

AN ADVISORY NOTE FOR THE UK SUPPLY CHAIN

on how to avoid Illegal, Unreported
and Unregulated (IUU) fishery products



The British Retail Consortium (BRC)

is the lead trade association for the entire retail industry.

British Retail Consortium

21 Dartmouth Street
London, SW1H 9BP
www.brc.org.uk

Comments on this report and any questions related to the British Retail Consortium should be directed to
Sustainability.team@brc.org.uk

The Environmental Justice Foundation (EJF)

is a UK-based charity working internationally to protect the environment and human rights. EJF is a charity registered in England and Wales (1088128).

EJF

1 Amwell Street
London, EC1R 1UL
United Kingdom
www.ejfoundation.org

The World Wide Fund for Nature

is one of the world's leading conservation organisations. WWF-UK is a registered charity (1081247).

WWF-UK

The Living Planet Centre, Rufford House
Brewery Road, Woking
Surrey, GU21 4LL

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'Illegal, Unreported and Unregulated (IUU) fishing constitutes one of the most serious threats to the sustainable exploitation of living aquatic resources and jeopardises the very foundation of the common fisheries policy and international efforts to promote better ocean governance.'

Council Regulation (EC) No 1005/2008 (3)

BRITISH RETAIL CONSORTIUM



Protecting People and Planet



CONTENTS

INTRODUCTION	4
PART I: THE EU IUU REGULATION	5
1.1 Scope and sanctions	5
1.2 The 'catch certificate'	6
1.3 Catch certificate validation	7
1.4 Import process – verification, inspection and enforcement	8
1.5 Potential liabilities for retailers, brands and nationals	9
PART II: OVERVIEW OF A DUE DILIGENCE SYSTEM	10
2.1 Information gathering and traceability	10
2.1.1 Sources of information	10
2.1.2 Frequency of data collection	11
2.2 Risk Assessment	11
2.3 Risk Mitigation	12
2.3.1 Verification audits and assessments	12
2.3.2 Traceability & supply chain verification	13
2.3.3 Alternative sources	13
PART III: KEY ASPECTS OF DUE DILIGENCE RELATED TO IUU FISHING	14
3.1 Fishery	15
3.1.1 Fishery range and location	15
3.1.2 Vessel identification	15
3.2 Fisheries management	18
3.2.1 Flag States	19
3.2.2 Coastal States	23
3.2.3 Regional fisheries management organisations	24
3.3 Supply chain management	27
3.3.1 Transshipments	27
3.3.2 Port landings	27
3.3.3 Processing	28
3.3.4 Supplier due diligence	29
3.3.5 Link between IUU fishing and slavery	29
CONCLUSIONS AND RECOMMENDATIONS	31
Annex 1: Regulatory authorities involved in international fisheries	33
Annex 2: International initiatives in response to IUU fishing	33
Annex 3: Sanctions	34
Annex 4: Useful sources of information	34
REFERENCES	35

List of Abbreviations

AIS:	Automatic Identification System	IEZ:	Inshore Exclusion Zone
BRC:	British Retail Consortium	IMO:	International Maritime Organization
CCAMLR:	Commission for the Conservation of Antarctic Marine Living Resources	IPOA:	International Plan of Action
DG MARE:	Directorate-General for Maritime Affairs and Fisheries (European Commission)	ISSF:	International Seafood Sustainability Foundation
EEZ:	Exclusive Economic Zone	IUU:	Illegal, Unreported and Unregulated (fishing)
EJF:	Environmental Justice Foundation	MCS:	Monitoring, Control and Surveillance
EU:	European Union	MMO:	Marine Management Organisation
FAO:	United Nations Food and Agriculture Organization	NGO:	Non-Governmental Organisation
FoC:	Flag of Convenience	PSMA:	Port State Measures Agreement
FoNC:	Flag of Non-Compliance	RFMO:	Regional Fisheries Management Organisation
FPA:	Fisheries Partnership Agreement	SGP:	General Secretariat of Fishing (Spanish Government Fisheries authorities)
ICCAT:	International Commission for the Conservation of Atlantic Tunas	TEP:	Threatened, Endangered or Protected Species
		UVI:	Unique Vessel Identifier
		VMS:	Vessel Monitoring System
		WWF:	World Wide Fund for Nature

INTRODUCTION

The European Union's Regulation to prevent, deter and eliminate Illegal, Unreported and Unregulated (IUU) fishing entered into force on January 1, 2010 (EC No 1005/2008). Herein referred to as 'the Regulation', it establishes a community system to combat IUU fishing and to ensure that only legally-caught fish can be imported into the EU.

The EU IUU Regulation:

- requires that all imports of marine fishery products are accompanied by a catch certificate validated by the vessel's 'flag State',
- enables seafood imports to be banned from 'non-cooperating' countries and IUU fishing vessels, and
- includes provisions on punishments for those involved in the fishing of, or the trade in, IUU fishery products.

The Regulation is implemented into law in England and Wales by the Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order 2009.

Content

The British Retail Consortium (BRC) and Environmental Justice Foundation (EJF),¹ in collaboration with WWF-UK, have drafted this Advisory Note for UK retailers and brands buying and selling fishery products to help inform them of the risks associated with IUU fishing, with the aim to ultimately prevent IUU fishery products entering UK supply chains. Leading BRC members and a group of key suppliers provided input during four workshop sessions and throughout the drafting period.

The UK's Marine Management Organisation (MMO), the Spanish General Secretariat of Fisheries (SGP) and the European Commission's Directorate-General for Maritime Affairs and Fisheries (DG MARE) were also consulted on its content but their involvement should not be construed as an official indication of their views or advice to businesses on this issue.

Purpose and Scope of the IUU Advisory Note

This Advisory Note is primarily concerned with the legality of fishery supply chains and specifically applies to fishery products within the scope of the Regulation, as defined in Table 1. Legality is the basic entry point to the EU and is considered a fundamental requirement for sustainable fisheries management. Fish caught in compliance with applicable laws and regulations, however, may not be considered 'sustainable' unless also sourced in conformance with additional requirements as outlined in various sustainability certifications and standards.

There is a strong link between IUU fishing activities and human rights abuses onboard fishing vessels. Human trafficking and human rights issues fall beyond the scope of the EU IUU Regulation, and will not be covered specifically by this Advisory Note, although the same mechanisms which create greater transparency and traceability in global fisheries are agreed to be vital in eradicating modern-day slavery from seafood supply chains.

Written for the UK market, this document highlights some of the key risks associated with IUU fishing and outlines an approach to prevent IUU fishery products from entering UK supply chains. It is intended to provide informal, non-binding advice and should be read in conjunction with the legislation itself. Given the rapidly evolving nature of the global fishing industry, changes in EU fisheries policy, and the relative infancy of the EU IUU Regulation, the application of this Advisory Note is also subject to change and should therefore be reviewed (along with relevant information sources) on a regular basis.

Please note that it is the responsibility of each individual retailer and brand to develop and implement their own system or process to ensure that they are in compliance with legal requirements. Implementation of the due diligence systems highlighted in this document does not guarantee or confer compliance. For the majority of businesses that already have existing specifications and responsible sourcing policies and processes in place, systems may need to be adapted (or upgraded) to address IUU fishing. In other cases, new systems or processes may need to be developed and implemented. In either circumstance, external expertise may be required.

The BRC, EJF and WWF fully support the aims of the Regulation to combat the trade in IUU fish and hope it will be implemented and enforced uniformly, and with a particular focus on the highest risk fishery products.

PART I: THE EU IUU REGULATION

Global fisheries are an important source of food and employment for the world's population. Over the last four decades, however, overfishing and other unsustainable fishing practices have depleted nearly all commercial fish populations in many parts of the world. It is estimated that almost 30% of global fish stocks are overfished, with fully fished stocks accounting for 60% and under-fished stocks 10%.² The leading causes of fishery depletion are from vessels that are fishing illegally from unregulated fisheries or that are failing to report their catch. These actions undermine legitimate fishing operations and disrupt efforts to manage fisheries. Although it is difficult to determine the true scale and impact of IUU fishing, it is estimated to cost between US\$10 billion and US\$23.5 billion per year.

The EU IUU Regulation is designed to prevent products from IUU vessels from entering the EU market. As the largest market for imported fish and fishery products³, the EU has potential to change behaviour through commercial incentives and international trade. Registering a substantial fishing fleet of its own, the EU also has a vested interest in deterring IUU activity to safeguard the resources that it is legally entitled to catch. Critical to the successful implementation of the Regulation is the proper governance and enforcement of producing countries (flag/coastal States) and for the European Commission and EU Member States to take action against nationals involved in IUU fishing.

Table 1: The scope of the EU IUU Regulation

COVERED BY THE EU IUU REG.		NOT COVERED BY THE EU IUU REG.
Products	All imports of frozen, fresh and processed wild marine capture fishery products, both whole and processed.	Freshwater fishery products, aquaculture products obtained from fry or larvae, mussels, fresh or chilled scallops, or fish fats and fish or shark oils. ⁴
Imports into EU	Catches made by EU vessels and processed in a third country. Catches made by non-EU vessels imported into the EU.	Catches by EU vessels that land directly into ports of EU Member States (come under scope of EU Control Regulation instead).
Exports from EU	Those with a catch certificate – if required by third country. ⁵	

Refer to Annex 1 for information about the regulatory authorities involved in international fisheries; Annex 2 for information about international initiatives aimed at addressing IUU fishing.

1.1 SCOPE AND SANCTIONS

To ensure effective enforcement, the Regulation includes a system of sanctions for 'serious infringements' to be issued against any operator participating in/supporting activities that constitute IUU fishing (Table 2).

Table 2: Examples of activities that constitute IUU fishing⁶

FISHING	FISHING VESSEL AND/OR SUPPLY CHAIN
Without a valid fishing licence issued by the flag State or relevant coastal State.	Undertaking unauthorised transshipment activities.
For prohibited species or stocks.	Failing to report or misreporting catches, or assigning catches to another vessel.
Using banned fishing gear or method.	Failing to comply with rules on Vessel Monitoring Systems (VMS).
Beyond a quota established by a coastal State or RFMO.	Falsifying or concealing the markings, identity or registration of a vessel.
In prohibited areas, at a prohibited depth or during a closed season.	Falsifying a catch certificate or other type of fishery trade document.
In an area governed by a RFMO, in contravention of its rules, or without the flag State being signatory to the RFMO.	Concealing, tampering with, or disposing of evidence relating to an investigation.

Action can also be taken against: 'legal persons' such as corporations, companies and cooperatives (hereafter referred to as 'companies'), and 'natural persons' (or 'individuals') if they are found to have conducted business 'directly connected' to IUU fishing, including the trade in/or the importation of fishery products.⁷ More information on sanctions is provided in Annex 3.

1.1 THE 'CATCH CERTIFICATE'

The catch certification is an essential part of the IUU Regulation, intended to help facilitate legal trade and to prevent unfair competition from IUU products in the EU market. It provides information on all points of the fishery product supply chain that will help to improve product traceability (from catch to importation, including processing and transport) and the effectiveness of controls used to support compliance with conservation measures. An example of the catch certificate is provided in Figure 1.

Figure 1: An example of the catch certificate

EUROPEAN COMMUNITY CATCH CERTIFICATE							
Document number				Validating authority			
1. Name		Address			Tel. Fax		
2. Fishing vessel name		Flag – Home port and registration number			Call sign		IMO/Lloyd's number (if issued)
Fishing licence No – Valid to		Inmarsat No, Fax No, Telephone No, E-mail address (if issued)					
3. Description of product		Type of processing authorised on board			4. References of applicable conservation and management measures		
Species	Product code	Catch area(s) and dates	Estimated live weight (kg)	Estimated weight to be landed (kg)	Verified weight landed (kg) where appropriate		
5. Name of master of fishing vessel – Signature – Seal:							
6. Declaration of transhipment at sea Name of master of fishing vessel			Signature and date	Transhipment date/area/position	Estimated weight (kg)		
Master of receiving vessel		Signature	Vessel name	Call sign	IMO/Lloyds number (if issued)		
7. Transhipment authorisation within a port area							
Name	Authority	Signature	Address	Tel.	Port of landing	Date of landing	Seal (stamp)
8. Name and address of exporter		Signature		Date		Seal	
9. Flag State authority validation:							
Name/title		Signature		Date		Seal (stamp)	

For small scale fisheries, a simplified catch certificate is available. The simplified version:

- does not require the catch location or date of capture to be listed,
- may include the catches of a number of vessels in the same certificate,⁸ and
- does not require the signature of the individual fishers.

