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A Socially Sustainable EU Common Fisheries Policy: Workers' organisations' participation in the fisheries, aquaculture and processing sectors

Discussion Paper 1: Market, Trade and International Dimension of EU Fisheries

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For ETF-EFFAT by CHARMELIAN

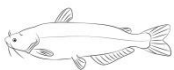


**EUROPEAN TRANSPORT
WORKERS' FEDERATION**



EFFAT

**European Federation of Food, Agriculture
and Tourism Trade Unions**



Iain Pollard

Melanie Siggs

Charlotte Tindall

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Glossary of Terms

Seafood Sector - Includes all aspects of the seafood supply chain including Fishing, Aquaculture and Seafood Processing.

Sustainable – Refers to all the three pillars of sustainability; Social, Environment and Economy.

The Common Fisheries Policy (CFP) The CFP is a set of rules for managing European fishing fleets and for conserving fish stocks. Designed to manage a **common** resource, it gives all European fishing fleets equal access to **EU** waters and fishing grounds and allows **fishermen** to compete fairly.

Producer Organisations – Organisations representing the interests of groups of fisheries companies such as boat owners, aquaculture producers or processing companies. Producer organisations are denoted by the CFP to be in charge of the day-to-day management of fisheries and play an essential role in the common organisation of the market.

Advisory Councils – Have been set up for fishing regions, aquaculture and markets. They provide the Commission and EU countries with recommendations on fisheries matters. This may include advice on conservation and socio-economic aspects of management and on simplification of rules.

Impact Assessments – Coordinated by the European Commission they examine whether there is a need for EU action and analyse the possible impacts of available solutions. These are carried out during the preparation phase, before the Commission finalises a proposal for a new law. They provide evidence to inform and support the decision-making process.

Joint Committees – The role of the Committee is to advise the Sustainable Fishery Partnership Agreement (SFPA) and monitor it through regular Joint Committee meetings organised on a systematic yearly basis between the EU and the third country. Membership of the Committee is determined on a case by case basis.

Workers – Includes those employed and self-employed. There is no common and agreed EU definition of self-employed. This is partly explained by the fact that most of the legislation at EU level does not cover self-employed individuals. As a result, self-employed are defined as not belonging to other categories of workers (employees, workers etc.) rather than being covered by a specific definition.

Illegal, unreported and unregulated fishing (IUU) – Activities conducted by national or foreign fishing vessels in maritime waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations. Also includes fishing which contravenes the conservation and management measures or violate national laws or international obligations. Unreported fishing means fishing activities which have not been reported, or have been misreported, to the relevant authority. Unregulated fishing means fishing activities conducted by fishing vessels without nationality, by fishing vessels flying the flag of a State not party to that organisation or in a manner that is not consistent with the conservation and management measures of that organisation.

Sustainable Fishery Partnership Agreements (SFPAs) – Agreements for EU vessels to fish legally in third country waters. They are negotiated and concluded by the Commission on behalf of the EU. SFPAs have evolved from the purely commercial Fisheries Agreements, widely criticised for their 'pay, fish and go' approach, to a new type of Agreement built on the principle of partnership; the so-called Fisheries Partnership Agreements (FPAs). With the 2013 reform of the Common Fisheries Policy, a further revision of these bilateral Agreements was introduced, renaming them Sustainable Fisheries Partnership Agreements (SFPAs).

EU trade agreements – Agreements between the EU and third countries reducing barriers to trade and simplifying access to Member States. This includes the Generalised Scheme of Preferences (GSP), which allows developing countries to pay fewer or no duties on exports to the EU, giving them access to the EU market and contributing to their growth.

Economic dumping of seafood – For the purposes of this report this is considered as third countries exporting seafood to the EU at prices below the cost of production in the EU. The objective being to increase market share in a foreign market by driving out EU competitors and thereby create a monopoly situation where the exporter will be able to unilaterally dictate price and quality of the product. This low cost production can be associated to low labour standards.

Executive Summary

Importance of the sector

The Fisheries and Seafood sector is of key importance to the EU, the blue-growth economy and individuals and communities involved. A total of 350,000 people in the EU is employed throughout the fisheries and aquaculture sector and the Gross Value Added from processing accounts for 6% of the entire food industry. Further, the EU imports €25billion of seafood and exports €4.7billion; plus many European seafood companies catch and process significant proportions of their product outside of the EU, meaning that there are many workers engaged around the world in the provision of seafood for EU markets.

Key problems

There are social issues within the seafood supply chains that are of critical importance to workers and their union representatives. This paper focuses on the issues surrounding the **market, trade and international dimension of EU seafood** and highlights the following concerns:

- **Labour abuses** inside and outside of the EU, including; within non-EU processing factories; EU vessels operating in non-EU waters and EU vessels employing migrant workers within EU waters;
- **Social inequality**: a lack of a level playing field, so that non-EU producers or processors may be able to operate at a lower cost due to lower social standards;
- **Safety**: jobs can be low paid, dangerous and unattractive as a career, especially for young people;
- **Policy exclusion**: Insufficient consideration and awareness of how new seafood related legislation, for example the CFP, impacts on people e.g. landings obligation;
- **Under-representation**: Workers under-represented within policy and management structures e.g. within Producer Organisations in the EU and within the production and processing sectors outside of the EU.
- **Sector reputation**: Lack of regulation of labour issues in the supply chain can undermine confidence in certain seafood species e.g. farmed shrimp.

Case Studies

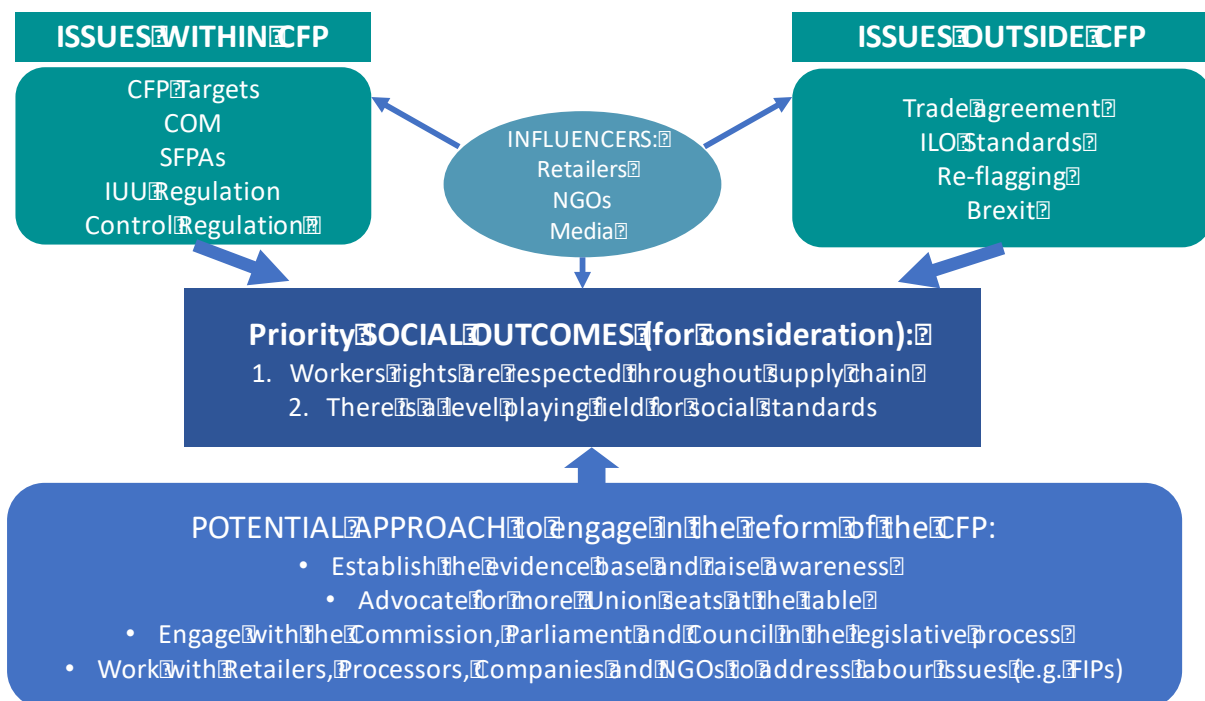
Within the EU

- **Ireland**: There is evidence that shows migrant workers employed from outside the EEA are not sufficiently protected and can face discrimination, low wages, dangerously long hours and do not receive safety training
- **Spain**: Galicia is a key area for processing tuna, but imports from third countries compete with this production and can be up to 35% cheaper. There would be more of a level playing field if imports were required to meet EU labour standards.
- **UK**: Many fishermen are self-employed. This means they struggle to be well represented, particularly if Producer Organisations that claim to represent their interests are dominated by businesses and driven by profit.

Importing in to the EU

- **Thailand:** The supply chain for shrimp aquaculture was found to involve slave labour in the feed production, with no central recourse within European regulations, i.e. sanctions.
- **Philippines:** Companies can import seafood into the EU through preferential trade agreements, even when there are recorded instances of withholding basic labour rights e.g. trade unions and employment contracts.

