factories

### 5.1 Information

*NOTE The following recommendations specifically for factories enable the recommendations within this code of practice to be met, particularly those relating to traceability.*

The organization should be able to demonstrate that processing factories in its supply chains comply with the policies and specifications of the organizations which they supply (see 3.3.3).

Information should be provided to any other actor in the supply chain on the legality and traceability of a product within a maximum of four hours.

There should be a designated person(s) at the factory that is responsible for ensuring that information relating to legality and traceability is compiled, stored, reviewed managed and available for checks (e.g. audits).

### 5.2 Process control

To produce products that are compliant with the expectations of the end product users, the production process should be defined, controlled and documented to ensure that the product meets the specifications.

Product specifications, batch specifications, process monitoring, product testing, manufacturing site cleaning, and other quality control measures should be documented.

Spot purchases without any knowledge of the vendor should be avoided and therefore not present in supply chains. The organization should ensure that all subcontractors meet all laws and are included in traceability documentation.

The organization should complete mass balance checks at their factory for its supply chains. These should be completed at regular intervals throughout the year; at a rate appropriate according to the results of the risk assessment and to satisfy internal due diligence but at a minimum of once per year. Accurate conversions ratios from production line should be used to make sure that the mass-balance is accurate.

### 5.3 Ethics and labour

The organization should have a policy that addresses social and ethical responsibility (see 3.3.3, a) to g) for what to include in the policy). The organization should apply this policy not only to the buildings and operations that it owns but also communicate that the behaviours outlined in the policy are expected of all the actors in its supply chain, from supplier to vessel operations.

*NOTE 1 There are standards and guidance available that a factory can utilize to demonstrate that they operate an ethical and fair labour factory. These include the Supplier Ethical Data Exchange (Sedex) Sedex Supplier Workbook [38], SA8000 [31] and BS ISO 26000:2010.*

The organization should ensure that at any of its factories, a review of its ethical and labour policy and systems is completed at least once per year to ensure that it is addressing current industry concerns and that it complies with any changes to the industry and supply chain requirements.

There should be a designated person(s) at each factory to ensure that workers are being treated ethically and that labour rights are being upheld. Translation services should be provided for migrant workers to facilitate effective communication.

Grievance mechanisms should be in place that allow workers to report issues and any cases of abuse anonymously without being put at risk of negative repercussions. Any grievance report should be investigated as a priority, in a fully transparent manner and by including the relevant union representatives – or in cases where this does not apply – by involving NGO representatives in the review process.

The organization should promote robust labour standards with respective governments in the form of legislative frameworks that support workers – local or migrant labour – in their right to organize and collective bargaining.

*NOTE 2 This works to empower workers to identify and highlight abuses, thereby decreasing the pressure on factories as the primary stakeholder responsible and able to identify issues.*