The simplified catch certificate can be used by vessels less than 12m in length (without towed fishing gear), and fishing vessels less than 8m in length (with towed fishing gear), that land their fishery products in the flag State.

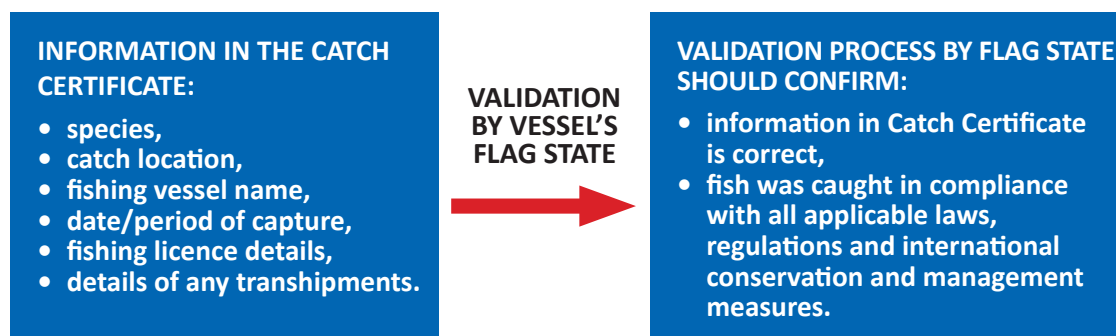
1.2 CATCH CERTIFICATE VALIDATION

Marine fishery products, including processed products, can only be imported into the EU when accompanied by a validated catch certificate. Validation is conducted by the competent authorities of the flag State of the catching vessel in order to certify that the fish was caught in accordance with applicable laws, regulations and international conservation and management measures i.e. the domestic, regional and international rules that the coastal State and flag State have adopted.

As part of this process, it is also the duty of the flag State to ensure that the catch certificate is complete and that the information provided as outlined in Figure 2 is correct. Consignments with validated catch certificates can then be exported to the EU.

Buyers should familiarise themselves with the technology used to track fishing vessels, and aim to ensure that vessels providing fish to their suppliers are equipped with the tracking technology and adhering to the traceability standards.

Figure 2: Catch certificate validation



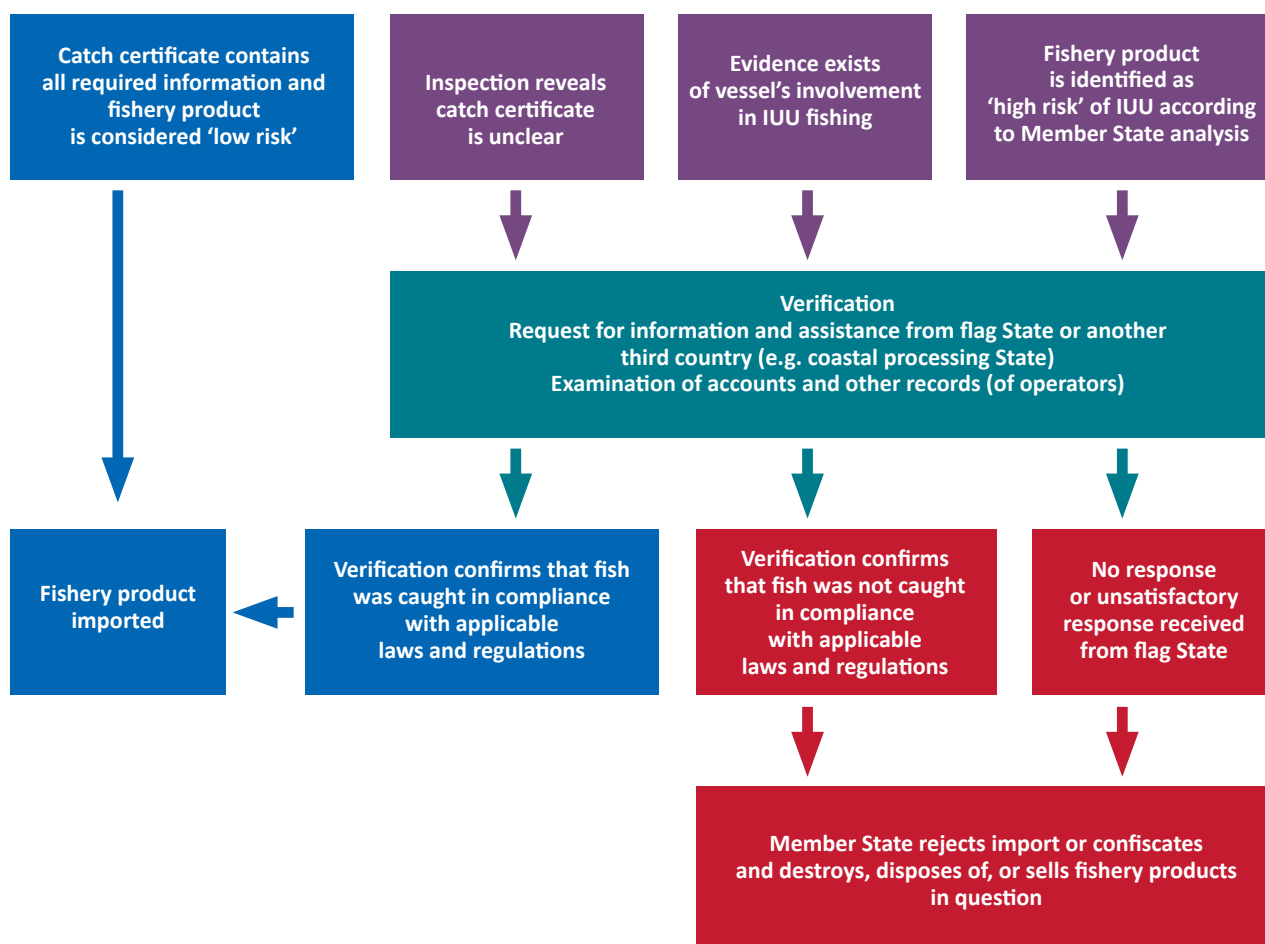
Fish being transhipped between two vessels in West Africa © EJF

1.3 IMPORT PROCESS – VERIFICATION, INSPECTION AND ENFORCEMENT

Once fishery products have landed at an EU port, Member State authorities are required to ensure that the Regulation has been correctly applied and have the power to carry out ‘all of the verifications they deem necessary’ to do so.⁹ The verification process outlined in Figure 3 starts with a review of information provided in the catch certificate to ensure all relevant information is provided. Where the fishery product is considered ‘low risk’, determined as part of a risk assessment based on a number of risk factors identified in Figure 4, the consignment is accepted. If the product is considered high risk – or where there is evidence of vessels (or other operators in the supply chain) being associated with IUU – an additional verification process will occur.

Both the vessel and its consignments can be retained, with importation delayed or suspended until a thorough investigation is conducted. Once a consignment is flagged as an IUU fishing product, however, import will be denied.

Figure 3: The import process – Verification of catch certificates by member States



Where the fishery product is considered ‘high risk’, as determined using risk criteria outlined in Figure 4, the consignment is accepted. If authorities suspect the fishing vessel has engaged in IUU fishing or the fishery product is otherwise considered ‘high risk’, there is an increased probability of inspection on arrival at port.

Figure 4: Summary of criteria used to identify risk during verification process of catch certificates

Fish/fishery product	<ul style="list-style-type: none"> • New product • Species of high commercial value • Significant/sudden increase in trade volume for a certain species
Vessel	<ul style="list-style-type: none"> • New operator or recent change in vessel name, flag, registration number • Vessel/owner suspected of IUU (either current or historical) • Declared catch data/other information inconsistent with information available to competent authority
Flag State	<ul style="list-style-type: none"> • Presumed deficiencies in control system of flag State • Trade is inconsistent with fishing activities of flag State • Irregularities in flag State's validation of catch certifications
Processing State	<ul style="list-style-type: none"> • New trade pattern or trade appears economically unjustified • Trade pattern is inconsistent with activities of processing country • Copies of catch certificates are submitted with processing statement
Port State	<ul style="list-style-type: none"> • Port notification of landing not received on time (or is incomplete)

1.4 POTENTIAL LIABILITIES FOR RETAILERS, BRANDS AND NATIONALS

Although the majority of fishery products within UK supply chains are of legal origin and from regulated fisheries, there is evidence of IUU fishery products that are accompanied by validated catch certificates entering EU supply chains. When considered within the global context, where high levels of IUU activity persist, it is evident that not all States are fulfilling their duties to prevent, deter and eliminate IUU fishing.

Critical to the effectiveness of the Regulation is the role of flag States and Member States in the validation and verification of the catch certificate. If integrity of the process is compromised and the relevant States fail to meet minimum requirements, the information provided on the catch certificate cannot always be taken at face value and considered completely accurate. In light of this evidence, DEFRA has urged companies to '*consider their traceability due diligence processes and risk management for all products wherever sourced to mitigate the risk of IUU products contaminating the UK supply chain.*'¹⁰ As a result, businesses in the UK have had to invest significant time and resources to investigate (and verify) information on the catch certificate in order to minimise risk of products being delayed or confiscated at port, as well as to avoid any potential liability.



Boxes of fish being inspected in the port of Abidjan, Côte d'Ivoire © EJF

PART II: OVERVIEW OF A DUE DILIGENCE SYSTEM

Retailers and brands already have systems in place to collect information about their supply chains to assess (and mitigate) risk for food safety and quality assurance purposes as well as to assess the sustainability of the fishery. These systems will pick up aspects relating to legality but may not be sufficiently robust to ensure that all IUU products are avoided. To determine whether, and to what extent, further action is necessary to avoid IUU products, it is important to identify the product supply chains affected, to gather relevant information, and to assess the risk of IUU.

One way to manage these risks is through a due diligence approach. This involves three simple steps:

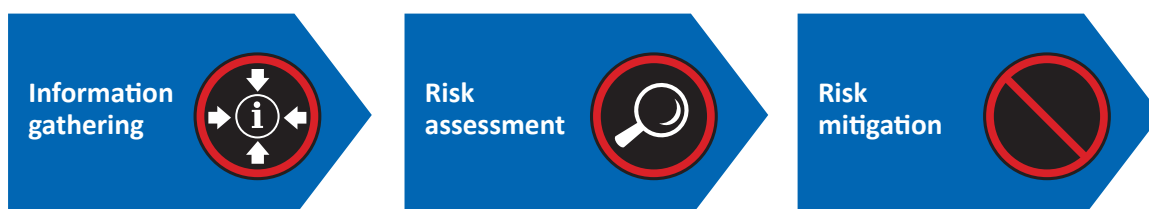
STEP 1: Information gathering – a range of supply chain and product information is collected.

STEP 2: Risk assessment – information gathered is analysed in order to assess the level of risk.

STEP 3: Risk mitigation – steps are taken to mitigate/eliminate/reduce level of identified risks.

The rest of this Advisory Note provides information on IUU fishing and some of the associated risks. It also outlines some possible (and pragmatic) approaches to due diligence based on our current understanding.

Figure 5: Due Diligence approach



2.1 INFORMATION GATHERING

Although the starting point for information collection is the catch certificate, the contamination of IUU products within the EU marketplace implies that validation processes of State(s) responsible are not consistently (or sufficiently) robust. This leaves businesses exposed to unnecessary risk. We therefore recommend that as businesses, you take additional steps to protect your brand and manage risk by collecting and verifying information about your product supply chains. To ensure that the information gathered relates directly to the fishery product in question, the supply chain must also be fully traceable from you back to vessel (or group of vessels).

2.1.1 SOURCES OF INFORMATION

For all fishery products in the scope of the Regulation, basic information about the fishery, management systems and supply chain is required. Where a high risk is identified or you are sourcing from a new supplier (or product supply chain), additional questions may need to be asked until you are confident about the validity of the information provided and have the detail required to assess risk.

Examples of information to gather from a number of sources such as:



- ✓ catch certificate,
- ✓ supplier – branded supplier, importer, processor,
- ✓ site visits – documents, records and photographs,
- ✓ written communications and email correspondence between suppliers and the supply chain,
- ✓ self-assessments, audit reports, and
- ✓ internet research – government websites, credible NGOs and academic organisations.