Key social issues within the theme of the Market, Trade and International Dimension of EU Fisheries



Issues within the CFP

The diagram above illustrates some of the key issues within the CFP. In more detail:

CFP Targets: CFP targets continue to be solely environmental, with key deliverables such as fisheries achieving ‘maximum sustainable yield’ (MSY) by 2020. The impact of these targets on seafood workers and communities is not considered, while social targets such as employment, education, training, wages, representation, equality and safety have not been included.

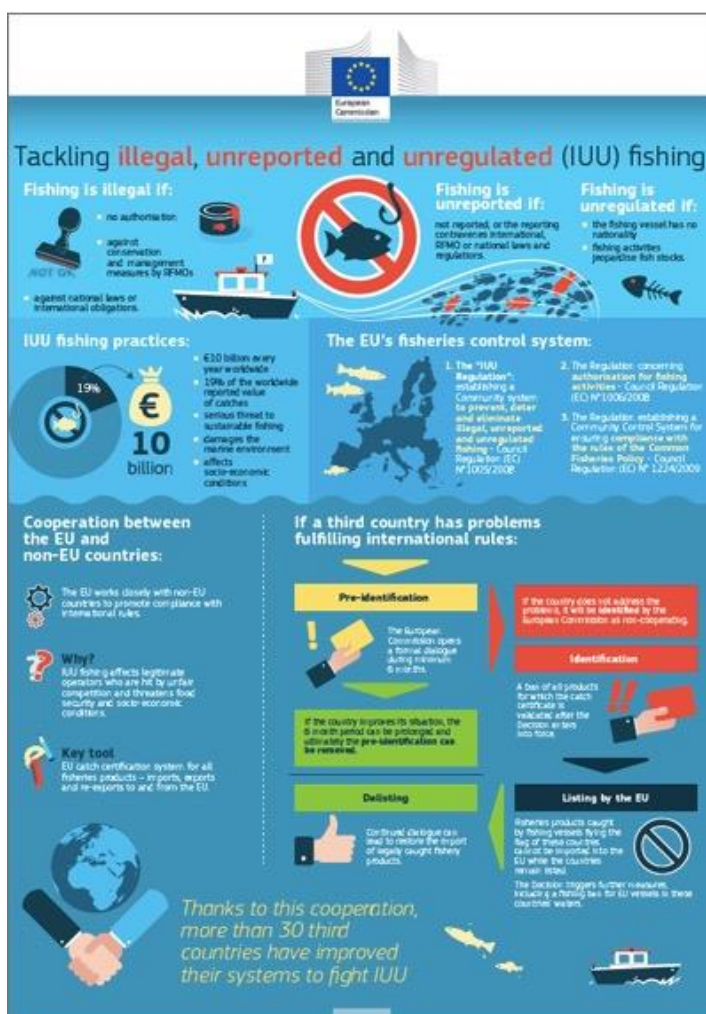
Common Organisation of the Market (COM): Despite the COM requiring that when trading fishery and aquaculture products there should be fair competition in respect to sustainability and equivalent social standards; there is limited ability to apply this in practice. The EU has

the ability to block seafood imports that breach IUU or sanitary requirements, but there are no such regulations to block imports of seafood that fails to meet certain labour standards.

Sustainable Fisheries Partnership Agreements (SFPAs): Social issues, such as workers' rights and equality of benefits, are not sufficiently integrated into agreements that allow access for EU vessels to fish in third countries' waters (EEZs).

Control Regulation: Has not displayed sufficient ability to monitor or apply sanctions for labour abuses within EU waters or by EU fleets in external waters, and relies on monitoring and enforcement by Member States or third countries.

IUU Regulation: Cracking down on IUU may help to reduce labour abuses as it is generally considered abuses are likely to occur on IUU vessels, but the regulations do not target this issue specifically.



Issues outside of the CFP

There are also several critical issues which sit outside CFP legislation, but which affect the social outcomes of seafood sector related activity:

Trade Agreements: Within some trade agreements that give third countries access to the EU market, seafood products can in practice apply social standards different to those within

Europe. This may put the EU sector at a competitive disadvantage and be supporting abuse in third countries.

International Labour Organisation (ILO)_ Standards: Enforcement of the ILO convention 188 on EU fishing vessels and as a requirement of those importing seafood in to the EU would be a significant step toward mitigating social abuse issues. As yet the EU still needs to define vessel standards and targets that will also covers smaller vessels.

Re-flagging of vessels: The "re-flagging" of EU vessels to a flag which allows them to evade European fishing rules in other countries' waters and/or fish on the high seas, outside of managed areas and individual nations' waters. This practice of changing a vessels' flagged state makes it hard to monitor their activities leaving them open to bad practice, including labour abuses. Potentially, companies found to have poor labour practices on their vessels should be prevented from EU market access. The International Maritime Organisation, vessel registers or Lloyds - via insurance requirements - should have the power to shut down the practice of re-flagging.

Brexit: Although the outcome is still unclear, Brexit may: reduce seafood trade in and out of the UK; change regulations within the UK, and; affect fishing access to UK waters which could affect jobs and processing in other Member States as well. There may be safeguards needed to mitigate the social impacts of Brexit on fishing communities and the seafood sector.

Desired Outcomes (for consideration)

At the heart of this discussion is the desire to mainstream social issues within the CFP and other related legislation so that:

1. Workers' Rights are respected throughout the seafood supply chain;
2. There is a level-playing field for social standards both for EU produced seafood and that which is imported from third countries

Potential Priorities for Change

In order to achieve these outcomes, there are a number of potential priorities for change within the CFP:

- Hardwire social objectives and targets within the CFP
- Strengthening the social requirements within the COM to create a level playing field
- Establishing regulation that allows imports to be blocked where there is evidence of labour abuses
- Ensuring that migrant workers are covered by EU employment rules and receive appropriate safety training;
- Integrate social and labour objectives and targets within Sustainable Fisheries Partnership Agreements (SFPAs)
- Ensure monitoring and enforcement of labour standards within EU and external waters under the Control Regulation
- Include social indicators within the Data Collection Framework (DCF) of the CFP
- Ensure that the CFP allocates sufficient resources for social safety nets

Influencers

- *Consumers* increasingly want all the issues to be dealt with within sustainability, which covers social and labour issues alongside environmental credentials.
- *Retailers/major buyers* have a significant influence over the supply chain and are taking their own initiatives to assess and address risks of labour abuses.
- *NGOs* and the *media* are also highly influential in bringing issues to light, and have been driving changes.

Approach to creating change

- *Establish the evidence base and raise awareness*

An evidence base, for example case studies, is needed to demonstrate the challenges facing labour in the seafood sector. This project starts to bring together the evidence, but also aims to identify key data gaps to be filled to create useful and meaningful evidence of the need for change.

- ***Improve representation and advocate for more seats at the table***

Unions are under-represented within Advisory Councils and many parts of the EU seafood workforce are not sufficiently represented by unions. Thus increasing representation, both within the trade unions and ensuring increased representation at Advisory Councils may be important in building sufficient ‘voice’.

- ***Engage with the Commission, Parliament and Council in the legislative process***

Given the seafood workforce is poorly represented, it therefore follows that there is an opportunity to inform and influence the legislative process by working alongside the Commission, MEPs within the European Parliament, and with Council advisors. Combining forces between fisheries and aquaculture to have one strong Seafood Labour Voice may help save on resources and present a strong, unified, presence.

- ***Work with Corporates and NGOs to address labour issues***

Building partnerships with reputable and influential stakeholders can help accelerate and leverage the change process. Many retailers already have policies in place and carry out risk assessments and audits against required labour standards in their seafood supply chains, but this could be enhanced through working with Trade Unions to source information on companies and tailored tools to address the issues, such as fair workers’ contracts. Areas where Trade Unions can contribute to partners’ projects and drive for improvements in seafood supply chain labour standards might include:

- Advising on the social dimensions of fisheries improvement projects (FIPs) – projects that improve the environmental status of a fishery
- Promoting workers’ dialogues in different and critical pinch points along the supply chain, as identified with and supported by, the partner
- Providing expertise i.e. in assisting with risk assessments and black-listing of non-compliant suppliers, countries or regions

1. Introduction

1.1 Objectives

The main objective of this project is to understand the social impacts and consequences of the EU Common Fisheries Policy (CFP) so that these aspects can be taken into account within the next CFP reform phase. This is an opportunity for workers' rights to be more explicitly integrated within the CFP. It is imperative that these impacts and consequences are identified, documented and addressed immediately so that social sustainability is mainstreamed in future versions of the CFP. It is due for review in 2020, offering opportunity to create such changes through smart advocacy.

Why does the seafood sector matter?

The EU seafood sector provides significant income, livelihoods and food.