## 5.4 Product tracking and transformation

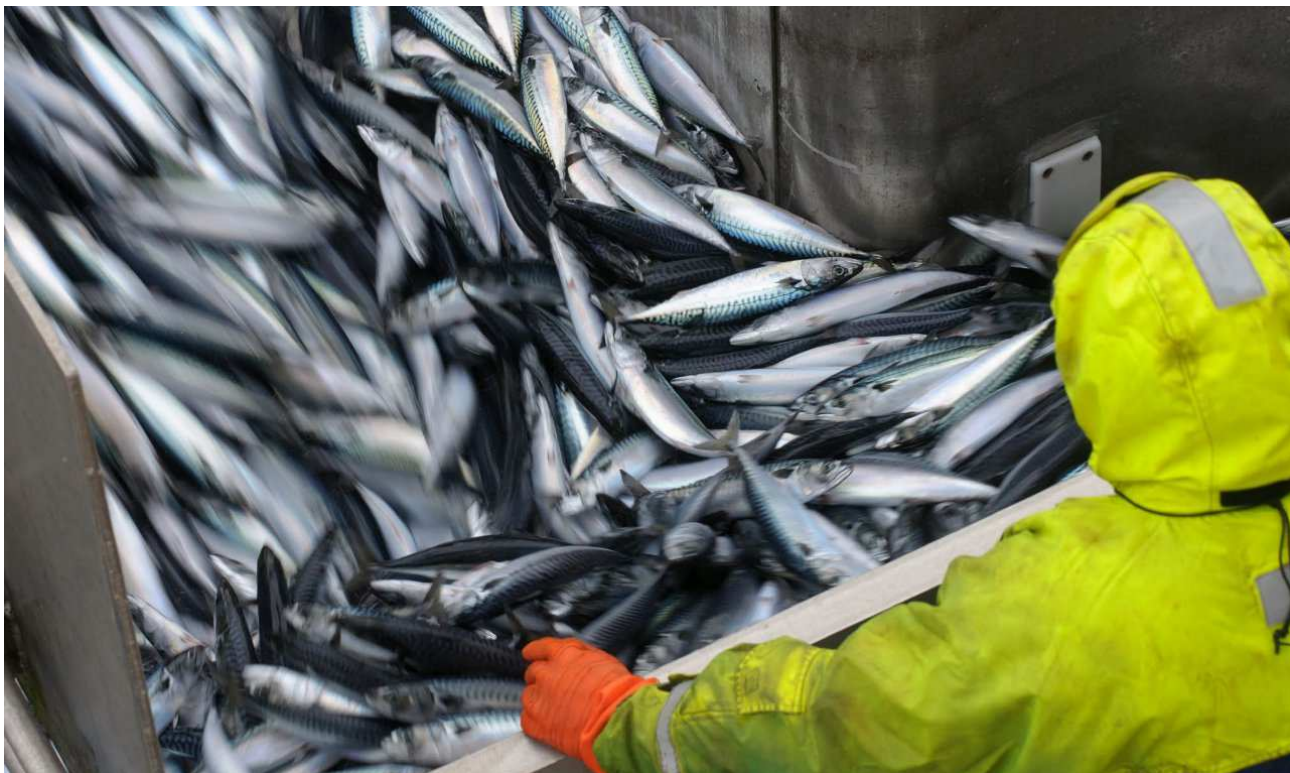
Where a fish product, unit, or batch of fish products, originates from multiple source fishing activities or fisheries, there should be identification and tracking of products from each source that enable products at final sale to be traceable to a single source and activity. The fish product or batch identification should be grouped or associated in ways to allow verification of legal compliance and of claims related to sustainability or fishing methods.

Unique unit identifiers should be present at each level of the packaging hierarchy (e.g. from a pallet, a case or a consumer item).

When a product is combined with other material/ products, processed, reconfigured, or re-packaged, the new product should have its own unique product identifier.

The linkage (auditable function) should be maintained between this new product and its original inputs to maintain traceability.

***NOTE** For example, a label, linked to the lot identification of the traceable input item, remains on the packaging until that entire traceable unit has reached the final point of sale.*



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## Annex A (informative)

# International Labour Organization Work in Fishing Convention, 2007 (C188) – background information

### A.1 Extract on the “Conventions and Recommendations”

**NOTE 1** Taken from the *ILO Work in Fishing Convention, 2007 (C188)* [12]. The text of the full Convention can be found at [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C188](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C188)

International labour standards are legal instruments drawn up by the ILO’s constituents (governments, employers and workers) and setting out basic principles and rights at work. They are either conventions, which are legally binding international treaties that may be ratified by Member States, or recommendations, which serve as non-binding guidelines. In many cases, a convention lays down the basic principles to be implemented by ratifying countries, while a related recommendation supplements the convention by providing more detailed guidelines on how it could be applied. Recommendations can also be autonomous, i.e. not linked to any convention.

Conventions and recommendations are drawn up by representatives of governments, employers and workers and are adopted at the ILO’s annual International Labour Conference. Once a standard is adopted, Member States are required under the ILO Constitution to submit them to their competent authority (normally the parliament) for consideration. In the case of conventions, this means consideration for ratification. If it is ratified, a convention generally comes into force for that country one year after the date of ratification. Ratifying countries commit themselves to applying the convention in national law and practice and reporting on its application at regular intervals. The ILO provides technical assistance if necessary. In addition, representation and complaint procedures can be initiated against countries for violations of a convention they have ratified.