Mapping the supply chain is another useful exercise to help understand and identify possible areas of risk and to adequately trace products back to vessel (or group of vessels). In practice, the majority of companies are already doing this as part of the commercial transaction process and to demonstrate compliance with regulations relating to food safety. Information directly relevant to IUU fishing can be gathered as part of this process and stored on an internal system – ideally one that is already used in existing stock control or due diligence systems.

2.1.2 FREQUENCY OF DATA COLLECTION

The frequency at which you collect (or review) information about a product supply chain will vary across companies and depend on risk tolerance and approach to due diligence as a whole. Additional factors affecting this process may include: relative importance of the product to the business; relationship with the supplier; knowledge of the supply chains and confidence in the integrity of supply.

Typically there are two different points in a buying cycle when data should be collected:

a) **New products with a new supplier**

Prior to placing your order with any new supplier, it is important to assess their general level of awareness and understanding of the IUU Regulation, alongside other relevant fishing laws and regulations. Basic information about the systems in place should also be requested, although some data is likely to be commercially sensitive and not easily shared.

b) **New (or existing) products with the same supplier**

Retailers and brands may import and sell the same product throughout the year. If specifications do not change, then it is reasonable to assume that the source of the fishery products remain the same. In this situation, annual updates to re-confirm source details are likely to be sufficient.

If product specifications change, however, new information should be provided by the supplier. Buyers can include provisions for notification within the contractual agreement or specification, using a declaration such as: *“any supplier who intends to change the sourcing of the fishery product should notify the buyer immediately and supply information for approval.”*

2.2 RISK ASSESSMENT

A risk assessment is a systematic process that can be repeatedly applied to evaluate the risk of IUU fishing that may be associated with your supply chain. As part of this process, all possible issues and concerns are first identified from the information collected and then assessed. Although the risk factors will vary depending on the fishery and associated management structures in place, there are three core elements that determine whether the collective impact of factors results in a significant (or high) risk of IUU entering your supply chain.

As a starting point of analysis, three main areas to consider as part of your risk assessment are: fishery, fisheries management and supply chain management.



Inspection: Measuring the mesh size of fishing nets in Elmina, Ghana © EJF

Table 3: Questions for your supplier

FISHERY	FISHERIES MANAGEMENT	SUPPLY CHAIN MANAGEMENT
Level of IUU associated with fishery & vulnerability/susceptibility of fishery to IUU	Governance systems in place to monitor, control, and enforce the IUU Regulation	Supply chain controls in place to assess & mitigate risk of IUU from entering the supply chain
<ul style="list-style-type: none"> • What is the fish/fish product? • Is it third party certified with chain of custody? 	<ul style="list-style-type: none"> • Who manages the fishery (flag/coastal State)? • Have any States been issued with a yellow card (or pending red card)? • Is the flag State considered a Flag of Convenience? 	<ul style="list-style-type: none"> • Is the fishery product procured directly from a trusted supplier/source?
<ul style="list-style-type: none"> • Who catches the fish? • Are any vessels in the supply chain flagged by a State that has been issued a yellow card (or pending red)? • Are any flagged to a Flag of Convenience? 	<ul style="list-style-type: none"> • Does the State have MCS measures and practices in place? • Is there a licencing system? 	<ul style="list-style-type: none"> • Is there a robust traceability system in place? • Is there a chain of custody certificate or documented paper trail?
<ul style="list-style-type: none"> • Where is it caught? • Does the range of fishing activity extend across more than one EEZ? 	<ul style="list-style-type: none"> • Is the State a member (or a co-operating party) of the relevant RFMO? 	<ul style="list-style-type: none"> • Is the supply chain traceable from delivery to you back to catch vessel?
<ul style="list-style-type: none"> • Is there transshipment? • Is it supervised (or are details of transshipment available)? 	<ul style="list-style-type: none"> • Does the State/RFMO maintain a publically available register of licenced vessels? 	<ul style="list-style-type: none"> • Does the supplier maintain a list of vessels?
<ul style="list-style-type: none"> • Where is catch landed? • Are there port State controls in place? 	<ul style="list-style-type: none"> • Is there an observer programme in place? • Are observers trained and independent? 	<ul style="list-style-type: none"> • Does the port State have controls in place? • Does it register all landings?
<ul style="list-style-type: none"> • Is the price of the fish significantly lower than the average market price? 	<ul style="list-style-type: none"> • Do you trust the catch certificate? • Is the State associated with a high level of corruption? 	<ul style="list-style-type: none"> • Does the processing facility verify legality of catch received?
		<ul style="list-style-type: none"> • Is there transshipment? • Is it supervised (or are details of transshipment available)?

In some cases, additional information may be required to ascertain whether the risk directly affects your supply chain. If so, you may decide to consider alternative sourcing options or to explore opportunities to address or mitigate the risk in order to continue sourcing from the supplier. This assessment process and allocation of risk will vary by company, and will depend on risk tolerance as well as on the value or relative importance of the fishery product in relation to the overall business.

2.3 RISK MITIGATION

Risk mitigation consists of a set of measures and procedures that are adequate and proportionate to minimise that risk, with different actions required to address it (depending on the type of risk identified). It may first be necessary to verify the information received, whether directly or through a third party, to better understand the risk and how to address it. The degree to which retailers and brands engage in risk mitigation will depend on risk tolerance as well as other factors such as the importance of the product to the business. Other circumstances such as the nature of the sourcing relationship (i.e. length of relationship, history of supplier compliance) and their ability to influence and resource the improvement plan will also affect the terms of engagement.

Where possible, businesses should incorporate IUU fishing risk mitigation measures into their existing systems and sourcing policies, and then implement throughout the supply chain. This may involve the insertion of an additional clause in supplier contracts and in other documents such as signed supplier declarations. However, it is important to note these declarations do not negate your liability as an EU importer. It is therefore recommended that retailers and brands have systems in place to verify that the information provided by suppliers is credible and is supported by evidence.

2.3.1 VERIFICATION AUDITS AND ASSESSMENTS

Additional information or documentation may be required to determine whether the risks identified directly affect your supply chain. Some of this information can be obtained from your direct suppliers but businesses may wish to conduct a more detailed investigation and verification of information through site visits and audits. Retailers may also choose to appoint an organisation to carry out third party verification by undertaking a detailed audit and review of its suppliers. The type and frequency of verification depends on the level of risk associated with the fishery product and the relative significance of the product by volume and/or value.

Types of verification could include:

- **Self-assessments/declarations:** An assessment conducted by a supplier on its own operations (or those under its direct control or ownership) to ensure the information provided is credible.
- **Second party audit:** Internal audit conducted by businesses on their suppliers (or potential suppliers) to ascertain whether or not the supplier can meet existing or proposed sourcing requirements.
- **Third party audit:** External audits performed by organisations that are independent of both the business and the supplier. These are likely to be used for fishery products which fall into the higher risk categories and deliver the appropriate level of verification.

In all cases, the auditors used must have the skills and knowledge necessary to assess sources against each of the legislative components required under the regulation.

2.3.2 TRACEABILITY & SUPPLY CHAIN VERIFICATION

Traceability is the ability to follow specific batches or lots of fish/fishery products from the source fishery through all stages of the supply chain to its point of sale. Food businesses should already have a range of robust traceability and risk management protocols in place to address food safety and quality management systems, so additional aspects relating to IUU should be integrated into these existing systems where possible. An example of traceability compliance is provided in the ISO standard 'Traceability of finfish products' (12875:2011).

Traceability audits or chain of custody certifications provide assurances that products come from a particular fishery, and that a business has adequate systems in place to track and trace fishery products from the point of capture to the point of sale. Robust certifications serve to lower the risk of products being contaminated by IUU fisheries product and are a key tool in gathering and verifying information.

For some high risk sources, DNA testing may provide an additional level of assurance by verifying species identity in the fishery product (Box 4). Mis-labelling and mis-identification can lead to IUU products entering the supply chain. Although DNA testing can be used as a tool to verify information and potentially identify an IUU fishery product, it should not be considered a substitute for data collection and analysis.

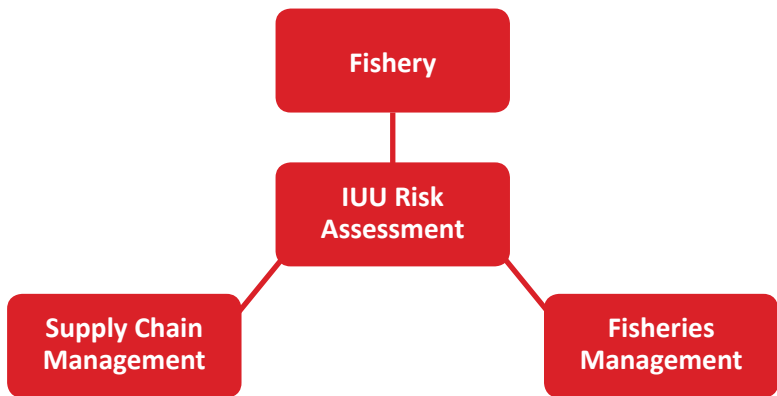
2.3.3 ALTERNATIVE SOURCES

If a high risk is identified as directly affecting your supply chain, you may decide to explore opportunities to mitigate the risk and continue sourcing from the supplier or you may decide to consider alternative sourcing options. Actions considered appropriate to the risk identified should be developed into an improvement plan with the relevant parties, with a timeline and agreed series of corrective actions. In situations where the influence and/or resources available to mitigate the risk is limited, however, businesses may need to stop sourcing from the supplier or fishery in question. This decision and the reasoning behind the decision should be communicated to the relevant parties, with recommendations of how to improve practices within the supply chain to avoid the risk of IUU. These recommendations may also extend to Member States and States associated with the governance and implementation of the Regulation.

Part III: KEY ASPECTS OF DUE DILIGENCE RELATED TO IUU FISHING

Vessels engaged in IUU fishing activity disregard limits, frequently targeting species of high value in remote areas or fishing where there is limited capacity and/or ineffective control measures in place to protect the fishery. Vessels operating illegally (or otherwise failing to accurately report on catch), are most prolific where there is weak governance or enforcement and where poor traceability systems fail to identify IUU products back to vessel or group of vessels. Using criteria identified by the MMO and those outlined in FAO voluntary guidelines, we have categorised risk into three core areas – Fishery, Fisheries Management and Supply Chain Management (Figure 6).

Figure 6: Core IUU Risk Assessment areas



The due diligence approach outlined in this Advisory Note is intended for use in industrial fishing operations. It is a means to help identify the risk of sourcing IUU fishery products and to prevent these products from entering supply chains. The process outlined is a simplified overview of what this might look like; but should be adapted and built on as needed.

For each fishery product sourced, basic information about the nature of the fishery and how it is being managed by the State and industry should be collected. For every business, there may be additional questions and factors to be considered before making a decision on sourcing depending on the product supply chain, relationship with supplier and level of risk tolerance.

Alternative due diligence measures may be required for small scale fisheries because the systems used by flag States and suppliers may be different to those used in industrial fisheries.



Pirate fishing in Sierra Leone © EJF

3.1 FISHERY

Certain fisheries may be more susceptible to IUU activities depending on the fishery operations and the nature and structure of the source fishery. Fisheries operating under effectively enforced quota systems, for example, are more regulated and therefore less prone to IUU activity (with the exception of high grading) than those that are managed as a common resource. Key factors include the value of the species (at different sizes), the costs of catching them, range and location of the fishery, and the efficiency of control and enforcement measures in place.¹¹

To assess the potential risk associated with the fishery sourced from, information to be collected about the fishery may include the following:

- **Species:** high value commercial species targeted, including data on by-catch species.
- **Range and location:** list of FAO catch areas and information on species caught in more than one 'legal' area, including those that migrate across multiple EEZs or on the high seas.
- **Operations:** fleet size/capacity, list of vessel identities.
- **Management/governance:** list of relevant States and authorities with jurisdiction over fishery; any management/mitigation measures being used with respect to target species (i.e. quotas/TACs) and those in place to reduce by-catch, where relevant; and information on fishery certification and chain of custody certification, where it exists.