- The EU seafood sector holds a major place in the overall food industry, representing 20% of the €120 billion worth of food products imported by the EU.
- The EU fishing industry is the world's 4th largest, supplying some 6.4 million tonnes of fish each year with a reported landed value of €7 billion (STECF, 2017).
- In 2015, the EU fishing fleet numbered 84,420 vessels and there were 152,700 fishers. The average annual wage was estimated at €24,800.
- The total seafood sector, including processing, provides jobs for over 350,000 people.
- In 2012, the EU fish-processing sector alone generated approximately €6.4 billion of Gross Value Added (GVA) equating to 6% of the GVA created by the whole food industry and almost twice the GVA of the fishing fleet, or five times that of aquaculture

In most EU Member States, seafood processing contributes between 50% to 90+% of the value added income of the fisheries industry. Not only does the processing industry contribute a large share of the value added and employment created by the fisheries industry, it also plays an important role in the development of coastal communities.

Why is it important to ensure social issues are included in the next CFP?

The CFP is not taking social matters into account when setting targets and policies in the same way that it does for environment and economics, thus people 'do not matter' in the current CFP. Social targets like employment, education, training, wages or safety have not been set and there is no social equivalent of achieving Maximum Sustainable Yield (MSY – a catching threshold for sustainable fish harvesting) by 2020. There is also a lack of tools to implement social objectives outside of the CFP, but related to imported seafood, such as restricting imports that fail labour standards required within the EU. Furthermore there are minimal or no means of monitoring or implementing labour standards in certain scenarios, for example, migrant workers or EU vessels operating in international waters.

The CFP is hailed as having led to improvements in the environmental situation of EU fisheries, which has helped secure greater profits for companies, but there are no such positive claims around social benefits. Some of the headlines include:

- Fisheries companies are avoiding labour regulations and escaping capture or prosecution, both inside and outside of the EU, for example in non-EU factories, on EU vessels operating in non-EU waters and on EU vessels in EU waters
- There is a lack of funding for training fisheries workers, in the EU's most dangerous occupation
- Provision of decent occupations in fisheries are ignored and it continues to be low paid, dangerous and unattractive as a career, especially for young people; while providing highly nutritious, low carbon, protein food and significantly contributing to both GVA and livelihoods
- Lack of inclusion of social safety nets when policies are created and implemented is leading to social impacts after the policies have been implemented e.g. the landing obligation – a major change to the way in which EU fishermen catch and retain fish, on which no pilots or social implication assessments were made prior to implementation
- The seafood sector abounds with small scale producers and owner/operator business. The development of legislation does not take these groups in to consideration and the potential impacts upon them
- Lack of organisation of fisheries workers in Unions is leading to workers not being represented and their voice not heard in critical places of decision making and change.

What does this discussion paper cover?

This paper is specifically aimed at stimulating discussion at the 1st Seminar being held in Malaga, Spain on the 25th and 26th June and to gain input of Trade Unions for the recommendations that can be taken forward with the EU and other parties related to the next review of the CFP, or other regulations impacting on the EU seafood sector and those who work within it.

The purpose of the document is to present the current situation of the EU seafood sector relating to social sustainability and the CFP. It aims to present the issues and raise awareness and understanding, create structure around the debate, and guide discussions of workers' organisations' participation in the fishing, aquaculture and processing sectors (referred to collectively as the seafood sector).

Deficiencies in the CFP to recognise workers and the issues this causes will be highlighted and explored in this paper. Case studies will be developed to explore the links between issues, policies and the implications on workers and their communities. The intention is to build consensus between Trade Unions; agreeing priorities and ways of engaging with decision makers to ensure the mainstreaming of positive social impact priorities in the CFP, through the inclusion of Trade Union views in regulation decision making.

The report is structured into three main parts around market, trade and international dimension of EU fisheries. It begins by examining the facts and figures relating to the EU seafood industry. The purpose is to set the scene, review the landscape of applicable regulations and identify data deficiencies that may be important to building proposals which will ensure social impacts and issues are appropriately represented in future CFP and related seafood regulations. The paper then identifies issues within each theme to create case study

examples of how the CFP affects workers. The final part highlights discussion points for the Trade Unions, points to deficiencies in regulations and suggests options for solving the issues. Input from the Trade Unions about their experiences and needs for forming these into recommendations is needed at the Seminar.

1.2 Approach of this project

The project approach is to bring together facts and figures which represent the existing situation of the EU seafood sector relating to the CFP, other seafood regulations where possible, and social sustainability. The project will conduct a series of three participatory seminars covering the themes of:

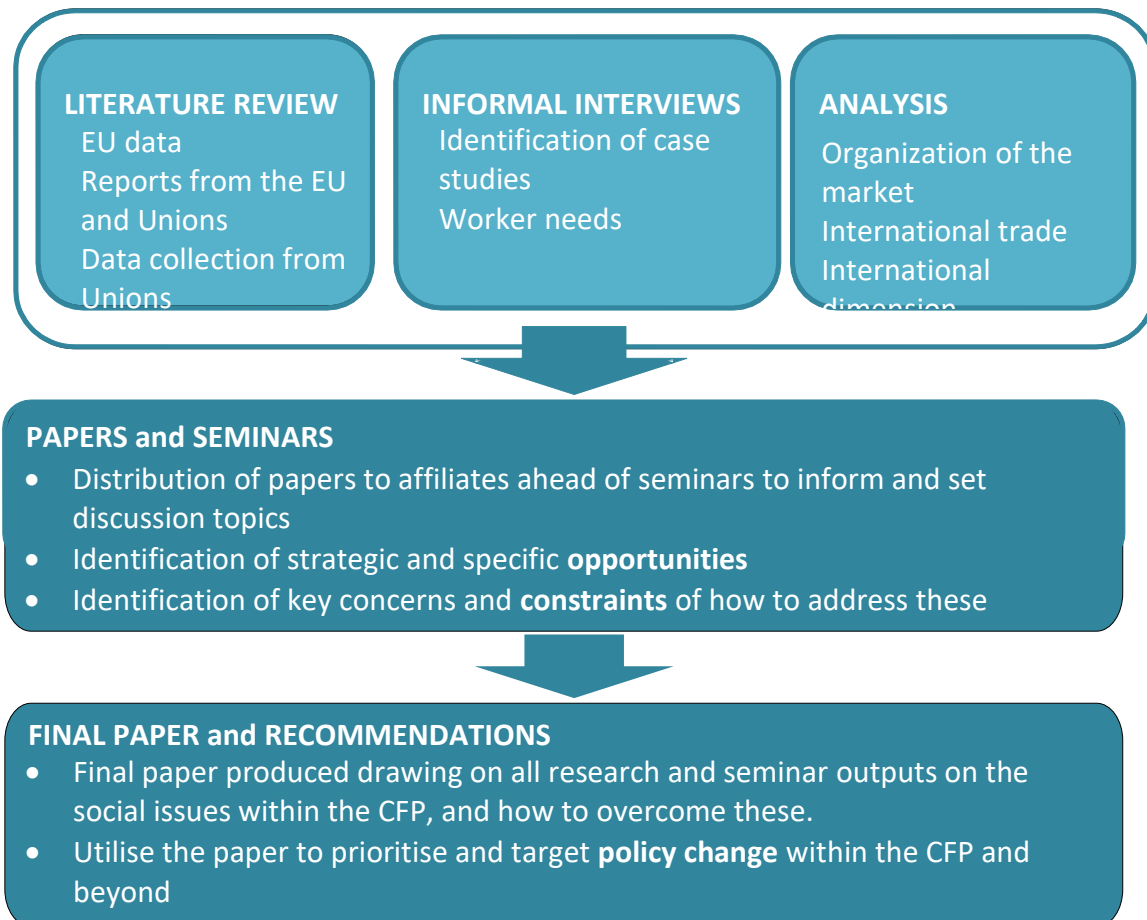
- i. Market, trade and international dimension of EU fisheries
- ii. Health and safety, working conditions, organising and collective bargaining in the fish industry
- iii. Fisheries management and financial instruments

Before each seminar, a paper will be prepared. The discussion papers (of which this is the first) will help to guide a series of seminars where the views and evidence from the Trade Unions affiliated with ETF and EFFAT will be incorporated to form the final recommendations.

The first seminar's theme: "Market, Trade and International Dimension of EU Fisheries" covers three aspects:

1. how the **EU market** is regulated, specifically by the common regulation organisation of the market
2. the business of **international trade** of the EU and member states with third countries, the labour standards in those third countries, EU trade agreements and the IUU regulation.
3. the **international (fishing) dimension** of the paper looks at EU fleets working outside of EU waters including fishery partnership agreements.