**NOTE 2** A table of ratifications of ILO C188 can be found at: [http://www.ilo.org/dyn/normlex/en/f?p=NRMLEXPUB:11300:0::NO:11300:P11300\\_INSTRUMENT\\_ID:312333:NO](http://www.ilo.org/dyn/normlex/en/f?p=NRMLEXPUB:11300:0::NO:11300:P11300_INSTRUMENT_ID:312333:NO)

### A.2 Fundamental Conventions

The ILO’s governing body has identified eight Conventions as “fundamental”, covering subjects that are considered as fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation. These principles are also covered in the ILO’s *Declaration on Fundamental Principles and Rights at Work* (1998) [33]. There are currently over 1,357 ratifications of these conventions, representing 91.7% of the possible number of ratifications. A further 125 ratifications are still required to meet the objective of universal ratification of all the fundamental Conventions.

The eight fundamental Conventions are:

- 1) Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) [21];
- 2) Right to Organize and Collective Bargaining Convention, 1949 (No. 98) [22];
- 3) Forced Labour Convention, 1930 (No. 29) [23];
- 4) Abolition of Forced Labour Convention, 1957 (No. 105) [24];
- 5) Minimum Age Convention, 1973 (No. 138) [25];
- 6) Worst Forms of Child Labour Convention, 1999 (No. 182) [26];
- 7) Equal Remuneration Convention, 1951 (No. 100) [27];
- 8) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) [28].

**NOTE** A table of ratifications of the ILO’s eight fundamental Conventions is available at: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:10011:0::NO::P10011\\_DISPLAY\\_BY,P10011\\_CONVENTION\\_TYPE\\_CODE:1,F](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:10011:0::NO::P10011_DISPLAY_BY,P10011_CONVENTION_TYPE_CODE:1,F)



### A.3 Governance Conventions

The ILO's governing body has also designated another four conventions as "priority" instruments, thereby encouraging Member States to ratify them because of their importance for the functioning of the international labour standards system. The ILO *Declaration on Social Justice for a Fair Globalization*, in its follow-up, underlined the significance from the viewpoint of governance of these Conventions.

The four governance Conventions are:

- 1) Labour Inspection Convention, 1947 (No. 81) [39];
- 2) Employment Policy Convention, 1964 (No. 122) [40];
- 3) Labour Inspection (Agriculture) Convention, 1969 (No. 129) [41];
- 4) Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) [42].

## Annex B (informative)

### Useful resources and guides

#### B.1 General

This annex is a collection of resources and guides that is useful for organizations – this is not an exhaustive list. The information has been categorized for ease of reference.

#### B.2 EU Market Rules

- EU sustainable tools for the largest seafood market.  
*[https://ec.europa.eu/fisheries/sites/fisheries/files/docs/body/2015-market-facts\\_en.pdf](https://ec.europa.eu/fisheries/sites/fisheries/files/docs/body/2015-market-facts_en.pdf)*
- EU Regulation on the common organization of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (applicable to all products on EU market whatever their origin).  
*<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1379&from=EN>*
- How to apply Regulation (EU) 1379/2013 on the Common Organization of the Markets of Fishery and Aquaculture Products.  
*[https://ec.europa.eu/fisheries/cfp/market/faq\\_en](https://ec.europa.eu/fisheries/cfp/market/faq_en)*
- Non-binding-guidance document on the implementation of Chapter II “Professional Organizations” of Regulation (EU) No 1379/2013 establishing a common organization of the markets in fishery and aquaculture products (01.04.2016).  
*[https://ec.europa.eu/fisheries/sites/fisheries/files/docs/body/guidance-document-on-implementation-of-professional-organisations\\_en.pdf](https://ec.europa.eu/fisheries/sites/fisheries/files/docs/body/guidance-document-on-implementation-of-professional-organisations_en.pdf)*  
*[https://ec.europa.eu/fisheries/cfp/market\\_en](https://ec.europa.eu/fisheries/cfp/market_en)*