3.1.1 FISHERY RANGE AND LOCATION

To determine the impact and susceptibility of a fishery to IUU fishing activities, basic knowledge of the stock structure and the geographical areas it occupies is required. If the spatial range of the stock extends into more than one area, the fishery may be managed by multiple States that have varying capacities to monitor and patrol their waters. Spatial distribution can also change seasonally. Some tuna stocks, for example, follow migratory routes that take them through the waters of several countries and out into the high seas. This route may lead to a higher rate of underreporting compared to fisheries located within the territorial waters of regulated States. Factors to consider when assessing the ability of the flag/coastal State (or the RFMO) to monitor and control access related to the geographical area the stock occupies (whether it is within territorial, EEZ or high seas) and the extent to which this expands to other waters due to migration or seasonal patterns.



Examples of information to collect on fisheries:

- ✓ Range and location of fishery – fish/seafood species; stock (including commercial by-catch and unwanted TEP by-catch),
- ✓ catch – FAO (or ICES) catch area, catch method,
- ✓ fleet structure/capacity – number of vessels, type of fleet (size of vessels, complexity/length of supply chain).

3.1.2 VESSEL IDENTIFICATION

Under the IUU Regulation, fish from vessels on the EU IUU Vessel List and those without the necessary RFMO authorisation (if applicable) will be blocked from export into the EU. The identity of vessels is obtained using a combination of vessel name, flag, ownership and in some cases, an identification number.

To verify vessel identity and compliance records, all relevant vessel lists and/or vessel registers that are held by flag State, coastal State and/or RFMO must be checked. Vessels may appear on multiple lists, regardless of where they are currently fishing and may even be listed under different names, owners, and flags. Depending on the supply chain, it may be difficult to quickly and accurately verify this information, which may cause shipments to be delayed at port at a cost to the importer along with possible legal liability.



Examples of information to collect on vessels:

- ✓ vessel name, owner and flag State,
- ✓ unique vessel identifier (Phase 1: IMO number if over 100GT),
- ✓ registration number,
- ✓ skipper/fisherman licence.

Global Record of Vessels

It is currently very difficult for businesses to verify vessel identities due to frequent changes in vessel ownership, vessel name, flag State etc. To improve this process, the relevant vessel information – including history of non-compliance, vessel name, ownership etc. – needs to remain tied to the vessel throughout its lifespan. The mandatory allocation of a unique vessel identifier (UVI), such as the International Maritime Organization (IMO) number, for all fishing vessels would increase transparency of operations and ensure a level playing field for all vessels. Once allocated, IMO numbers can then be integrated into supply chain records from vessel registrations through to transshipment declarations and sales notes, therein improving the traceability of fish products throughout the market chain.

Box 1: International Maritime Organisation (IMO) Numbers

IMO numbers are widely used in the merchant shipping sector and also required for passenger vessels of at least 100 GT and for cargo vessels of at least 33 GT. It is the only UVI in operation that is available on the scale required for the fishing sector and since the number is free and easy to obtain, burden on vessels would be minimal. Although fishing vessels can now apply for an IMO number, the scheme remains voluntary (with the exception of a few RFMOs such as ICCAT and CCAMLR that require IMO numbers for large-scale vessels). Consequently, use of IMO numbers remains low, with only one third of fishing vessels registered.

Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels

On its own, use of an IMO number does not confirm vessel compliance with the Regulation. To strengthen assurances of the identities and histories of the fishing vessels in supply chains, it is therefore necessary to couple use of IMOs with registration on a global platform or on a database like the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (or Global Record of Vessels).

The Global Record of Vessels is an FAO initiative to improve transparency and traceability in the fisheries sector by providing a centralised database of information on fishing vessels. The FAO plans to apply a Global Record in three phases:

Phase 1: Covering all vessels $\geq 100\text{GT}$ or $\geq 100\text{GRT}$ or $\geq 24\text{m}$.

Phase 2: All vessels $< 100\text{GT}$ or $< 100\text{GRT}$ or $< 24\text{m}$ but $\geq 50\text{GT}$ or $\geq 50\text{GRT}$ or $\geq 18\text{m}$.

Phase 3: All other eligible vessels, notably vessels $< 50\text{GT}$ or $< 50\text{GRT}$ or $< 18\text{m}$ but $\geq 10\text{GT}$ or $\geq 10\text{GRT}$ or $\geq 12\text{m}$.

This database would contain data that is verified by the relevant authorities including:

- vessel name, gear type,
- description of capacity and capability,
- name of owners (and associated interests),
- list of fishing authorisations,
- history of non-compliance (inspections, infractions, IUU lists, etc.),
- information on vessels involved in transshipment and refuelling operations, and
- any other relevant and available data.

To ensure coverage is comprehensive, RFMOs should also coordinate their vessel records with the Global Record.

RECOMMENDATION:

To improve the efficiency and effectiveness of fishing vessel identity verification, the BRC, EJP and WWF support the use of the IMO number as a unique vessel identifier for the fishing industry in conjunction with registration of these numbers in the Global Record of Vessels.

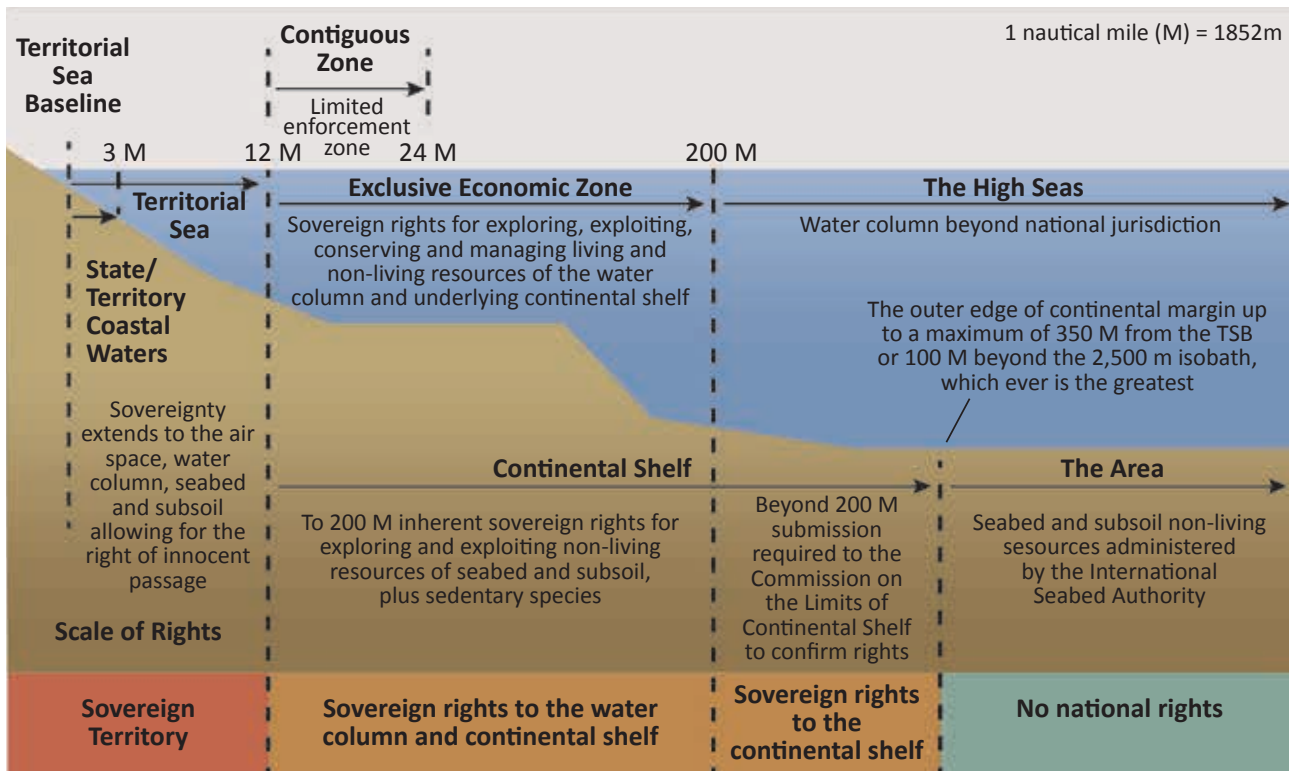
Table 4: Assessing IUU risks in fisheries and required actions

KEY QUESTIONS	WHAT TO RESEARCH	CONSIDERATIONS	ACTION NEEDED
What is the fish/ fish product?	Name of fish/seafood species. Stock component (list of by-catch species – commercial and unwanted/TEP by-catch).	There is a high level of IUU associated with the fishery. Price of fish is significantly lower than average market price.	Assess risk of IUU (level of IUU, susceptibility/ vulnerability) against business tolerance to risk, including whether it is high value/high volume. For a credible estimate of IUU in the fishery, review independent reports and journals (eg. ICES, NOAA, peer reviewed scientific reports). Obtain information on fishery operations – data/records of catch and/or by-catch.
Where/how is it caught?	Range and location of fishery – FAO/ICES catch areas. Type of gear/catch method used.	Fishing activity takes place in more than one EEZ or on high seas. Gear used is not verified as legal. Gear used is associated with unwanted by-catch and/or environmental damage (eg. seabed impacts).	Obtain information on MCS measures in place. Verify gear used is legal in catch area. Obtain information on gear selectivity or other measures in place to reduce risk of bycatch and/or damage to environment.
Who catches it?	Vessel information (for entire supply chain): • list of vessels – to include flag States, registration number and licence, • Unique Vessel identifier (UVI).	One or more vessels in the supply chain are registered to a flag/coastal State that is yellow carded (or pending red card).	Consider relative importance of fishery product, history of State performance (risk of being issued a red card, level of IUU associated with fishery etc), relationship with supplier.
		One or more vessels are registered to a Flag of Convenience. Supply chain is (unjustifiably) long and complex. Access to information: • information for one or more vessels is unavailable, inaccurate, or incomplete, • registration and/or licence number is missing for one or more vessels, • weak/limited information on fleet size/capacity.	Obtain/verify all vessel identities and history of compliance (currently not practical to verify on large scale – need mandatory IMO and Global Record to do so). Conduct traceability audit. Cross check list of vessels with: • EU decision, • Interpol Purple notices for IUU arrests, • State registers, RFMO register.
	Where fishery is regulated by an RFMO: • RFMO vessel register.	Where fishery is regulated by an RFMO: • one or more vessels are not on RFMO register, • one or more vessels is flagged to a non-cooperating party (not a member of the RFMO).	Verify vessel identities and compliance with RFMO requirements.
Is there transhipment?	Details of transhipment (date, at sea/at port). Name of State issuing licence.	Transhipment is <u>not</u> standard practice in the fishery. Transhipment is not conducted in accordance with RFMO regulations. No observer programme/ transhipment is not supervised. Protocol for transhipment not in place or lacking.	Check that supplier can reconcile product transfer records with mass balance at every stage in the supply chain. Verify details of transhipment with copy of catch certificate. Verify protocols on Government or RFMO websites.
	Basic vessel information for catch and carrier vessels involved in transhipment (flag State, registration number and licence, UVI).	Access to information: • information for one or more vessels is unavailable, inaccurate or incomplete, • lack of information and documentation relating to the transhipment.	Obtain information about port State inspection program (number of inspections, percentage conducted at random, coverage of fishery). Verify with observer reports.
Where is catch landed?	List of port landing States or country (province). Status on ratification of Port State Measures Agreement for each port State.	Port State has not ratified PSMA or developed national interpretation. No evidence of standards or protocols in place. Lack of information on port State inspections or third party controls in place at port of landing.	Obtain information on port landing procedures and documents required in country of operation. Obtain information on inspection programme or third party controls in place. Verify with evidence or State controls in place (eg. documents, records of inspection).
	Evidence of port State controls.	Not all fish is registered on landing.	Verify with port landing registration records.
Is the fishery certified by a third party? Is there a chain of custody?	List name of certification. Certificate number associated with fishery product and chain of custody.	Fishery is not third party certified. No established chain of custody.	Verify certificate number on website. Check for evidence of other traceability systems in place and verify with audit reports.

3.2 FISHERIES MANAGEMENT

IUU fishing is not a new phenomenon in capture fisheries. Although commonly associated with the high seas, IUU also occurs in exclusive economic zones (EEZs) and the territorial waters of coastal States, extending into inland fisheries. These zones (or maritime areas) are under the jurisdiction of the coastal State or RFMO.