Figure 1: Project structure



2. Setting the Scene

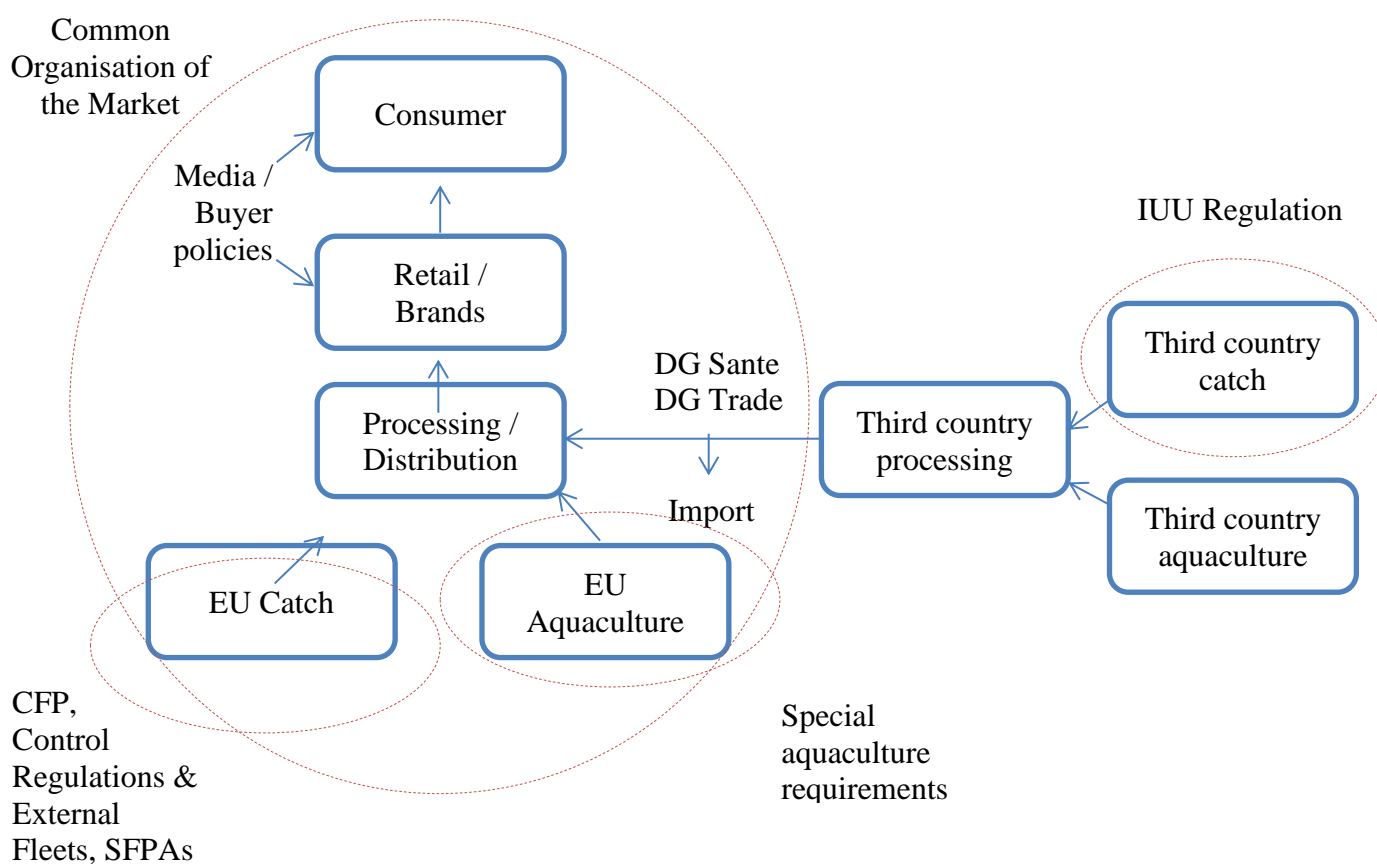
2.1 The CFP, Regulations and Workers

This section summarises the CFP, associated regulations and their potential social impacts and effects on social conditions. Where mechanisms exist aimed at achieving CFP objectives, such as environmental conservation, IUU and control regulations, management of external fishing fleets and trade measures, details of these are included. The purpose is to set out the structures, regulations and particularities relating to wild harvest fish, farmed fish; aquaculture and seafood processing in order to help understand how these contribute to, or impact upon, (or not) social sustainability.

The EU Seafood Supply Chain

A representation of the EU seafood supply chain is shown below with reference to the key regulations applying to them. By mapping these relationships the intention is while documenting the current situation, the project can begin to identify data and regulatory gaps for analysis, consider roles and responsibilities of the parties involved in the seafood supply chain, and identify and visualise key intersection points for involvement in policy and decision-making processes at EU level.

Diagram: The EU seafood supply chain and regulations



The left-hand side of the diagram represents the European Union supply chain, from producers to consumers. The Common Organisation of the Market (COM) regulation

encompasses the entire supply chain; coordinating supply, seeking to maintain fair competitiveness, and ensuring information for consumers. The EU catch component includes fleets operating in EU waters as well as on high seas and in third country waters.

Once seafood has been caught or farmed in the EU, or imported, the supply chain is linear and there is no differentiation given to its origins in terms of how it is regulated within the market, other than in some labelling requirements, thus less regulated seafood may compete with more highly regulated seafood.

The Control and External Fleet regulations are applicable to EU catch; this incorporates catch by non-EU vessels within EU waters and the EU fleet operating outside of EU waters. Bi- or Multi-lateral fishing agreements (SFPAs) are drafted by DG Mare but have input from the Parliament before they are enacted. Regulations and directives address aquaculture production within the EU, but there are no specific requirements for non-EU aquaculture.

Both DG Sante and Trade have mechanisms that can limit or prevent imports of seafood products into the EU based on their regulations (food safety and trade, respectively). The CFP's IUU regulations aimed at preventing the import of wild harvested fish caught in ways which are Illegal, Unreported or Unregulated (IUU) are imposed on third country fishing. If a country reaches the stage where a red card is issued then trade with the EU is restricted for catches from all fishing vessels flagged to that country. It applies to all fish caught by that country's vessels, but not to seafood processed within the red carded country, i.e. farmed or caught by vessels flagged to other countries, but processed within the red carded country.

As well as European Regulations (and specifically the CFP), consumers' and buyers' choices along the supply chain are influenced by the media and advocacy communications, usually by NGOs, but sometimes by celebrity chefs and others. This has on occasions been targeted at or had implications for social outcomes. Campaigns by NGOs have driven major changes to seafood buying over the last two decades, principally on environmental issues, but increasingly on social issues, and have also affected policies at the EU level. Despite seafood being a relatively small percentage of retailer turn-over, an issue within the supply chain can have disproportionate impact on many areas of business, including a business' reputation, and shareholder value of the company trading in that seafood. Increasingly, there are examples of market-led initiatives to promote seafood sustainability including environmental and social issues. While this might be applauded, it also results in un-level playing fields for producers, communication challenges, a lack of agency to act outside of global supply chains, and can result in cost and confusion for producers.

The Regulation on the CFP, Control Regulation and Management Measures – how does it all work?

The suite of measures are designed to achieve the principal aim of fisheries management under the Common Fisheries Policy (CFP) **to ensure high long-term fishing yields for all stocks by 2015 where possible, and at the latest by 2020 (DG MARE, 2018).**

The CFP does not explicitly set social objectives, nor consider social impacts, such as employment, wages, safety or labour conditions.

Collectively the general regulation on the CFP, control regulation and management measures, set the framework for wild harvest of seafood in EU waters. These include;

- how the CFP will be managed regionally,
- how the CFP will be followed in practice, and
- management tools and requirements, for example; specific requirements around the Mediterranean, multiannual plans, Total Allowable Catch (limits), traceability requirements, the ‘landing obligation’

IUU Regulation

The Illegal Unreported Unregulated (IUU) regulation was established to try and combat illegal fishing by non-EU fleets by closing access to EU markets where regulations are not met. It sets out the requirements for access to the EU market and must be complied with by third countries in order to import wild caught seafood to the EU.

Competent authorities in non-EU countries must certify that fish caught under their flag has been caught legally in compliance with the regulation. Non-compliant fish is therefore denied access to the EU market. Competent authorities are inspected by the Commission and can have their approval status removed if they are considered to be allowing risk of IUU fish being imported to the EU. Management happens first via notice of a yellow card (warning), and then if the problem has not been resolved satisfactorily, within a given time period, a red card is issued, removing the ability of the authority to approve fish and the EU will deny its importation. Various reasons have been cited by the Commission as reasons for issuing a yellow card, such as: not controlling fishing activities by foreign fleets, poor traceability or transparency, poor fishery management or outdated legislation. The legislation does not specifically address human rights or social issues, but the correlation between IUU fishing and human rights abuse is well documented and as such it is seen by many to help address such issues for wild caught seafood being imported to EU Member States.

Common Organisation of the Market for Fish Products

The Common Organisation of the Markets (COM) regulation, the EU policy for managing the market in seafood products, is one of the pillars of the CFP. The regulation strengthens the role of producers, who in turn are responsible for ensuring the sustainable exploitation of natural resources and are equipped with instruments to better market their products. The intention is for consumers to receive more and better information on the products sold on the EU market, which, regardless of their geographic origin, must comply with the same rules as producers within the EU. The scope is stated to include all seafood products for human consumption produced in the EU and imported, relating to quality, size, weight, packing, and presentation or labelling of the products.

In practice the COM determines what information consumers see on seafood products. To achieve sustainability and stabilise the market for fisheries products in terms of price quality, regularity and availability, the COM regulation sets marketing and labelling standards and also coordinates production. These are designed to support CFP objectives like sustainable fish stocks and so include criteria such as minimum landing sizes.