#### B.3 Decent working conditions and ethical working

- ETI Base Code: This is founded on the conventions of the International Labour Organization (ILO) and is an internationally recognized code of labour practice.  
*<http://www.ethicaltrade.org/eti-base-code>*
- Social Responsibility in the Global Seafood Industry: Background and Resources, FishWise: White paper highlighting social responsibility initiatives in the global seafood sector, and providing background on a range of important resources that businesses can utilize to strengthen human and labour rights protections in their supply chains. The paper also outlines next steps seafood businesses can take to improve social responsibility within their seafood supply chains.  
*<https://www.fishwise.org/traceability/social-responsibility-white-paper/>*
- FishWise Human Rights Resources: Collection of resources authored, summarized, or contributed to by FishWise on the topic of human rights in the seafood industry, including reports and guidelines, briefs, multi-stakeholder meeting notes, blogs, and a non-comprehensive list of other organizations and resources related to this topic.  
*<https://www.fishwise.org/traceability/human-rights-resources/>*
- An Introduction and commentary to the 2011 guiding principles on business and human rights and their implementation in the maritime environment by Human Rights at Sea.  
*<https://www.humanrightsatsea.org/wp-content/uploads/2015/05/IHRAS-UNGP-Report-2016-low-res-dps.pdf>*
- Human Rights Due Diligence in High Risk Circumstances: Document focusing on how to do human rights due diligence in high risk circumstances – and how to identify those circumstances in the first place.  
*[http://www.shiftproject.org/media/resources/docs/Shift\\_HRDDinhighriskcircumstances\\_Mar2015.pdf](http://www.shiftproject.org/media/resources/docs/Shift_HRDDinhighriskcircumstances_Mar2015.pdf)*

- **Seafish Tools for Ethical Seafood Sourcing (TESS):** A web resource to help companies address social responsibility challenges. It is aimed at seafood businesses who want to understand social responsibility and what to do to address any issues in their supply chain. It adopts a six-step approach and signposts buyers to external websites where there are guidance notes and reporting templates, and to sources of information that will help them manage their supply chains and inform their decision making.  
<http://www.seafish.org/tess/>
- **The UN Guiding Principles on Business and Human Rights:** A set of guidelines for States and companies to prevent, address and remedy human rights abuses committed in business operations.  
[http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

## B.4 Illegal, unreported and unregulated fishing

- **FAO Voluntary Guidelines for Flag State Performance:** these guidelines seek to provide a tool that will strengthen compliance by flag States with respect to their international duties and obligations regarding the flagging and control of fishing vessels.  
<http://www.fao.org/publications/card/en/c/1905a0ab-0396-460c-aeb5-1badf6ca83ba/>
- **Map on *IUUWatch.eu*** of the current status of nations carded by the European Commission for IUU fishing, created through a partnership with EJF, Oceana, Pew and WWF: Current map of red and yellow carded and green delisted countries by the EU since the 2010 EU IUU Regulation [1] entered into force.  
<http://www.iuuwatch.eu/map-of-eu-carding-decisions/>
- **EU overview of existing procedures as regards third countries:** PDF document which lists the countries and their status.  
[https://ec.europa.eu/fisheries/sites/fisheries/files/illegal-fishing-overview-of-existing-procedures-third-countries\\_en.pdf](https://ec.europa.eu/fisheries/sites/fisheries/files/illegal-fishing-overview-of-existing-procedures-third-countries_en.pdf)
- **Presidential Initiative on Combating Illegal, Unreported, and Unregulated (IUU) Fishing and Seafood Fraud, NOAA:** Website outlining the presidential task force on combatting IUU fishing and seafood fraud, action plan, federal register notices, rulings, and current updates.  
<http://www.nmfs.noaa.gov/iuuliuultaskforce.html> or <http://www.iuufishing.noaa.gov>
- **Port State Measures Agreement ratification progress** mapped by country, FAO's map showing progress towards bringing the Port State Measures Agreement (PSMA) into force, by country.  
<http://www.fao.org/fishery/psml/agsreement/parties/en>

## B.5 Risk assessment

### B.5.1 Information on IUU risks

- **IUU Species by US IUU Task Force, US National Ocean Council Committee:** List of species identified by US National Ocean Council Committee as being at-risk of IUU fishing.  
<https://www.federalregister.gov/documents/2015/10/30/2015-27780/presidential-task-force-on-combating-illegal-unreported-and-unregulated-iuu-fishing-and-seafood>
- **Estimates of illegal and unreported fish in seafood imports to the USA, Pramod et al. 2014:** Peer-reviewed journal article which estimates the proportion and value of IUU seafood imports to the US. Case studies for several species are presented.  
<http://www.sciencedirect.com/science/article/pii/S0308597X14000918>
- **IMO Number Briefing: Bringing Fishing Vessels out of the Shadows, FishWise and Environmental Justice Foundation:** Outlines the need for a global record of fishing vessels and unique vessel identifiers and recommendations for its establishment.  
[https://www.fishwise.org/images/pdfs/out\\_of\\_the\\_shadows\\_ejf\\_fishwise.pdf](https://www.fishwise.org/images/pdfs/out_of_the_shadows_ejf_fishwise.pdf)
- **The Seafood Import Monitoring Program** establishes permitting, data reporting and recordkeeping requirements for the importation of certain priority fish and fish products that have been identified as being particularly vulnerable to IUU fishing and/or seafood fraud. Priority species of seafood will be able to be traced back from the point of entry into the US to the point of harvest or production to verify whether it was lawfully harvested or produced. The collection of catch and landing documentation for these priority seafood species will be accomplished through the International Trade Data System (ITDS), the US government's single data portal for all import and export reporting.  
<http://www.iuufishing.noaa.gov/RecommendationsandActions/RECOMMENDATION1415/FinalRuleTraceability.aspx>