Figure 7: Maritime zones recognised under international law



Maritime zones and rights under the 1982 United Nations Convention on the Law of the Sea (UNCLOS)

The likelihood of detecting IUU activity is affected by a number of factors, including: size of territory to be patrolled, number of available patrol boats and inspectors, frequency (and adequacy) of inspections, access to technology for vessel monitoring, quality of controls at port and judicial infrastructure. This depends on the capacity of the relevant flag/coastal State or RFMO and the resources available to them in order to monitor vessels, control access to fisheries and ultimately enforce relevant laws and regulations. Referred to as monitoring, control and surveillance (MCS) systems, these are the systems in place that gather, effectively determine and establish the rules of the fishery. Usually, it is one of the departments within the Ministry responsible for fisheries that is responsible for setting up and maintaining the MCS system.

Different fishery types require different MCS responses. Industrial fisheries tend to use more traditional components of MCS such as vessel registers, observer programmes, VMS and patrol vessels and aircrafts. In an artisanal or small scale fishery the combination of large numbers of fishers and landing places, mixed gears and migrant fishers makes MCS an often complex task. The combined approach of community-based management and the more traditional use of government data collectors, frame surveys and some enforcement personnel are often required.

Box 2: About Monitoring, Control and Surveillance

MCS systems can be developed for either specific fisheries or a group of interacting fisheries. These systems are defined by:¹²

‘Monitoring’: The collection, measurement and analysis of fishing activity including: catch, species composition, fishing effort, by-catch, discards and areas of operation. Examples: Vessel logbooks, VMS and observers, port landings.

‘Control’: The specification of the terms and conditions under which resources can be harvested. These specifications are normally contained in national fisheries legislation and other arrangements that might be nationally, subregionally, or regionally agreed.

‘Surveillance’: The regulation and supervision of fishing activity to ensure that national legislation and terms, conditions of access and management measures are observed.

MCS is improving in many countries but success depends on:

- firm foundation of new legislation on fisheries,
- human resources – inspectors and observers with basic training in monitoring and surveillance,
- information systems/IT – the quality of the information systems plus integration with vessel monitoring systems (VMS),
- infrastructure – patrol vessels and planes.

3.2.1 FLAG STATES

The flag State of a fishing vessel is the country under whose laws the vessel is registered or licenced. Among other duties, the State is responsible for authorising fishing licences and for monitoring and controlling fishing activities carried out by vessels operating under its flag. By authorising a vessel to fish, the flag State effectively assumes authority and control over the ship and becomes responsible for ensuring the fishing activities of the vessel are conducted in accordance with standards set out in relevant fisheries laws and regulations. However, the degree to which flag States fulfil these duties is inconsistent and in some cases, may not meet the minimum standard required to verify catch certificates or to enforce fisheries regulation. Where performance is found lacking, the European Commission may issue a warning (yellow card) to the State. If no improvement is made, a red card is issued and the State is considered to be a non-cooperating third country (i.e. any non-EU country) and its products banned from import into the EU.

Flag State Performance

The criteria by which the European Commission evaluates the performance and compliance of third countries and the process through which these decisions are made are considered by some stakeholders as not fully transparent.¹³ The FAO Voluntary Guidelines for Flag State Performance help provide some insight into the criteria used by outlining a range of actions to ensure that registered vessels do not engage in IUU fishing. Even though the guidelines are voluntary, their endorsement by the FAO Committee on Fisheries (COFI) provides a shared set of standards against which States can benchmark performance. These include:

- ✓ issuing fisheries licences and verifying licences for coastal States,
- ✓ exercising jurisdiction and control over vessels flying its flag,
- ✓ vessel registration and maintenance of the vessel register, including information on history of non-compliance, etc.,
- ✓ monitoring and controlling fishing activity, and
- ✓ validating catch certificates to ensure fish exported is in compliance with applicable laws and regulations.

Flag State performance: EU Decision on non-cooperating country

Flag States are designated as ‘non-cooperating third countries’ if they fail to comply with requirements under international law and/or fail to take action to prevent, deter, and eliminate IUU fishing. When the Commission determines that a flag State is not fulfilling its duties,¹⁴ it is first issued a warning (or yellow card) and then given 6-12 months to improve. During this period, it is still legal to import these products into the EU but if flagged with a yellow card, consignments are at greater risk of delay due to increased scrutiny from enforcement authorities.

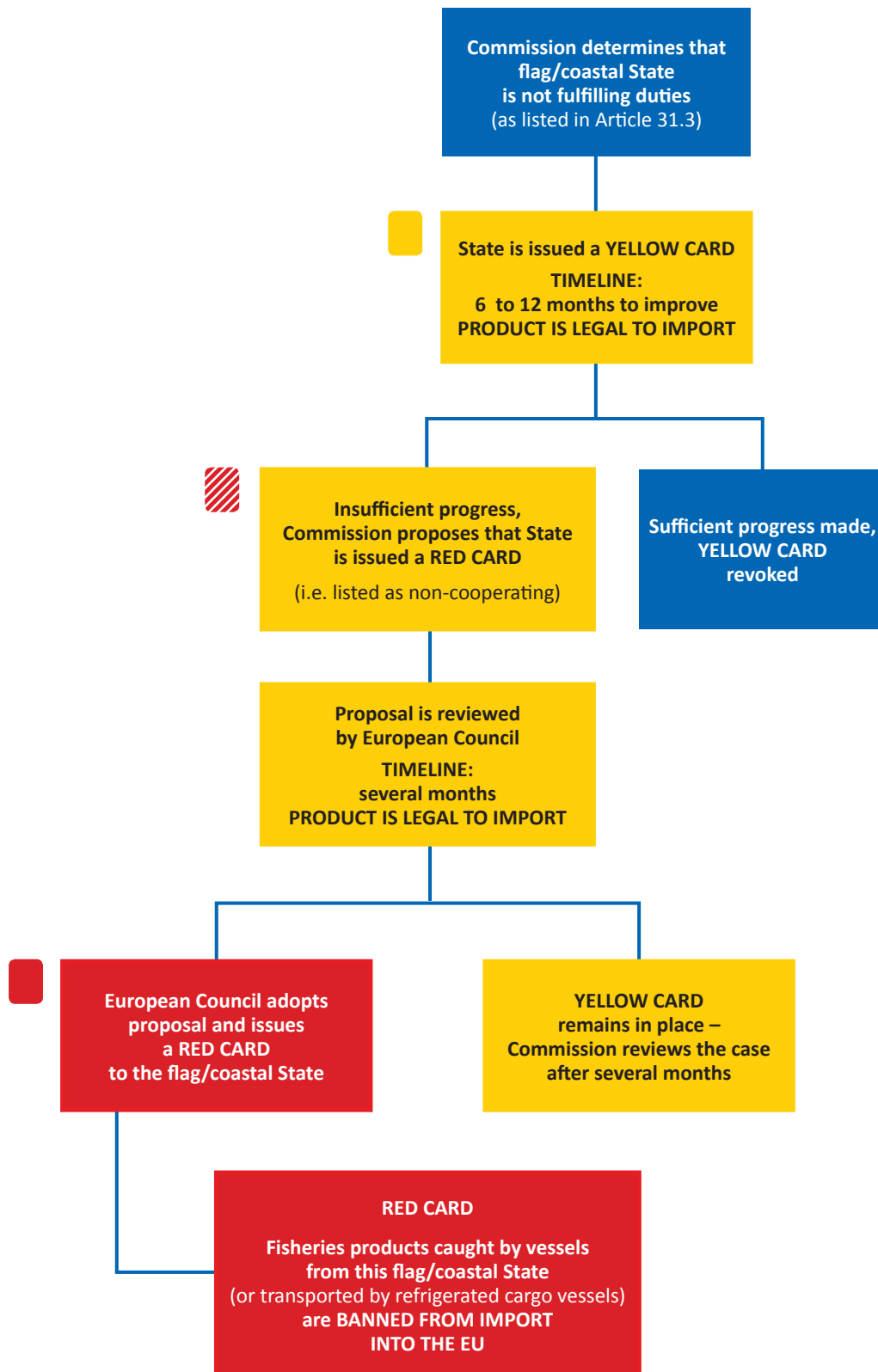
Red card

If after issuing a yellow card the Commission determines that progress is insufficient, it will propose the country is listed as ‘non-cooperating’ and issued a red card. The proposal must be adopted by the European Council before the country is officially listed as non-cooperating – a process that could take several months (Figure 8: EU decisions on flag State performance). During this period, the fish/fishery product may still be imported into the EU legally but at greater risk to the buyer, due to the identified failings in the supply chain and because import of the fish/fishery product may be blocked at any point in the months following the proposal. Increased consignment controls and verifications may further result in delays at port.



Valiente whilst detained in the Spanish port of Las Palmas © EIJF

Figure 8: EU decisions on flag State performance – issuing yellow and red cards



When a State associated with your supply chain is issued a yellow card, companies may choose to look for alternative sources, or cease sourcing if the risk is considered too high. In some circumstances, such as where there is a long established supplier relationship or the supply chain in question is fundamental to the business, companies may decide to continue sourcing. When making this decision, however, efforts should be made to mitigate risk by supporting improvement projects, monitoring progress of the State and/or by verifying their own supply chain. Factors to consider when assessing the risk of sourcing from a supply chain associated with a yellow card include:

- ✓ importance of product both in terms of quantity and value to your company,
- ✓ risk tolerance of your company,
- ✓ corporate commitments to fisheries improvement, investment in Fisheries Improvement Projects (FIP's) etc.,
- ✓ nature of non-compliance identified by Commission Decision,
- ✓ longevity/history of relationship with the supplier engagement, and
- ✓ supplier engagement with fishery and evidence provided in relation to governance in supply chain, efforts to improve monitoring and control (e.g. use of VMS etc.).

Vessel registration – Flags of Convenience

It is very difficult to provide a standard overview of registration requirements for fishing vessels because the issuing of registration, licencing process and renewal period can vary from State to State. At one end of the spectrum, as an entry level standard, some States require only a minimum level of information before issuing registration, which may take as little as one day. For States operating more robust systems, a much greater level of information is required and registration is only issued after the State verifies details through a series of cross checks that may even include a survey of the ship.

If sourcing product with vessels fishing under a known FoC, additional measures are required to mitigate risks of IUU fisheries products entering supply chains. This may include detailed information on MCS systems in place by the flag State, including use of VMS, observer coverage, access to logbooks etc. as well as records of inspections that confirm legality of operations.

Effective monitoring by flag States requires good infrastructure and communication between ship registries, the government and other regulatory bodies. Better information exchange and co-operation among countries would enable flag States to identify (and refuse registration of) vessels that are 'flag-hopping' (e.g. attempting to register with more than one flag State) and to refuse vessels that have been reported for IUU fishing.

Examples of information to request on flag States:



- ✓ list of flagged vessels, including flag State, registration number, licence and UVI,
- ✓ type of State fishery controls in place – quota/effort,
- ✓ State system of licencing and registration, including renewal,
- ✓ MCS systems in place – VMS, port sampling, observer coverage, use of logbooks,
- ✓ records for maintenance of fishing and related log books,
- ✓ name of State authorising transshipment licences,
- ✓ catch and transshipment reports (aggregated according to areas and species).

Box 3: Flags of Convenience

Fishing vessels must be licenced by a flag State and registered to fish in order to operate. Once registered, the vessel flies the flag of that State, with the understanding that it operates under its laws and regulations. Some vessel owners, specifically those operating illegally, will therefore prefer to be flagged by States that have relatively lax laws and low standards of monitoring and enforcement. These vessels are able to register with the flag State of choice as long as it operates an open register and allows foreign vessels in.

A flag State is considered a Flag of Convenience (FoC) 'where beneficial ownership and control of a vessel is found to lie elsewhere than in the country of the flag the vessel is flying'.¹⁵ Vessel owners benefit from the link through fewer vessel restrictions, competitive tax rates, lower administration and registration fees, minimal nationality requirements, quick and efficient registration process, and/or owner operational costs of the vessel.¹⁶ By operating this registry, flag States are able to generate revenue from tonnage and registration fees and franchise and/or royalty fees.

Although there are no universally agreed criteria on what constitutes a Flag of Convenience, there are some general indicators:

- flag State is a landlocked nation,
- disproportionate number of foreign owned vessels to domestic on registry,
- open ship registries run by private companies based in other countries.