The COM aims at ensuring market transparency and consumer protection by requiring information about the product being available to consumers. This information includes the product name, species scientific name, the catching area, the production method and information regarding whether the product was defrosted. It is the responsibility of the Member State to check compliance with these standards.

The expectation is therefore for the COM to deliver sustainability of the CFP by educating consumers, regulating supply and contribute to sustainable fisheries.

Sustainable Management of External Fishing Fleets Regulation

This regulation relates to European Union fishing vessels conducting fishing operations in waters under the sovereignty or jurisdiction of a third country under the auspices of a Regional Fisheries Management Organisation (RFMO) to which the EU is a contracting party (in or outside EU waters), or on the high seas. It also includes third country fishing vessels conducting fishing operations in EU waters.

The EU's Sustainable Fisheries Partnership Agreements (SFPAs) with third countries allow the EU fishing fleets to access resources outside of EU waters. There is evidence to suggest they make an important contribution not only to direct and indirect employment in fishery dependent regions of both the EU and in some of the partner countries, but also in some non-partner third countries. The process for setting up SFPAs is as follows:

- i. The Fisheries Committee within the European Commission negotiates with the third country
- ii. Consultation with the Long Distance Advisory Committee (LDAC)
- iii. Impact assessment
- iv. Legislative proposal
- v. Parliamentary debate/decision
- vi. Act published (agreement put in place)
- vii. Monitoring by the Joint Committee

Trade Unions can have input in the process via the LDAC as they have a seat at the executive committee. It is also possible to contribute during the impact assessment, which has a public consultation, during parliamentary debate via supportive Parliamentary Members (MEPs) and by having a seat on the Joint Committee.

Additional Directives and Regulations relating to Aquaculture

The EU aquaculture sector is subject to the Common Organisation of the Market regulation, but additionally must comply with a suite of other regulations. These cover environmental impact of the operation, water use and discharge, animal health and welfare, hygiene and various permissions around siting of the farm. There are no specific regulations around labour rights other than those set by European and National employment law.

CFP Advisory Committees

The Advisory Committees are a requirement of the CFP and provide direction to the Commission (DG MARE) when developing or implementing policies. There are Advisory Committees for fishing within EU waters and externally, and for aquaculture and markets.

The Advisory Councils are stakeholder-led organisations that provide the Commission and EU countries with recommendations on fisheries management matters. ACs are composed of representatives from the industry and from other interest groups (with a 60% - 40% allocation of the seats in the general assembly and the executive committee). Producer Organisations make up a significant proportion of the representation, alongside a requirement of NGOs and others. Trade Unions have seats on the ACs and can register their views.

The ACs

- Aquaculture AC
- Baltic Sea AC
- Black Sea AC
- Long Distance AC
- Market AC
- Mediterranean Sea AC
- North Sea AC
- North-western waters AC
- Pelagic stocks AC
- South-western waters AC

Trade Agreements with Third Countries - Trade, GSP+ (DG TRADE)

Trade agreements are not directly part of the CFP, but play an important role because of the access granted to the EU seafood market for third countries. It should be noted that the EU is the world's largest seafood market. The European Union, via the Commission's DG TRADE, establishes trade agreements with third countries which go further than WTO (World Trade Organisation) rules. These range from free trade to Generalised Scheme of Preferences (GSP) which allows developing countries to pay lower or no duties on exports to the EU. These agreements may impact with the CFP and social sustainability if the traded goods include seafood products. In this case, if the production of the seafood products, either wild harvested or farmed, or the processing of the seafood products are allowed to operate to standards different to those in the CFP then the EU sector may be at a competitive disadvantage. This can have significant social impacts such as EU job losses and/or the labour abuses in those third countries where harvesting, production or processing is taking place.

Health Regulation on Controls for Fish Products (DG SANTE)

DG Sante is responsible for the control of food safety for imports to the EU and therefore the food safety aspect of seafood products. There are various means available of which the key one is by identifying and approving third country establishments as meeting the EU's sanitary standards. These regulations are fairly rigorously imposed. Some fishing vessels carry out processing on board and are therefore subject to these regulations. However the regulations only cover sanitary performance and do not address workers' rights in those processing facilities.

EU Employment Law, ILO Conventions and Other Agreements

DG Employment coordinates the EU's labour policies with the general objectives of high employment, social protection, improving living and working conditions and protecting social cohesion. Although labour law is set by member states and varies between them, DG Employment issues directives that set minimum requirements for working and employment conditions as well as informing and consulting workers, such as the working time directive.

EU law generally follows ILO conventions and other agreements such as the European Convention on Human Rights (ECHR). On vessels, the law of the country whose flag is flown (where the vessel is registered) should be applicable.

ILO Convention No. 188 sets out binding requirements to address the main issues concerning work on board fishing vessels over 24m, including occupational safety and health and medical care at sea and ashore, rest periods, written work agreements, and social security protection at the same level as other workers. It aims to ensure that fishing vessels are constructed and maintained so that fishers have decent living conditions on board.

The Convention is intended to prevent unacceptable forms of work for all fishers, especially migrant fishers. It provides for regulation of the recruitment process and investigation of complaints by fishers, and hopefully in this way prevent forced labour, trafficking and other abuses.

States ratifying Convention No. 188 commit to exercising control over fishing vessels, through inspection, reporting, monitoring, complaint procedures, penalties and corrective measures, and may then also inspect foreign fishing vessels visiting their ports and take appropriate action. Only 10 countries have ratified 188, only France, Estonia and Lithuania from the EU Member States, and it came in to effect in November 2017.

2.2 Facts and figures

Facts and figures relating to the EU seafood sector can be misleading in that they underrepresent its importance. This is because fishing, processing and aquaculture tend to take place in locations with few alternative industries, for example in coastal communities. The result is that some areas/regions are highly dependent on seafood. Studies show that the sector can be supporting up to 50% of employment such as in North East Scotland and coastal Galicia, Spain. Furthermore, fisheries contribute to EU food and nutrition security. Aquaculture is a major growth component of the blue economy, and provider of nutritious low carbon protein. These types of benefits are not captured when looking singularly at overall value or employment figures.

Other social benefits of seafood are cultural, ancillary services and gender balance. Seafood, particularly fishing, has significant traditional and cultural heritage, being a part of everyday life in many coastal communities for example. The sector is supplied by ancillary industries such as aquaculture feed production, provision of equipment, shipbuilding and tourism. Women also make up a large part of the seafood processing workforce, often where other suitable employment opportunities are few.

Retail and consumers are a major part of the seafood supply chain often overlooked. Seafood displays in supermarkets bring consumers into stores and consumers expect to have seafood as part of their diet. Measuring this value in facts and figures, whilst a challenge, needs to be considered because it helps to form the argument of how important the sector is.

Fisheries Employment

The information below provides a summary of the situation of the sector in terms of numbers employed. Data is somewhat outdated, but it is unlikely that the situation today is

significantly different. The Scientific, Technical and Economic Committee for Fisheries (STECF) reports socio-economic data including:

- Net profit per vessel
- FTE/vessel
- Value added/employee
- Crew wage
- Income from landings
- Value of landings
- GVA/employee
- Total number of vessels/total number of small-scale vessels

Figure: Summary of EU Fisheries Workers

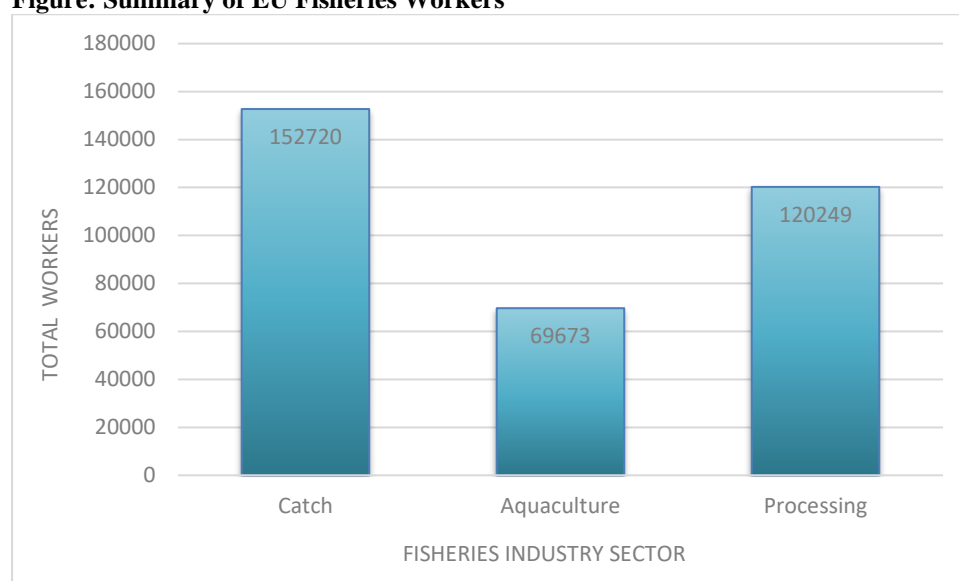


Table: Number of reported EU seafood workers

Member state	Catch ¹	Aquaculture ²	Processing ³	Total
Austria				
Belgium	340			340
Bulgaria	1728	924	252	2904
Croatia		2231	1365	3596
Cyprus	1285	388	56	1729
Czech Republic				
Denmark	1330	506	3409	5245
Estonia	2242	36	1861	4139
Finland	1668	515	930	3113
France	13442	16454	16184	46080
Germany	1532	60	7010	8602
Greece	25407	5129	2330	32866
Hungary	5067			5067
Ireland	3451	1821	3342	8614