- The EU rules to combat illegal fishing (IUU). The webpage contains the handbook and other documents that give practical information and advice to authorities and operators in EU Member States and third countries guidance on the IUU.

[https://ec.europa.eu/fisheries/cfp/illegal\\_fishing/info\\_en](https://ec.europa.eu/fisheries/cfp/illegal_fishing/info_en)

### B.5.2 Human rights

- Trafficking in Persons (TIP) Report, US State Department: Assessment of each country's efforts to eliminate human trafficking.  
<https://www.state.gov/j/tip/rls/tiprpt/>
- Global Slavery Index (GSI), Free Foundation: Assessment of the size of the problem, each country's vulnerability to modern slavery, and different government responses to modern slavery.  
<http://www.globalslaveryindex.org/findings/>
- Corruption Perceptions Index (CPI), Transparency International: Ranking of perceived level of corruption by country.  
<https://www.transparency.org/research/cpi/>
- List of Goods Produced by Child Labor or Forced Labor, US Department of Labor: List of goods and source countries that the US Department of Labor has reason to believe are produced by child or forced labour.  
<https://www.dol.gov/ilab/reports/child-labor/list-of-goods/>
- Shift Workshop Report No. 5, May 2014. Remediation, grievance mechanisms and the corporate responsibility to respect human rights. Document that sets out how to design a grievance mechanism with an eco-system approach.  
[http://www.shiftproject.org/media/resources/docs/Shift\\_remediationUNGPs\\_2014.pdf](http://www.shiftproject.org/media/resources/docs/Shift_remediationUNGPs_2014.pdf)

### B.5.3 Mislabelling

- Species Mislabeling by US IUU Task Force, US National Ocean Council:  
List of species identified as at-risk of seafood fraud.  
<https://www.federalregister.gov/documents/2015/10/30/2015-27780/presidential-task-force-on-combating-illegal-unreported-and-unregulated-iuu-fishing-and-seafood>
- Global Seafood Mislabeling Report, Oceana: Published in 2016, this report is an update to Oceana's 2014 global seafood fraud and includes additional cases and studies.  
[http://usa.oceana.org/sites/default/files/global\\_fraud\\_report\\_final\\_low-res.pdf](http://usa.oceana.org/sites/default/files/global_fraud_report_final_low-res.pdf)

## B.6 Seafood responsible sourcing

- *Advisory Note for the UK Supply Chain on How to Avoid Illegal, Unreported and Unregulated (IUU) Fishery Products*, Environmental Justice Foundation, British Retail Consortium and WWF-UK: highlights some of the key risks associated with IUU fishing and outlining an approach to prevent IUU fishery products from entering UK supply chains.  
<http://ejfoundation.org/sites/default/files/public/EJF-Advisory-Note-low-res-final.pdf>
- Common Vision for Sustainable Seafood, Conservation Alliance for Seafood Solutions: Outline of six realistic steps organizations can take to develop and implement a sustainable seafood policy, reflecting industry progress and changes in the sustainable seafood landscape.  
<http://www.solutionsforseafood.org/projects/common-vision/>
- Sustainable Seafood Coalition (SSC) codes of conduct: The SSC is a group of UK businesses committed to a more responsible and sustainable seafood supply chain. SSC members collaboratively developed two voluntary codes of conduct, which set minimum standards for responsible sourcing and harmonised labelling of seafood products. SSC membership is open to any business that sells fish and seafood in the UK, and currently covers around 75% of fish sales at retail level.  
<http://www.sustainableseafoodcoalition.org/>
- Fishsource: Online resource for the sustainability status of fisheries and fish stocks including indicators for wild fisheries with high, medium, or low risk for human rights abuse.  
<https://www.fishsource.org>
- Seafish Responsible Fishing Scheme (RFS): A voluntary vessel-based programme certifying high standards of crew welfare and responsible catching practices, which is open to all types of fishing vessels and fisheries. The present version (version 1) does not currently involve crew interviews and is not designed to audit or police serious labour or human rights abuses. However the scheme's oversight board plans to strengthen the health, safety and welfare elements of the standard and include the "crew voice" in future audit methodologies.  
<http://www.seafish.org/rfs/>