To encourage best practice instead of simply labelling countries as Flags of Convenience, the term 'Flags of Integrity' can be used, with the aim to promote states that have effective legislation and enforcement to address IUU fishing.

RECOMMENDATION: Retailers and brands should ensure that there is a genuine link between the flag State and the fishing operation/operators, and should promote States with robust national laws regarding IUU fishing and already effectively enforcing all major international fishing treaties.

3.2.2 COASTAL STATES

More than ninety percent of the global catch is estimated to be taken within waters under the jurisdiction of coastal States.¹⁷ Under international law, coastal States – countries in whose water the actual fishing activity takes place – are responsible for fisheries within its territorial waters as well as within the EEZ. This includes conservation and management of resources and the issuing of licences for vessels within the EEZ and verifying licences issued by flag States. However, these duties do not extend to the high seas where it has virtually no legal power, except to regulate its own nationals and vessels.

IUU fishing that occurs within territorial waters or the EEZ is frequently conducted by vessels registered in the coastal States themselves and tends to manifest in the form of underreporting or misreporting of catch.¹⁸

Coastal State roles and responsibilities:

- ✓ issuing fishing licences for vessels fishing within its jurisdiction (the EEZ),
- ✓ verification of vessel licences fishing with the EEZ (as issued by flag State),
- ✓ publication of licence lists (vessels registry),
- ✓ conservation and resource management within the EEZ,
- ✓ regulating fishing access – monitoring, control and surveillance of fishing activities in the EEZ,
- ✓ logbook recording its fishing activities, and
- ✓ licencing of at-sea transshipment and processing of fish and fish products in coastal State waters.

Of all its responsibilities, the role of coastal States in verifying licences is one of the most critical, particularly in countries where licences can be obtained through agencies. Ideally, a coastal State should not allow access unless it is requested to do so by the flag State, or the flag State at least indicates that it does not object to the proposed fishing. The permission granted to such a vessel by a coastal State serves, in effect, as a second authorisation to fish.

The publication of licence lists (or the registry) by coastal States is another important safeguard that helps to combat licencing irregularities and minimises the incidence of fake or fraudulent licences. However, where lists are not available, it may be necessary to clarify the process for obtaining licences with the supplier.

3.2.3 REGIONAL FISHERIES MANAGEMENT ORGANISATIONS

Regional fisheries management organisations (RFMOs) are typically formed where the same stock(s) of associated species occur within the EEZs of two or more coastal States i.e. straddling stocks and where the stocks are highly migratory. In general, the marine resources managed by RFMOs are commercially valuable and usually cover fish stocks that travel long distances as well as those that move between the waters of more than one country or between national and international waters (high seas).

There are approximately 17 RFMOs covering various geographic areas. Of these, five are the tuna RFMOs, which manage fisheries for tuna and other large species such as swordfish and marlin.



Examples of information to request on coastal States:

- ✓ list of vessels registered by coastal State,
- ✓ information about system of registration, including renewal,
- ✓ information on MCS systems in place – VMS, port sampling, observer coverage, use of logbooks etc.,
- ✓ licence verification records (e.g. audits, certifications),
- ✓ list of transhipments occurring within EEZ, including vessels involved and date and location of all occurring at sea.



Tuna vessel, *Belouga*, moored at the Port of Abidjan, Côte d'Ivoire © EIJF

Figure 9: RFMOs which manage fish stocks by geographical area



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CCAMLR	• Convention on Conservation of Antarctic Marine Living Resources (CCAMLR)
CCBSP	• Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea (CCBSP)
GFCM	• General Fisheries Commission for the Mediterranean (GFCM)
NEAFC	• North-East Atlantic Fisheries Commission (NEAFC)
NASCO	• North Atlantic Salmon Conservation Organisation (NASCO)
NAFO	• Northwest Atlantic Fisheries Organization (NAFO)
SEAFO	• South-East Atlantic Fisheries Organization (SEAFO)
SIOFA	• South Indian Ocean Fisheries Agreement (SIOFA)
SPRFMO	• South Pacific Regional Fisheries Management Organisation (SPRFMO)

Figure 10: RFMOs which manage highly-migratory species, mainly tuna



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AIDCP	• Agreement on the International Dolphin Conservation Programme (AIDCP) (sister organisation to IATTC)
CCSBT	• Commission for the Conservation of Southern Bluefin Tuna (CCSBT)
IATTC	• Inter-American Tropical Tuna Commission (IATTC)
ICCAT	• International Commission for the Conservation of Atlantic Tunas (ICCAT)
IOTC	• Indian Ocean Tuna Commission (IOTC)
WCPFC	• Western and Central Pacific Fisheries Commission (WCPFC)

Actions taken by the RFMO to identify and address IUU fishing help to reduce the risk of IUU but mechanisms put in place to enforce compliance are of variable quality.

RFMO activities may include:

- ✓ operation of IUU vessel lists and/or authorised vessel lists,
- ✓ mechanisms to verify fishing vessel activities and address non-compliance,
- ✓ sanctioning IUU fishing activity through compliance committees,
- ✓ operation of electronic catch certification schemes,
- ✓ employment of trained independent observers on vessels, and
- ✓ use of DNA to mitigate risks of species substitution or mislabelling.

Box 4: DNA Testing

DNA is being increasingly seen as an effective way of identifying IUU fishery products. It is a means to check the reliability of labelling through verification of species and the origin of fishery products.

Article 13 of Council Regulation (EC) No 1224/2009 made it compulsory for Member States to explore genetic tools for fisheries enforcement purposes. The MMO's IUU Team has now begun a sampling programme for imports, which aims to ensure that species match declarations on catch certificates and other import documentation.

Adoption of more widespread uses of DNA testing by other port state authorities could facilitate increased identification of IUU fishery products.

Table 5: Assessing IUU risk in fisheries management and required actions

KEY QUESTIONS	WHAT TO RESEARCH	CONSIDERATIONS	ACTION NEEDED
Who is managing the fishery?	List of vessel flag States. List of coastal States.	One or more flag/coastal States in the supply chain have been issued a yellow card (or pending red card).	Consider relative importance of fishery product, relationship with supplier. State performance – risk of being issued a red card, level of IUU associated with fishery. FAO guidelines on flag State performance, independent reports on fisheries IUU.
		One or more vessels are registered to a flag State considered to be a Flag of Convenience. No national action plans in place to address IUU. State managing fishery is associated with high level of corruption.	Obtain additional information/evidence of vessel compliance including use of MCS, VMS and observers. Check State performance: • check ranking of States in the World Bank indices of corruption and governance, • estimates/level of IUU associated with fishery (ICES, NOAA, peer reviewed scientific reports) • check fishery laws and regulations are available/ accessible on government website; and that State has national action plans to combat IUU, • check compliance against FAO guidelines on flag State performance.
	Where fishery is managed by an RFMO: • name of RFMO, • evidence of RFMO membership requirements.	RFMO has issued a warning/taken action against one or more flag or coastal States in the supply chain. Flag State is a non cooperating member of the RFMO that is managing the fishery. RFMO does not maintain a vessel register.	Review enforcement activities of RFMO, recent meetings etc.
How is access to the fishery controlled?	Type of fishery controls in place: • quota and/or effort.	Access to fishery is not controlled.	Harvesting control rules. ¹⁹
	Information on licencing and registration system (period of review/renewal, issuing party etc.)	Coastal State is not verifying all flag State licences for vessels fishing in multiple EEZ. One or more vessels are missing required licences to fish in each of the EEZs. Licenses are not issued directly by government.	Obtain information on licencing and registration system, including period of renewal, responsible parties, method of payment.
How are vessels monitored?	Type of monitoring systems in place: • VMS (or other systems for small scale), • port sampling, • logbooks, • observer programme.	Limited uptake of VMS by vessels within fleet. No observer programmes in place. Lack of documents/records of inspection.	Obtain additional information/evidence of vessel compliance including use of MCS, VMS and observers.
	Where fishery is managed by an RFMO: • reference to RFMO requirements and monitoring/control measures in place, • list of registered vessels.	Lack of information on RFMO requirements for monitoring/control regime. One or more vessels not registered on RFMO list.	

3.3 SUPPLY CHAIN MANAGEMENT

There are three critical control points in the supply chain – transshipment, landing and processing – that may require additional measures to prevent IUU products from entering the supply chain. Full traceability is needed throughout to identify and trace the history, application or location of a fish product by means of recorded identification through specified stages of production, processing and distribution.

3.3.1 TRANSHIPMENTS

Transshipments represent a high-risk point in the supply chain because of the potential for IUU fish to be mixed with legally caught fish. Transshipments at sea are considered higher risk due to the lack of accessibility to enforcement officers and are banned for vessels flagged to EU Member States, unless transshipping onto carrier vessels under the auspices of a RFMO. Many flag States and coastal States have also taken steps to ban transshipments at sea in an effort to combat IUU fishing. For some fisheries, transshipments may be characteristic of the fishery and therefore unavoidable.

Where appropriate, it is recommended that there is an observer programme running within the fishery operation with independent observers in place to supervise transshipments.

Examples of information to request on transshipments:



- ✓ list of vessels involved in transshipments including carrier vessel (basic vessel information, flag State, registration number, licence, UVI),
- ✓ details of transshipment: date, area (port or sea); position
- ✓ information on observer program, including number of inspections, percentage conducted at random, and
- ✓ independent observer report.

3.3.2 PORT LANDINGS

Another critical point in the supply chain is at the port where fish is landed prior to processing or entering the market. Port State control is the inspection of foreign ships in national ports to verify that the condition of the ship and its equipment comply with the requirements of international regulations and that the ship is manned and operated in compliance with these rules. These rules grant national maritime authorities the power to board, inspect, and possibly detain merchant ships that fly a foreign flag.

Enhanced port State controls can act as a disincentive to IUU fishers by increasing the cost of their operations (for example, by forcing them to seek out more remote and thus more costly ports). One of the main benefits of tighter port State control is that it is relatively cost-effective compared to traditional enforcement measures such as inspection at sea.

However, ports known for lax law enforcement or limited inspection capacity are safe havens for IUU vessels and can effectively act as portals for IUU fishing to enter supply chains.

Examples of information to collect on port States:



- ✓ port of landing and port State,
- ✓ port landing procedures and controls,
- ✓ port registration and inspection records,
- ✓ status on ratification of Port State Measures Agreement and reference for national interpretation of PSMA.

Box 5: Port State Measures Agreement

Port State Measures (PSM) are requirements established by port States which a foreign fishing vessel must comply with as a condition for use of ports within the port State. National PSM would typically include requirements related to prior notification of port entry, use of designated ports, restrictions on port entry and landing/transshipment of fish, restrictions on supplies and services, documentation requirements and port inspections, as well as related measures, such as IUU vessel listing, trade-related measures and sanctions. The binding Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing, or Port State Measures Act (PSMA), was adopted in 2009 by the FAO and will take effect when ratified by 25 states. The Agreement aims to prevent IUU fish from entering international markets through ports.

Countries that ratify the treaty must:

- ✓ designate ports through which foreign fishing vessels may enter,
- ✓ conduct dockside inspections following set standards,
- ✓ block entry to vessels known or believed to have been involved in IUU or those on an IUU vessel list of a Regional Fishery Management Organisation (RFMO), and
- ✓ share information with the governments of vessels with IUU product, when discovered during inspection.

As of January 2015, eleven States have ratified the PSMA: Mozambique, New Zealand, Gabon, Oman, Seychelles, Uruguay, Chile, Norway, Sri Lanka, Myanmar and the European Union.

RECOMMENDATION: If you source fish that is processed in a third country, you should consider whether it is one of the 11 signatories of the PSMA. If this is not the case, promote the ratification of the PSMA with the fisheries ministry or other relevant national authority to ensure minimum standards for controls and inspections in ports, highlighting the advantages of reduced risks of IUU fish entering supply chains for you as a buyer as well as for them as a State where fish processing takes place.

3.3.3 PROCESSING

After landing at port, the fish may be transported to an importer/supplier within the EU for final sale or sent to a factory inside/outside the EU for processing. Under the IUU Regulation, the Competent Authorities in processing States are required to verify the traceability of fishery products from the fishing vessel through to processing and export to the EU. However there are concerns that traceability can be lost at the processing stage, therefore enabling illegal fish to be mixed with legal product. The risk of mixing increases where consignments of fish are divided and catch certificates photocopied. This can provide an incentive for processors to process and sell as much fish as appears in the catch certificate, rather than the actual amount received from that particular consignment.