¹ STECF 2017

² DTECF 2016 (2014 data)

³ Summary of the 2014 Annual Economic Report on the EU Fish Processing Industry (STECF 14-21)

Italy	25787	5112	6197	37096
Latvia	620		5781	6401
Lithuania	691		4451	5142
Luxembourg				
Malta	1463	179	56	1698
Netherlands	1966		3567	5533
Poland	2491	7764	15972	26227
Portugal	16086	2357	6823	25266
Romania	352	2542	780	3674
Slovakia				
Slovenia	119	20	354	493
Spain⁴	32059	19914	18324	70297
Sweden	1487	411	2135	4033
United Kingdom	12107	3310	19070	34487
TOTAL	152720	69673	120249	342642
External SFPAs⁵	6500		25000	31500

Fisheries Companies

The table below lists the largest seafood companies globally that have their head office located in the EU. All have seafood processing elements to their business; those with fishing or aquaculture production activities are noted. Only one company (Sirena Group) has both catch and aquaculture activities. Their approximate size is given in terms of million US\$ turn-over and estimated number of workers employed in their seafood business. All figures are indicative and the most recent available.

The list is only based on publicly available data from seafood media and companies with reported turnover in excess of \$200 million. This means that many privately owned fleets or producers have not been included in the list, such as the fishing company Cornelis Vrolijk B.V., which reportedly holds 23% of English fish quotas. These companies could be found from the Producer Organisation membership lists.

⁴ Note that FICA 2018 report has found employment in Spanish processing sector has increased slightly over the last 3 years.

⁵ The EU's fourteen FPAs with third countries help to sustain an estimated 6,500 jobs associated with EU fishing vessels and 25,000 processing jobs (Goulding, 2016).

Table: Major seafood companies with EU head office⁶

Name	Catch	Aqua	Proc	Size (\$ml)	Employees	Head Office
Nomad Foods			X	2000	2800	UK
Tri-Marine	X		X	1800	5000	IT
BioMar		X	X	1300	1000	DK
Labeyrie Fine Foods			X	1200	4500	FR
Parlevliet Van Plas	X		X	1200	6000	NL
Pescanova			X	1000		ES
Calvo Group			X	700	4800	ES
Young's Seafood			X	800	3700	UK
Andrew Marr Int.	X		X	700	220	UK
Bolton Alimentari			X	700	4000	IT
Müller Gruppe			X	700	5000	DE
Jealsa Rianxeira	X		X	600		ES
Europastry			X	500		ES
Pomona			X	500		FR
Viciunai			X	500	8000	LT
Mariscos Rodríguez				300		ES
Caladero			X	300	500	ES
Frosta			X	500		DE
Deutsche See			X	500	1700	DE
Frinsa del Noroeste	X		X	400		ES
Polar Seafood	X		X	500	900	DK
R&O, Seafood		X	X	400	1250	FR
Albacora Group	X		X	200	2800	ES
Conservas Garavilla	X		X	400	2500	ES
Sirena Group	X	X	X	400	64	DK
Ultracongelados				300		ES
Grupo Profand				300		ES
Capitaine Houat			X	300	500	FR
A. Espersen			X	300		DK
M&J Seafood			X	200		UK
Scottish Sea Farms		X	X	200	500	UK
Scottish Salmon Co.		X	X	200	500	UK
Total				19900	56234	

Out of the top 100 seafood companies globally (fishing, aquaculture, processing), fewer than a third of them have their head office located in the EU. However, due to the international nature of seafood production and trade, as well as shared ownership of the businesses, many more of the largest seafood companies could be considered as within the jurisdiction of the EU employing European workers and with revenues generated in the EU. Thai Union, the world's third largest seafood company, for example has its head office in Thailand but a significant part of its turnover is generated through its European operations based in Paris, France.

⁶ Seafood media and company websites.

In Spain, for example, there are some 640 fish canning companies, of which about 440 employ fewer than 20 people. The situation in the Mediterranean is characterised by an even smaller-scale sector where there are 44,000 vessels and around 100,000 employees.

The majority of the EU seafood sector is made up of companies that are not considered large at a global scale. These companies would feature on the membership of Producer Organisations (POs) that in turn are members of the EU's Advisory Councils (ACs). The companies listed in the table would also be members of the ACs, but may also have other means of influencing EU policy and market demand via their buying policies or bespoke advocacy. However, if we were to include all companies with operations within the jurisdiction of the EU then large companies would make up a greater proportion of the sector.

There are very few large fishing and aquaculture companies with their head offices based in the EU. The three non-tuna fishing companies that have head offices in the EU; Parlevliet, Marr and Polar, seem to operate in non-EU waters for small pelagics and Greenland shrimp respectively. The other 6 companies (5 Spanish and 1 Italian) are tuna fishers, also active in non-EU waters.

Sustainable Fisheries Partnership Agreements

The EU currently has 12 active SFPAs in force with third countries, as shown below:⁷ 9 tuna agreements (Cabo Verde, Côte d'Ivoire, Sao Tomé e Príncipe, Madagascar, Senegal, Liberia, Seychelles, Cook Islands and Mauritius) and 3 mixed agreements (Mauritania, Morocco, and Greenland). In 2016 it was estimated that SFPAs help to sustain 6,500 jobs associated with EU fishing vessels and 25,000 processing jobs.

Table: Cost of SFPAs to the EU

Country	Type	Annual EU contribution (€)	Annual sector support (€)
Cabo Verde	Tuna	550,000	275000
Cook Islands	Tuna	385,000	350000
Côte d'Ivoire	Tuna	680,000	257500
Greenland	Mixed	16,099,978	2931000
Liberia	Tuna	715,000	357500
Madagascar	Tuna	1,566,250	700000
Mauritania	Mixed	61,625,000	4125000
Mauritius	Tuna	575,000	220000
Morocco	Mixed	30,000,000	14000000
São Tomé & Príncipe	Tuna	710,000	325000
Senegal	Tuna & hake	1,808,000	750000
Seychelles	Tuna	5,000,000	2600000
	Sub Total	€ 119,714,228	€ 26,891,000
	Grand Total	€ 146,605,228	

⁷ <https://ec.europa.eu/fisheries/cfp/international/agreements/>

Additionally, EU fishing activities that take place in the North Sea and north-east Atlantic (including Norway, Iceland and the Faroe Islands) are covered by ‘Northern Agreements’. These agreements are extremely important to a large section of the EU fleet, especially the agreement with Norway, which covers quotas worth over €2bn.

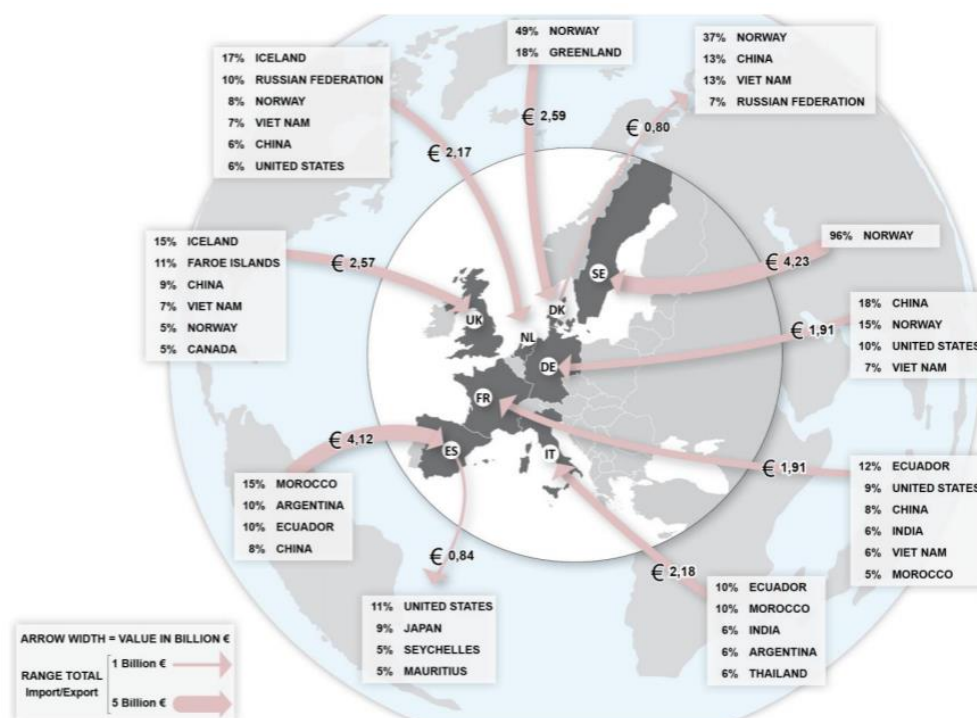
The EU Seafood Market

The European market observatory estimates that around 12.7 million tonnes of seafood are consumed in the EU each year.⁸ This is 7.3% of the 174 million tonnes of wild and farmed seafood produced globally.⁹ The value that EU consumers spend buying fisheries and aquaculture products in a year is 54 billion Euro.¹⁰ Of this value, the proportion of total seafood that sold via the retailers is estimated as high as 77% in some EU countries.