- **Risk Assessment for Sourcing Seafood (RASS):**  
This provides seafood buyers and processors with information on the biological status of fish stocks for fish which are either landed or imported into the UK, and the environmental impacts of fisheries catching these stocks. Fisheries risk assessment forms the core part of RASS profiles with risk scores for four individual components of a fishery that are pertinent to procurement including stock status, management efficacy, bycatch, and habitat impact.  
<http://www.seafish.org/rass>  
*NOTE At the time of publication, Seafish, Seafood Watch and the Sustainable Fisheries Partnership were developing the Human Rights Risk Tool for Seafood which is intended to assess the probability and the severity of human rights abuses associated with the "at-sea" part of the wild-caught seafood supply chain. The tool is intended to produce risk ratings by drawing on publicly available and verifiable evidence from multiple sources, including the US Department of State, the US Labor Department, the UN International Labour Organization, national labour rights reports and credible media reports. Along with an overall human rights rating, the tool is intended to provide an overview that summarizes the potential risks associated with a fishery. See <http://www.seafish.org/tess/index.php/records/seafood-human-rights-risk-tool-shrrt/> for further information.*
- **WWF Traceability principles for wild caught fish products (2015):** Implementing robust traceability systems in supply chains makes it possible to obtain reliable, relevant information about many of the fundamental characteristics and qualities of seafood products. The document outlines six traceability principles intended to provide a basic framework for the effectiveness and successful implementation of traceability systems and for enabling transparency in wild-caught fish product supply chains. WWF's traceability principles are intended as goal statements and can be used as a benchmark that is applicable to a variety of existing or upcoming traceability systems.  
[http://assets.worldwildlife.org/publications/796/files/original/WWF\\_Traceability\\_Principles\\_for\\_Wild-Caught\\_Fish\\_April\\_2015.pdf?1430410438&\\_ga=1.9006961.536396968.1451999865](http://assets.worldwildlife.org/publications/796/files/original/WWF_Traceability_Principles_for_Wild-Caught_Fish_April_2015.pdf?1430410438&_ga=1.9006961.536396968.1451999865)
- **Project to Develop an Interoperable Seafood Traceability Technology Architecture: Issues Brief, Comprehensive Reviews in Food Science and Food Safety:** Details the importance of a global technology architecture for seafood, the benefits and opportunities for the seafood industry, and how the architecture will translate into practical results.  
<http://onlinelibrary.wiley.com/doi/10.1111/1541-4337.12187/full>
- **Assessing the Value and Role of Seafood Traceability from an Entire Value-Chain Perspective, Comprehensive Reviews in Food Science and Food Safety: Assessment of nine global seafood value chains to gain insight and provide knowledge about the impact of traceability on improving seafood industry business performance.** Includes recommendations for businesses, governments, and NGOs.  
<http://onlinelibrary.wiley.com/doi/10.1111/1541-4337.12130/full>
- **Getting There from Here: A Guide for Companies Implementing Seafood Supply-Chain Traceability Technology, Future of Fish: Report** highlighting the compelling market incentives for traceability and outlining the human and technological barriers that hamper broad traceability adoption.  
[http://futureoffish.org/sites/default/files/docs/resources/fof-traceability\\_report-final\\_0.pdf](http://futureoffish.org/sites/default/files/docs/resources/fof-traceability_report-final_0.pdf)
- **The Untapped Potential of Story to Sell Seafood, Future of Fish: Report** exploring the power of story to sell more fish and to determine what elements of that story most influence consumer purchasing behaviour.  
[http://futureoffish.org/sites/default/files/docs/resources/Storied%20Fish%20Report\\_Aug2016.pdf](http://futureoffish.org/sites/default/files/docs/resources/Storied%20Fish%20Report_Aug2016.pdf)
- **FishWise traceability resources:** List of resources authored or summarized by FishWise on the topics of traceability and IUU fishing in the seafood industry.  
<https://www.fishwise.org/traceability/traceability-resources/>
- **Advancing Traceability in the Seafood Industry: Assessing Challenges and Opportunities, FishWise:** White paper highlighting traceability initiatives happening across sectors, and providing background on a range of important seafood traceability policies and regulations. The paper also outlines next steps seafood businesses of all types can take to improve their traceability practices, and provides a discussion of what traceability work is on the horizon.  
<https://www.fishwise.org/traceability/traceability-white-paper/>
- **Future of Fish Traceability 101 Toolkit:** Resources for internal NGO staff training needs and for use with industry partners. Includes high-level traceability concepts as well as more detailed explanations.  
<http://futureoffish.org/content/traceability-101>