Where a risk is identified at the processing control point, retailers and brands may wish to verify the systems used by the processing facility to maintain traceability of fisheries products from entry of the processing facility to exit. Where required, a traceability audit or chain of custody certification may be conducted to verify systems in place.

Examples of information to request on traceability:



- ✓ goods receipt documentation traceability/batch code,
- ✓ traceability records – for product received back to catch vessel (or group of vessels),
- ✓ product specifications,
- ✓ systems in place to verify legality at level of processing,
- ✓ mass balance reconciliation.

3.3.4 SUPPLIER DUE DILIGENCE

Detailed information about your supplier(s) and their own systems is a key component of effective due diligence for retailers and brands. Increased communication and information-sharing with suppliers can serve to highlight potential risks early, and reduce the work needed to undertake effective due diligence.

One key way for retailers and brands to reduce the risk of purchasing IUU fishery products is to work with suppliers that have their own due diligence system (or other means to assess and address risk of IUU) in place. This starts with a list of supply vessels that should be updated at a minimum of every 12 months but should ideally be reviewed and updated every 6 months. While we recognise that the FAO has an ambition to develop a Global Record, this effort will take time. To minimise risk of IUU in the interim, suppliers need to be able to identify the vessels within the supply chain and then check to see which vessels have IMO numbers, who are RFMO registered, who has VMS etc.

Suppliers should be able to demonstrate:

- ✓ an understanding of the scope of the IUU regulation,
- ✓ awareness of the relative performance of the flag/coastal State,
- ✓ the legal regime applicable in the fishery,
- ✓ risks associated with critical control points in the supply chain.

3.3.5 LINK BETWEEN IUU FISHING AND SLAVERY

Due to exhausted fish stocks, vessels have to go out further and stay at sea longer. To crew their vessels and keep down costs, operators are using human trafficking networks, debt bondage, violence, intimidation and even murder. Slavery in the industry, fuelled by the impacts of overfishing, is often associated with IUU fishing – which is itself both a driver of and response to the over-exploitation of fish stocks. Numerous investigations by the media, NGOs, and government departments over the last few years have highlighted this link between slavery and worker exploitation and illegal fishing on fishing vessels.²⁵

To better understand the extent of the situation at sea, further work is needed to adapt assessment tools and methodologies more appropriate to vessels. Seafish²⁶ has already initiated work in this area by integrating key principles of crew health, safety and welfare into its Responsible Fishing Scheme (RFS) standard – a third party certification for ‘good practice’ on fishing vessels. It is also being revised in line with ISO 17065 accreditation requirements to ensure it will be available for international application.

While the eradication of human trafficking in the fishing industry will require multilateral action from governments, civil society and industry, increased monitoring and surveillance measures to enforce the IUU Regulation, such as vessel inspections and VMS, could also facilitate efforts to improve the visibility and monitoring of working conditions on fishing vessels.



EJF's investigation into human trafficking in Thailand's fishing industry © EJF

Table 6: Assessing IUU risk in supply chain management and required actions

KEY QUESTIONS	WHAT TO RESEARCH	CONSIDERATIONS	ACTION NEEDED
Who catches it?	List of vessels in entire supply chain, including: <ul style="list-style-type: none"> flag State, registration number, licence Unique Vessel Identifier (UVI). 	<p>One or more vessels are registered to a flag/coastal State that is yellow carded (or pending red card).</p> <p>One or more vessels are registered to a Flag of Convenience.</p> <p>Fleet range is authorised to fish in more than one EEZ.</p>	<p>Consider relative importance of fishery product, relationship with supplier, history.</p> <p>State performance – risk of being issued a red card, level of IUU associated with fishery.</p> <p>FAO guidelines on flag State performance, independent reports on IUU.</p>
		<p>Lack of vessel information – not provided by supplier or not accessible on websites (RFMO vessel register or State register).</p>	<p>Evidence of supply chain systems and information available to verify compliance of vessels.</p> <p>Obtain additional information on fleet, including relative size of vessels and complexity/length of supply chain.</p>
Is there transshipment?	<p>Details of transshipment (date, area (at sea/at port), location, list of vessels involved – catch and carrier).</p> <p>General information on observer programme operating within fishery.</p>	<p>Transshipment is not supervised/no observer programme operating within fishery.</p> <p>One or more vessels involved is registered to a FoC or to a flag or coastal State that is yellow carded.</p> <p>Transshipment occurs on high seas.</p>	<p>Check with supplier that transshipment is standard practice in the fishery.</p> <p>Check that supplier can reconcile product transfer records with mass balance at every stage in the supply chain.</p> <p>Check that transshipment is conducted according to RFMO regulations.</p> <p>Verify details with copy of catch certificate.</p> <p>Verify details with product transfer records.</p> <p>Verify with observer report.</p>
	<p>Basic vessel information to include (flag State, registration number, licence, UVI).</p> <p>Name of State authorising licence.</p>	<p>Access to information:</p> <ul style="list-style-type: none"> information for one or more vessels is missing or incomplete, lack of information and documentation relating to the transshipment, protocol for transshipment not in place or lacking. 	<p>Verify protocols on Government or RFMO websites.</p>
Where is fish landed?	<p>Name of country (province), port State.</p> <p>Information on port State controls (including ratification and national interpretation of PSMA).</p>	<p>Port State has not signed/ratified PSMA.</p> <p>No reference for national interpretation of PSMA.</p> <p>Lack of port controls in place, no evidence of inspections or third party controls.</p> <p>Landings are not registered and documented.</p>	<p>Obtain information on port State landing procedures and inspection programme.</p> <p>Cross check with FAO Guidelines on port State controls and port State website.</p> <p>Verify with port landing registration and inspection records.</p>
Where is it processed?	<p>List of processing facilities (primary and further processing) in supply chain.</p> <p>Documented paper trail from processor back to catch vessel (or group of vessels).</p>	<p>Details of processing facilities incomplete.</p> <p>Weak/limited traceability back to catch vessel (or group of vessels).</p>	<p>Obtain information on internal control systems in place at processing level to manage risk of IUU from vessels.</p> <p>Assess understanding/awareness of processor on applicable laws and risks associated with IUU.</p> <p>Conduct traceability audit with mass balance reconciliation.</p> <p>Verify traceability systems/controls are in place with food safety records, goods receipt documentation and traceability batch code records.</p>
Is supply chain transparent?	<p>Map of supply chain from delivery of fish/fish product back to catch vessel through exporter, processor, auction/auctioneer and/or buying agent (or collector from co-operative).</p>	<p>Supply chain map does not demonstrate full traceability back to catch vessel (or group of vessels).</p>	<p>Fill in gaps in the supply chain map and confirm identity/information provided.</p> <p>Verify with evidence provided by supplier, including: in-person discussions/meetings, traceability reports, speed of information provision etc.</p> <p>Cross check for compliance in DG Sanco reports.</p>
Is there third party traceability or chain of custody?	<p>Number/reference for third party chain of custody certificate.</p> <p>Documented paper trail back to catch certificate.</p>	<p>Traceability system is not robust.</p> <p>Areas of non-compliance identified in audit/certification reports.</p>	<p>Verify details with copy of catch certificate.</p> <p>Conduct traceability audit.</p>

CONCLUSIONS AND RECOMMENDATIONS

Designing and implementing an effective IUU fishing due diligence process provides an opportunity for UK retailers and brands to support the global fight against IUU fishing, and help secure the future viability and health of global fisheries, while also reducing potential reputational and legal risks in seafood supply chains. The due diligence process and risk areas highlighted in this Advisory Note are not exhaustive but intended for use as a basic platform on which systems tailored by individual retailers and brands can be developed and used alongside wider due diligence systems across the EU.

To be effective, industry efforts must be supported by a robust system of monitoring, control and surveillance that are enforced across flag, coastal, port and processing States. The standardisation of performance across States could help improve the integrity of the catch certificate and effectively prevent and deter IUU activity. The recommendations provided in this Advisory Note to avoid IUU fishery products entering supply chains would also allow for easier monitoring of working conditions aboard the world's fishing fleet and help ensure that products created under exploitative conditions are not allowed to enter into the EU market.

Business can help provide much needed impetus and promote greater understanding and transparency to support global initiatives and policy developments.

RECOMMENDATIONS:

- Support international initiatives designed to increase transparency and traceability in seafood supply chains and specifically a Global Record of fishing vessels using International Maritime Organization (IMO) numbers as appropriate Unique Vessel Identifiers (UVIs). Industry should encourage vessels in their supply chain to take up IMO numbers and sign the voluntary Global Record of fishing vessels.
- Promote the use of forensic risk-based analysis and due diligence throughout the supply chain to minimise costs of monitoring and maximise efficiency and impact of the risk assessment process. Outcomes can be verified by third-party auditing and certification, including unscheduled audits by independent observers.
- Larger businesses should use their leverage throughout the supply chain to encourage States to ratify and implement the Port State Measures Agreement (PSMA) and promote information-sharing between port States, flag States, coastal States, market States and other actors. This would standardise and improve port controls to reduce the risk of IUU fisheries products entering the EU market.
- Identify poor performing flag States involved in the supply chains and support improvements in their performance by encouraging States to adopt and follow the FAO Voluntary Guidelines for Flag State Performance, and to have adequate systems in place to assess performance and address deficiencies, such as adequate vessel licensing, monitoring and enforcement.
- Take measures to ensure vessels in the supply chain have adequate monitoring systems in place, that they source from fishing vessels with working VMS systems on board and support the use of satellite-based tracking systems by large-scale fish carriers.
- To increase transparency and accountability, all stakeholders should promote publicly available vessel lists by coastal States, flag States and RFMOs, which should include information on the vessel, its owner, fishing activity licensed and all fees paid to the Government.
- Encourage EU Member States where they operate to proactively implement the EU IUU Regulation. Effective implementation of this Regulation reduces the risk of IUU fish entering the supply chain of retailers and brands, reducing the burden of due diligence and corporate risk mitigation and preventing unfair competition.
- All stakeholders should support the implementation of interoperable systems for digital catch certification and a centrally-coordinated EU-wide database of digitised catch certificates, which may also include digital crew manifests and ship logbooks. This would deter over-fishing and prevent the fraudulent use of catch certificates and the entry of illegal fish products into the EU. Crucially, over a longer period these systems can reduce the costs associated with regulatory burdens, corporate due diligence and efforts to achieve verifiable sustainable and ethical systems.

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graph TD; Q1[Is the fishery certified with chain of custody?] -- Green --> LR1[LOW RISK]; Q1 -- Red --> Q2[Does the fishing activity occur within an EEZ?]; Q2 -- Green --> Q3[Does the State managing the fishery have MCS systems and practices in place, including vessel licencing?]; Q2 -- Red --> Q4[Are all vessels in supply chain flagged by a State that is a member of (or cooperating party) of the relevant RFMO?]; Q3 -- Green --> Q5[State managing the fishery is ranked poorly against indices for corruption and governance (e.g. WGI, CPI)]; Q3 -- Red --> Q6[Are all fishing vessels in the supply chain on the authorised vessel list of the relevant RFMO?]; Q5 -- Green --> Q7[Is there evidence of port State controls and inspections in place at point of landing?]; Q5 -- Red --> Q8[Is the fishery product procured directly from a trusted supplier/source with robust traceability systems in place?]; Q7 -- Green --> Q9[Does the fishery have an observer programme that covers a sufficient percentage of fishing activities and use trained independent observers?]; Q7 -- Red --> Q10[Is the fishery product procured directly from a trusted supplier/source with robust traceability systems in place?]; Q9 -- Green --> Q11[Estimated level of IUU associated with the fishery is relatively low (e.g. ICES, NOAA, peer reviewed scientific journals/reports)]; Q9 -- Red --> Q12[Is the fishery product procured directly from a trusted supplier/source with robust traceability systems in place?]; Q11 -- Green --> Q13[Is the catch transhipped?]; Q11 -- Red --> Q14[Catch price is significantly lower than the average price on the market.]; Q13 -- Green --> Q15[Are transhipments supervised? Are details of transhipment accessible (including date, area, list/identity of vessels involved)?]; Q13 -- Red --> Q16[Are any vessels in supply chain flagged by a State that has been issued a Yellow Card (or pending Red Card) by the EU or flagged to a FoC?]; Q15 -- Green --> LR2[LOW RISK]; Q15 -- Red --> HR[HIGH RISK]; Q16 -- Green --> LR2; Q16 -- Red --> HR;
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Is the fishery certified with chain of custody?