By some estimates seafood is a massive one quarter of all food imports into the EU by value.¹¹ Seafood imports are also five times greater than the value of all meat imports including pork, beef, chicken etc. combined. This shows the extreme case of EU seafood demand exceeding EU supply.

The EU exports around 4.7 billion Euro of seafood each year and imports 25 billion Euro worth (the world’s largest seafood market), as shown in the figures below (Figures are sourced directly from ‘The EU Fish Market’ report, 2017). The number of trading partners is high but there are common countries identifiable as key exporters to the EU including Morocco, China, Thailand and Vietnam.

Figure: EU Seafood Imports (25bln Euro)



⁸ EU consumer habits regarding fishery and aquaculture products (2018)

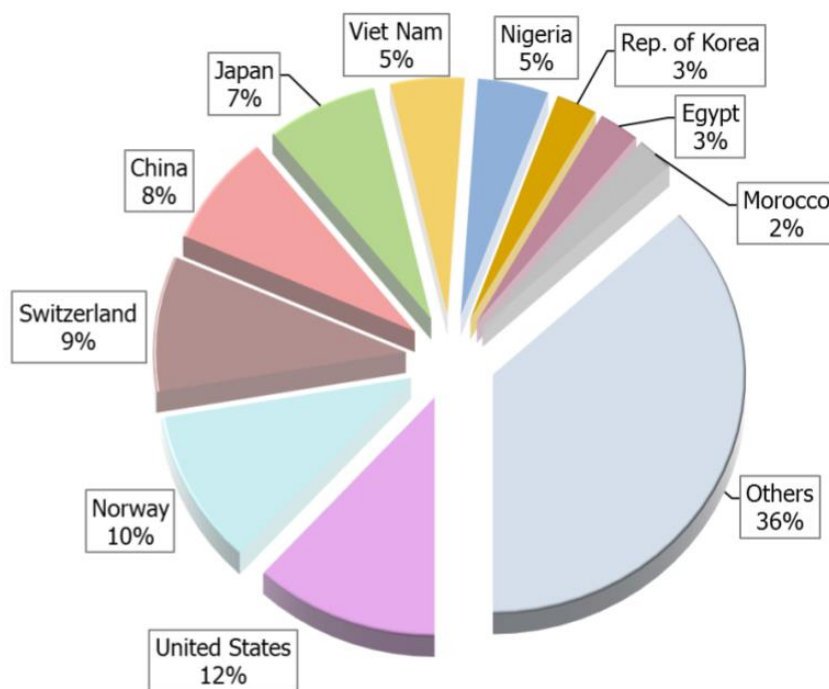
⁹ <http://www.fao.org/in-action/globefish/market-reports/resource-detail/en/c/1109513/>

¹⁰ The EU fish market, EUMOFA 2017.

¹¹ <http://ec.europa.eu/eurostat/web/products-eurostat-news/-/EDN-20171016-1?inheritRedirect=true>

Around half of EU seafood exports by value consist of farmed Scottish Salmon, small-pelagics (wild caught), tuna (caught by fleets operating outside of EU waters) and non-food use (animal feed, e.g. Biomar). The USA (salmon), Norway (fish feed) and Nigeria (small-pelagics) are key importers of those species.

Figure: EU Seafood Exports (4.7 bln Euro)



3. Analysis of the market, trade and international dimension of EU fisheries relating to social sustainability

The following analysis is undertaken to relate social sustainability issues with the CFP to the market, trade and international dimension, where possible noting examples (or case studies) provided by the Trade Unions. It looks at how CFP policy interacts with the issue or in some cases may even create the problem. The aim is to stimulate discussion around these topics and explore what needs to be changed in and out of the CFP to resolve it, as well as the approach needed to realise these changes. These will be used to explain potential consequences for other elements of the CFP. The focus is to highlight social policy absences and opportunities for engaging with policy makers to influence change.

Although market, trade and international dimension are linked, the analysis is split into three sections. Many of the issues, examples and solutions cut across market, trade and international, but as much as possible the three themes are separated as follows:

- **Section 3.1** relates to the EU seafood market, regulated by the Common Organisation of the Market and voluntary retailer policies.
- **Section 3.2** relates to international trade (between the EU and third countries) in seafood and so covers trade agreements, international corporations and in part, the IUU regulation.
- **Section 3.3** is focussed on the role of the EU to make fisheries outside the EU waters more socially sustainable. This includes the IUU regulation, sustainability of external fleet regulation, EU employment and ILO conventions.

3.1 Market

The EU seafood market is the largest in the world, consuming 54 billion Euro and importing 25 billion Euro worth each year.

Current regulations do not ensure that worker rights in the seafood sector meet EU market standards

The EU seafood market policy is set out by the Common Organisation of the Market Regulation. The scope of the regulation includes all seafood products for human consumption regardless of their origin (EU or imported). Labour rights are not an objective of the regulation, but it does state that:

“When trading in fishery and aquaculture products with third countries, the conditions for fair competition should be ensured, in particular through respect for sustainability and the application of social standards equivalent to those which apply to Union products.”

Therefore attention should be paid to ensuring that seafood workers associated with imports to the EU receive rights equivalent to those within the European Union. There is demand for socially sustainable seafood within all areas: wild harvest, aquaculture and processing. Reports of abuses in seafood supply chains, either at sea or within aquaculture (see case studies below) or in processing facilities (see Citra Mina case), undermines confidence in all seafood regardless of origin.

In addition, one of the founding principles of the COM requires that:

“It is necessary to ensure that imported products entering the Union market comply with the same requirements and marketing standards that Union producers have to comply with.”

There is recognition that labour rights are not covered by the CFP or by major private standards for wild capture seafood, such as the Marine Stewardship Council (MSC) programme.¹² This leads to risks that seafood on sale in Europe could unwittingly be associated with labour abuses, some examples are provided below.

Principle private aquaculture standards (Aquaculture Stewardship Council, Global Gap and Best Aquaculture Practice Standards) do address labour issues, as do the principal processing standards.

Case study. Exploitation of migrant workers within European fleets^{13 14}

Evidence of abuse and exploitation of seafood workers exists both within and beyond EU waters. Migrant workers employed from outside the European Economic Area can be particularly vulnerable and may be introduced to the EU supply chain through trafficking or false promises of employment and conditions.

For example, there have been reported incidences in which African and Asian workers have been brought onto Irish-owned trawlers where they have faced discrimination and physical abuse and forced to work dangerously long hours for significantly less than the minimum wage (an average of €3 an hour). Half of the workers in the investigation had not received mandatory Irish safety training.

The migrant workers in this case were brought into the EU on special work permits issued by the Irish government, which ties workers to specific boats leaving them open to exploitation, or were undocumented workers brought in illegally, leaving workers fearing arrest and deportation. The International Transport Workers’ Federation has recently given notice that they will be taking the Irish government to court to stop the scheme and thus the exploitation it facilitates. The impacts of this worker exploitation are beyond the region of the permit issuing authority, with the vessels detained in England. This demonstrates the need for European-wide policies to tackle this worker exploitation and discrimination on fishing vessels.

This example shows how more stringent human rights criteria and their enforcement are needed within the CFP. Exploitation and abuse of workers, underpayment, unsafe working hours and no safety training are endangering workers, and lead to unfair competition through lower costs due to poorer and unregulated conditions for companies that choose to operate in this way.

¹² www.msc.org

¹³ <http://www.itfglobal.org/media/1691097/itf-fish-report.pdf>

¹⁴ <https://www.theguardian.com/world/2018/may/18/permit-scheme-facilitating-slavery-on-irish-fishing-boats-says-union>

*Case study. Slave and child labour in Thailand's seafood sector*¹⁵

Reports, such as those provided below, on labour abuses in Thailand (among other countries) have brought to the attention of the EU market situations faced by workers in the fishery sector exporting to the EU. The reports show how aquaculture and wild fisheries are linked, with wild fishery products used in aquaculture feed. Since the CFP does not have social and labour conditions of workers at its core, its mechanisms are unable to identify, monitor or resolve these issues. As we saw in Section 2, there is a gap in EU regulations applicable for non-EU aquaculture. In the absence of regulation this leaves the problem to the market to address itself.