- Traceability for Seafood U.S. Implementation Guide, National Fisheries Institute and GSI US: Guide developed to aid in the adoption of consistent business practices to effectively manage traceability for the seafood industry.  
*[http://www.aboutseafood.com/sites/all/files/FINAL%20Seafood%20Trace%20Guide\\_v1.1.pdf](http://www.aboutseafood.com/sites/all/files/FINAL%20Seafood%20Trace%20Guide_v1.1.pdf)*
- Recommendations for the Global Framework to Ensure the Legality and Traceability of Wild-Caught Fish Products, Expert Panel on Legal and Traceable Wild Fish Products, Expert Panel on Legal and Traceable Wild Fish Products: Report outlining eight recommendations that together provide a comprehensive global framework for legal and traceable seafood products.  
*[http://solutions-network.org/site-legaltraceablefish/files/2015/03/EPLAT\\_FinalReport\\_March2015\\_Webview.pdf](http://solutions-network.org/site-legaltraceablefish/files/2015/03/EPLAT_FinalReport_March2015_Webview.pdf)*
- Comparison of global food traceability regulations and requirements, Comprehensive Reviews in Food Science and Food Safety: Comprehensive review of the food traceability regulations of 21 organizations for Economic Co-Operation and Development (OECD) countries, to assess whether the regulations are comprehensive for all food commodities and processed foods.  
*<http://onlinelibrary.wiley.com/doi/10.1111/1541-4337.12101/full>*
- A guidance document on the best practices in food traceability, Comprehensive Reviews in Food Science and Food Safety: Review of current food traceability regulations and best practices, addressing the unknowns and gaps in understanding and the broad applicability of critical tracking event (CTE)-key data element (KDE) framework  
*<http://onlinelibrary.wiley.com/doi/10.1111/1541-4337.12103/full>*
- Seafood Authenticity and Traceability: a DNA based perspective. Showcases the latest developments in methods (technology and processes) used for DNA analysis and an overview in their applications in fish and seafood. It presents an overview of the relationship between identification, traceability, sustainability and safety of seafood.  
*<https://www.elsevier.com/books/seafood-authenticity-and-traceability/naaum/978-0-12-801592-6>*

## B.8 Transparency in fisheries

- Fisheries Transparency Initiative: The Fisheries Transparency Initiative (FiTI) is a global multi-stakeholder initiative, which aims at enhancing responsible and sustainable fisheries through transparency and participation.  
*<http://fisheriestransparency.org/>*



## Annex C (informative)

# Suggested inclusions for a risk assessment or due diligence system

### C.1 General

This annex provides a checklist of questions for businesses at the early stages of tackling the issues that this PAS is designed to address. The checklist can be used in conjunction with this code of practice to guide the collection of information to inform a due diligence process. This is not an exhaustive list nor is it descriptive of a full risk assessment process. The checklist attempts to reflect the normative provisions in the body of the PAS. The main body of the PAS and, where relevant, other sources mentioned in the notes and annexes of the PAS can be used to interpret the information collected through these questions.