Does the fishing activity occur within an EEZ?

Does the State managing the fishery have MCS systems and practices in place, including vessel licencing?

State managing the fishery is ranked poorly against indices for corruption and governance (e.g. WGI, CPI)

Is there evidence of port State controls and inspections in place at point of landing?

Does the fishery have an observer programme that covers a sufficient percentage of fishing activities and use trained independent observers?

Estimated level of IUU associated with the fishery is relatively low (e.g. ICES, NOAA, peer reviewed scientific journals/reports)

Is the catch transhipped?

Are any vessels in supply chain flagged by a State that has been issued a Yellow Card (or pending Red Card) by the EU or flagged to a FoC?

Are all vessels in supply chain flagged by a State that is a member of (or cooperating party) of the relevant RFMO?

Are all fishing vessels in the supply chain on the authorised vessel list of the relevant RFMO?

Is the fishery product procured directly from a trusted supplier/source with robust traceability systems in place?

Is the fishery product procured directly from a trusted supplier/source with robust traceability systems in place?

Is the fishery product procured directly from a trusted supplier/source with robust traceability systems in place?

Catch price is significantly lower than the average price on the market.

Are transhipments supervised? Are details of transhipment accessible (including date, area, list/identity of vessels involved)?

LOW RISK

HIGH RISK

■ ANNEX 1: Regulatory authorities involved in international fisheries

COUNTRY RESPONSIBLE	DEFINITION	ACTIONS/RESPONSIBILITIES
Flag State	The country that has licenced a vessel to operate under its flag.	Licensing a fishing vessel to carry out fishing activity. Ensuring that the fishing vessel complies with applicable laws and regulations. Verifying the legality of fishing activities and validating catch certificates.
Coastal State	The country in whose waters fishing activity takes place (when not in area beyond national jurisdiction).	Licensing and monitoring fishing activities (including transshipments) in their Exclusive Economic Zone (EEZ). Does not provide information for the EU catch certificate. Providing information to investigating authorities where there are allegations of IUU fishing in their national waters.
Port State	The country where fish is landed.	Verifying legality of fishing activities and landed fishery products.
Processing State	The country where fish is processed prior to export.	Providing information on the processing that has taken place. Guaranteeing the traceability of the fishery products.
Importing State	EU country where fishery products are imported.	Assessing legality of imported fishery products, including through the process of verifications where available.
Regional Fisheries Management Organisation	Organisation formed by countries with fishing interests in an area – can be geographical or species specific.	Many have management and sanctioning powers. May also determine additional certifications and statistical for certain species, (e.g. Atlantic and Mediterranean bluefin tuna, bigeye tuna, swordfish and toothfish).

■ ANNEX 2: International initiatives in response to IUU fishing

Instrument or initiative	STATUS	VOLUNTARY OR BINDING	SCOPE
UN FAO International Plan of Action to Prevent, Deter and Eliminate IUU Fishing (IPOA – IUU) ²⁰	IN FORCE	Voluntary – adopted by the UN FAO within the framework of the Code of Conduct for Responsible Fisheries.	Provides flag States, coastal States and port States with measures to address IUU fishing. Many measures already exist in binding international fisheries law.
Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing ²¹	NOT YET IN FORCE (will come into force 30 days after the 25 th ratification)	Binding on Signatories.	Aims to prevent illegally-caught fish from entering international markets through ports. Involves ports taking steps to verify the legality of catches, and deny port access to vessels involved in IUU fishing.
FAO Voluntary Guidelines for Flag State Performance ²²	IN FORCE	Voluntary – but the Guidelines are derived from existing obligations contained in the Fish Stocks Agreement, the FAO Compliance Agreement, and UNCLOS. It is therefore practical guidance on how to implement existing law.	Sets out minimum standard for flag States in monitoring fishing vessels and addressing IUU fishing.
Global Record of fishing vessels ²³	NOT YET IN FORCE	Voluntary and phased initiative approved by UN FAO Committee on Fisheries.	Phase 1 – fishing vessels over 100 GT: <ul style="list-style-type: none"> • Unique Vessel Identifier (UVI), • Global Record (includes key information about the vessel).

■ ANNEX 3: Sanctions

Under the UK *The Sea Fishing (Illegal, Unreported and Unregulated Fishing)* Order 2009 a person found guilty of an offence is liable:

- (a) on summary conviction, to a fine not exceeding £50,000;
- (b) on conviction on indictment, to a fine.²⁴

In addition, the Order allows for IUU fish to be seized.

■ ANNEX 4: Useful sources of information

REGULATION

EU IUU Regulation

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:286:0001:0032:EN:PDF>

Commission Regulations that provide additional detail about the way these controls are to be applied

Regulation 1010/2009 and Commission Regulation (EU) No 395/2010.
The Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order 2009.

DG Mare handbook on the practical application of the EU IUU Regulation

http://ec.europa.eu/fisheries/cfp/illegal_fishing/info/handbook_original_en.pdf

Seafish Industry Guidance Note on the EU IUU Regulation

http://www.seafish.org/media/Publications/SeafishInfoNote_GuideforImporters_201001.pdf

VESSEL LISTS

EU IUU Vessel List

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:193:0006:0011:EN:PDF>

The EU IUU Vessel list is a compilation of all of the IUU lists developed by RFMOs. All vessels that feature on the list are banned from exporting to the EU, however IUU vessels have been known to change names and other identification markings in order to escape detection. It is therefore recommended that where conducting a detailed risk analysis, suppliers be able to obtain the names, identification markings and flags of boats during the previous three years.

Combined IUU Vessel List

<http://iuu-vessels.org/iuu>

Norwegian non-profit organisation, Trygg Mat Foundation, works to track IUU vessels and document their movements and any changes in identity. Trygg Mat Foundation also maintains its own IUU Vessel List. As well as containing all vessels that currently appear on RFMO IUU lists, the Trygg Mat list also contains vessels that were previously on IUU lists but have been delisted since 2004, as well as providing more extensive information on the owners and operators of IUU vessels.

Tuna RFMO Vessel lists

The major tuna RFMOs also maintain a record of vessels authorised to fish for tuna or tuna-like species in the area that the RFMO covers. For example, ICCAT maintains a list of vessels of over 20m authorised to fish in the ICCAT convention area. ICCAT also maintains a record of carrier vessels authorised to receive transshipments of tuna and tuna-like species. These lists are easily accessible on the RFMO websites.

ICCAT: <http://www.iccat.int/en/vesselsrecord.asp>

IATTC: <http://www.iattc.org/VesselListsENG.htm>

CCSBT: http://www.ccsbt.org/site/authorised_vessels.php

WCPFC: <http://www.wcpfc.int/record-fishing-vessel-database>

IOTC: <http://www.iotc.org/English/record/search3.php>

Please also see the CCAMLR Vessel list

<http://www.ccamlr.org/en/compliance/licenced-vessels>

ISSF Proactive Vessel Register

<http://iss-foundation.org/pvr-database/>

The International Seafood Sustainability Foundation (ISSF) maintains a Proactive Vessel Register (PVR), which contains a list of tuna vessels that are confirmed as not appearing on IUU vessels lists and as authorised by the relevant RFMO. The register also contains information about their compliance with other laws and regulations. All of the vessels on the ISSF PVR have a seven digit International Maritime Organisation (IMO) number as a Unique Vessel Identifier (UVI).

FAO Fishing Vessel Finder

<http://www.fao.org/fishery/collection/fvf/en>

The FAO Fishing Vessels Finder (FVF) is an online tool to locate information on individual fishing vessels (including supporting vessels, carriers, fishery research vessels and inspection boats) that are disseminated – or were disseminated in the past – by a range of national, multi-national, regional and international organisations.

GOVERNANCE/PERFORMANCE

European Commission Decisions on Non-Cooperating Countries

The European Commission Decision includes extensive reasoning as to why the countries have failed to perform adequately as flag States.

March 2014 Red Cards

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014D0170&from=EN>

October 2014 Red Card Sri Lanka

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014D0715&from=EN>

December 2014 Yellow Card Saint Vincent and the Grenadines

[http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014D1217\(02\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014D1217(02)&from=EN)

ADDITIONAL INFORMATION

DG Sanco Lists

https://webgate.ec.europa.eu/sanco/traces/output/non_eu_listsPerActivity_en.htm#

The European Commission's DG Sanco approves Third Country Establishments for export to the EU, according to health and hygiene criteria. The responsibility to accredit individual fishing vessels or processing factories rests on the third country, which then undergoes audits by the European Commission. A list of approved establishments is available on the DG Sanco website.

European Commission List of notified third countries

http://ec.europa.eu/fisheries/cfp/illegal_fishing/info/flag_state_notifications.pdf

The European Commission has published a list of all the countries that have notified their competent authorities to the EU, and are therefore authorised to validate catch certificates.

FAO page with National Plans of Action to Prevent, Deter and Eliminate IUU fishing

<http://www.fao.org/fishery/ipoa-iuu/npoa/en>

MRAG and University of British Columbia Report on the Global Extent of IUU fishing

<http://www.mrag.co.uk/Documents/ExtentGlobalIllegalFishing.pdf>

FAO Fishery and Aquaculture Country Profiles

<http://www.fao.org/fi/fcp/fcp.asp>

Transparency International Corruption Perception Index

<http://www.transparency.org/research/cpi/overview>

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2. FAO State of World Fisheries and Aquaculture Report (SOFIA), 2014.
2011 estimates – 28.8% fished at an unsustainable level, 71.2% fished within a sustainable level.
3. FAO State of World Fisheries and Aquaculture Report (SOFIA), 2014.
4. The EU Regulation applies to those products described in the 'Combined Nomenclature' by the Council Regulation no 2658/87 (p. 45-57) but excluding those listed in the EU IUU Regulation Annex 1.
5. Council Regulation (EC) No 1005/2008 (16)
6. Council Regulation (EC) No 1005/2008 Article 3
7. Council Regulation (EC) No 1005/2008 Article 43
8. Council Regulation (EC) No 1010/2009 (6)
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Fisheries and Aquaculture topics. Monitoring, Control and Surveillance. Topics Fact Sheets.
Text by G.V. Everett. Rome. Updated 27 May 2005.
13. Article 31.3: Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999.
14. Article 31.3.
15. To help determine whether the flag State is considered an FoC, refer to the International Transport Workers Federation (ITF) website that maintains a list of 34 flag States that it considers to be Flags of Convenience.
<http://www.itfseafarers.org/foc-registries.cfm>
16. FAO Report of the Expert Consultation on Fishing Vessels Operating under Open Registries and their Impact on Illegal, Unreported and Unregulated Fishing. Miami, Florida, United States of America, 23 – 25 September 2003.
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18. FAO Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. FAO Technical Guidelines for Responsible Fisheries. No. 9. Rome, FAO. 2002.
19. Harvest control rules offer an automated management response in case a specific reference point is reached. This aims to ensure a rapid response to avoid limits being exceeded and to provide a more predictable management for industry. The development of the harvest control rules should be fully transparent and based on scientific knowledge.
20. <http://www.fao.org/docrep/003/y1224e/y1224e00.HTM>
21. http://www.fao.org/fileadmin/user_upload/legal/docs/1_037t-e.pdf
22. ftp://ftp.fao.org/FI/DOCUMENT/tc-fsp/2013/VolGuidelines_adopted.pdf
23. <http://www.fao.org/fishery/global-record/en>
24. The Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order 2009 (No. 3391).
25. EJF (2014) Slavery at Sea: The Continued Plight of Trafficked Migrants in Thailand's Fishing Industry.
26. Seafish is a Non-Departmental Public Body set up by the Fisheries Act 1981 and funded by levy on the first sale of seafood products in the UK: <http://rfs.seafish.org>



Designing and implementing an effective IUU fishing due diligence process provides an opportunity for UK retailers and brands to support the global fight against IUU fishing while also reducing potential reputational and legal risks in seafood supply chains.

British Retail Consortium
21 Dartmouth Street
London SW1H 9BP

www.brc.org.uk

BRITISH RETAIL CONSORTIUM