**Table C1** – Sample risk assessment checklist

<b>Management (Clause 3)</b>
a) What are the systems in place to manage the legal requirements for marine ingredients in the supply chain (3.1)?
b) Are audits conducted on the supply chain? If so, is support offered to resolve any corrective actions that are identified in the supply chain? Is there a process outlining how to deal with this situation and is it communicated to the supply chain (3.1)?
c) Is the manager (or another individual) also responsible for supply chain improvements? Is so, are they mandated to engage with the supply chains on improvements (3.1)?
d) What are the legal requirements nationally and internationally that are to be complied with (3.2)?
e) Do the policies and processes that are in place (3.3.1):
1) Have audits completed against them?
2) Get reviewed on an annual basis and amended accordingly?
3) Remain available upon request to other actors in the supply chain?
4) Get communicated at least one stage up and one stage down the supply chain?
5) Has a report been completed on the implementation and monitoring of the policies?
f) Is there risk assessment system in place (3.3.2)?
1) Are these exercises completed and reviewed regularly?
2) Do the exercises cover all of the supply chains and required products?
3) Does the exercise include a prioritization exercise according to the results?
4) Does the system demonstrate and document the actions that will be/have been taken according to the results of the exercise?
g) Do policies and processes cover labour requirements for decent working conditions, as defined by relevant ILO conventions, and including confidential complaints processes (3.3.3 and 5.3)?
h) Do suppliers collect, share and make available information listed in 3.4 to enable traceability?
i) For the traceability system of the organization (3.4):
1) Are verification exercises of the data (or system) conducted?
2) Are trace-back exercises conducted? And are they within the frequency of the results of the risk assessment?
3) Is information relating the products stored electronically?
4) Does the information enable full chain traceability, i.e. to vessel or group of vessels?
j) Is information verified and made available for verification, such as inspections, audits, site visits and interviews with crew (3.5)?

Table C1 – Sample risk assessment checklist (*continued*)

<b>Fisheries and fishing operations (Clause 4)</b>
a) What is the seafood/marine ingredient product and what species is it derived from?
b) Where and how is it caught?
1) Is the stock overfished? Or data deficient with no plan in place to collect this data (4.1)?
2) Has the species or fishery been identified to have higher levels of IUU (4.1)?
3) Is the fishery in an area that is covered by a transparent register of authorized vessels (4.2)?
4) If the fish comes from an area governed by an RFMO, is it governed by quotas or other restrictions and are IUU vessels sanctioned transparently (4.2)?
c) How are the positions of, and the catch of, fishing vessels monitored (4.3.2)?
d) Are any of the States involved in monitoring fishing vessels subject to an EU card (4.3.3)?
e) To complete the due diligence process for the fishing vessel, has all of the information listed in 4.4 been collected?
f) Is there a history or new evidence that vessels, companies or beneficial owners in a supply chain are / have been involved in illegal activities? If so is there a process to allow the appropriate action to be taken (4.4)?
g) Is there transshipment in the supply chain? If so have all of the considerations in 4.5 been included in the due diligence?
h) Where is the catch landed? What landing procedures and controls exist in this port? To complete the due diligence process for the port, has all of the information listed in 4.6 been collected?
i) Can supplying fishing vessels demonstrate that they have decent working conditions on board, as defined by compliance with ILO C188 [12] (4.7)? Do the industrial fishing vessels have a social and ethical responsibility policy/standard that includes the points in 3.3.3?
j) Are the relevant provisions and systems in place to allow businesses to produce their annual slavery and human trafficking statement (4.7)?
<b>Factories (Clause 5)</b>
a) Does the organization own a factory, and if so, are factory processes and policies in place to ensure traceability, decent working conditions and the process controls as described in 3.3.3, 3.4, 5.2, 5.3 and 5.4? Are the factory policies and processes reviewed annually? Does a system for review exist?
b) Do all of the processing factories in the supply chain comply with the organization's policies and specifications (5.1 and 5.3)?
c) Is there a designated manager in the organization that is responsible for social and ethical aspects, IUU,, traceability and due diligence issues as described in this code of practice (5.1 and 5.3)?
d) Are translation services available for all employees (Inclusive of migrant workers) (5.3)?
e) Do workers have a right to association (5.3)?
f) Does the grievance procedure (5.3):
1) Allow workers to report issues and any cases of abuse anonymously without being put at risk of negative repercussions?
2) Ensure that any grievance report is investigated as a priority, in a fully transparent manner and by including the relevant union representatives – or in cases where this does not apply – by involving NGO representatives in the review process?

## Annex D (informative)

# FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

### definition of IUU fishing

“Illegal” refers to fishing activities:

- a) conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;
- b) conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or
- c) in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.

“Unreported” refers to fishing activities:

- a) which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
- b) undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.

“Unregulated” refers to fishing activities:

- a) in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or
- b) in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

[SOURCE: FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing [9], paragraph 3.]

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