After an exposé on labour abuses in Thailand, major buyers from Europe and the USA resolved to combat the abuses by establishing collaborative initiatives such as The Seafood Taskforce,¹⁶ project ISSARA¹⁷, and privately setting standards.¹⁸ Additionally, the EU acknowledges that whilst concerns around labour abuses cannot be used to give red cards within its IUU regulation, the conversations between EU and third countries within the negotiations (as referenced below) do include labour considerations. However, despite these conversations around IUU including labour issues the Commission cannot use labour abuse as a reason directly for issuing a 'red card' (i.e. it cannot embargo imports of seafood based on labour abuses)



Source: The Environmental Justice Foundation, 2018 and ILO Report, 2015

¹⁵ https://www.hrw.org/sites/default/files/supporting_resources/201801asia_thailand_recommendations_0.pdf

¹⁶ <http://www.seafoodtaskforce.global/>

¹⁷ <https://www.issarainstitute.org/>

¹⁸ Thai Union vessel code of conduct - <http://www.thaiunion.com/en/sustainability/code-of-conduct>

The big catch

How slaves are integral to producing the prawns on your plate

A SLAVERY

1
Thousands of migrants flock to Thailand each year, the vast majority from Burma and Cambodia. Many pay brokers to help them find work and passage

2
Trafficked migrants pass through ports like Mahachai, Songkhla, Samae San, Ranong, Rayong, Kantang, Pattani, Pak Nam and Samut Prakan. Boat captains purchase workers for as little as £250 and keep them on fishing vessels sometimes for years at a time

3
"Slave vessels" ply international waters around the Gulf of Thailand, for tuna and other fish, scooping up vast amounts of 'trash fish' in the process



Nestlé admits slavery in Thailand while fighting child labour lawsuit in Ivory Coast

The company has won plaudits for its admission of forced labour in the Thai seafood industry but much of the supply chain remains hidden



▲ Nestlé has confirmed reports that Thailand's seafood industry is riddled with forced labour and human trafficking. Photograph: Rungroj Yonqit/EPA

Source: The Guardian

However, the Environmental Justice Foundation recently reported that these private initiatives had been ineffective in combatting slavery and labour abuse.¹⁹ Brad Adams, Director of Human Rights Watch in Asia, explained that *“the [EJF] report found that although this military government has taken more positive steps forward than the last, the reforms that have been put in place are still largely cosmetic”*.

The European Commission has publicly said that *“The IUU Regulation does not address labour issues in seafood supply chains”* and that *“The Commission aims to include in the future EU-Thailand FTA a robust chapter on Trade and Sustainable Development covering labour”*. It is the fight against IUU fishing that continues to be the Commission’s priority, but they believe that improvements in the fisheries control system will, by default, improve the control of labour conditions in seafood supply chains.²⁰ The Commission’s position is that labour issues in the Thai fishing sector are addressed by the Thai authorities and International Labour Organisation (ILO). However, the Commission is reportedly ‘working on interventions’ to assist Thailand to address key labour shortcomings in the sector to comply with the core labour standards, in particular regarding worst forms of child labour and forced labour and working conditions for migrant workers.

Whilst the COM regulation requires social standards equivalent to those which apply to EU products to be respected, it is not clear what mechanisms or interventions are available for breaches of this requirement to be addressed.

Role of the retailers

Even though the CFP does not directly govern the actions of retailers, they have a very important role in fisheries supply chains through the use of their buying power and can have an influence over social outcomes and labour standards. Despite seafood being a relatively small category for retailers, it appears to have a reputational proposition that outweighs its sales share. As such it often features in marketing campaigns to bring consumers into stores

¹⁹ <https://www.theguardian.com/global-development/2018/jan/23/thai-seafood-industry-report-trafficking-rights-abuses>

²⁰ <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2015-008916&language=EN>

and therefore has a greater effect on the retailer performance than simply in terms of sector turnover.

For example, UK retailer Marks and Spencer ran a campaign called ‘Forever Fish’ which was advertised on all of its shopping bags. Another example is the fresh fish counters that retailers operate within their stores to attract customers. The counters themselves are not a large earner and cost more than shelf space, but they are used to bring in shoppers and so increase sales over the whole store.

Seafood issues can also influence which stores customers choose. For example, some major European retailers such as Carrefour and Tesco have switched to purchasing pole and line caught tuna instead of traditional purse seine fishing methods. The cost of switching is high but it avoided campaigns from Greenpeace that would have affected their entire business.²¹



Due in part to the pressure from NGOs, retailers have adopted sustainable seafood policies and invested in capacity to address concerns over seafood. Such policies revolve around risk assessments and then decision trees leading to buying choices where high risk purchases are avoided. The MSC has led the sustainable seafood labelling movement, but only promotes environmental criteria for wild caught seafood. Risk assessments for social sustainability in seafood exist (such as the FishSource human rights abuse tool)²² and aquaculture certifications now include checks on labour conditions.

Currently, information is easily available to consumers on environmental (eco-labelling) and commercial factors (pricing and branding), but not for social or ethical awareness. Consumers cannot tell the difference between products on the shelf that are socially ethically sourced and those that may be linked to labour abuses or exploitation. To combat this, there is a need for either negating the need for such information, but managing the risk at a central regulatory

²¹ <https://www.greenpeace.org/usa/activists-us-canada-urge-walmart-better-oceans/>

²² https://www.fishsource.org/faq#faq_group_1#faq_49_collapse

check point, or including it in point of sale information such that social compliance can form part of their shopping decisions.

This can be achieved through retailer engagement to make this information available, the use of tools such as blacklists to publicly condemn poor performers, and working with NGOs, the Commission or media bodies to highlight these issues to the attention of consumers. Different tools, actions and intervention points need to be considered.

Retailers are ultimately responsible for the seafood they source and sell to consumers. In addition to their seafood policies, retailers apply ethical policies to all their purchases, these include labour rights. Retailers have requested that the MSC scheme includes labour standards along the supply chain including factories and fishing vessels.²³ Some retailers have gone a step further and disclose the sources of their wild-caught seafood supplies. This provides transparency on the origin of wild caught seafood and links to a public assessment of the fishery which includes a social risk assessment.

Another way retailers could promote positive change within the industry is through initiating and engaging with social Fishery Improvement Projects (FIPs).²⁴ FIPs are industry-led schemes which provide a demonstrable means of showing improvements for a fishery. This is achieved through assessing a fishery against an international standard, grading it against the requirements, identifying the gaps and implementing and monitoring an improvement plan to close these. Within the framework of a FIP, advocacy for workers' rights could be enabled through worker dialogues as a tool to assess and monitor compliance. Currently, FIPs have been focused on environmental criteria and improvements, however, for truly sustainable fisheries to be the goal then social criteria need to be included. This might be at different points within the fishery, but would likely focus on board vessels. Adding social modules to current FIPs or initiating them with a social focus is a credible way for retailers to assess and improve their supply chain in a transparent manner. Thus, working with the private sector as partners may be an important part of the plan to enable better labour conditions in fisheries both within the EU and supplying seafood to its market.

Some retailers require issues to be flagged for their attention, and for them to investigate reactively, but this does not reflect the nature of modern supply chains where responsibility along that chain is a requisite. It also opens up risks to retailers who may be publicly exposed through media and NGOs as having labour abuses within their supply-chains if they do not proactively scrutinise their sources. A pro-active and risk-based approach should be used for auditing their supply chains, informing buying decisions, and handling supplier investigations (where blacklisting may be an appropriate tool, thus best practice across environmental and social criteria gives access to markets) in addition to facilitating and engaging in worker dialogues, to build an open and traceable seafood supply chain. Collaboration between the Trade Unions, retailers and NGOs could be used to inform this process on how to prioritise and target the social issues within supply chains.

²³ <https://improvements.msc.org/database/labour-requirements/background>

²⁴ <https://fisheryprogress.org/>

Whilst there are conflicts and competition between fisheries and aquaculture production, the driving force for increased production is the major buyer who have to wrestle priorities about the production method of products with priorities of availability of large volumes of high quality product, at the 'right' price. These buying corporations can be targeted to drive improvements within the industry.

A major challenge for the retailers is that they do not have the answers about how to resolve issues of all labour abuses in their supply chains, some of which are extremely sensitive, political, economic, and in some cases cultural. Many already have significant policies aimed at weeding out risk and abuse, carry out risk assessments, audit facilities and participate in collective initiatives. They do not have information on companies that perpetrate labour abuses nor access tools that can resolve labour issues, like, for example, fair and decent worker contracts. This may provide opportunity for the Trade Unions to develop tools such as fair and decent labour contracts appropriate to the seafood sector that organisations, standard's operators and buyers can apply to the workforce through their supply chains.

Structure of the market does not ensure there is fair representation of workers or collective bargaining opportunities

The structure of the market is typically one of long and complex supply chains. In aquaculture, there are often many small and fragmented, unorganised facilities, with volatile production cycles, in processing workers – as in other factory facilities' – often feel covertly oppressed, and this together with the relationship of many fishers with producer-organisations (POs) can make it difficult for workers to be represented properly in many parts of the seafood supply chains. In some cases there are 'invisible employers' that cannot be identified, located, or held to account. Those making the decisions that affect workers need to be identified in order to target smart communications and build consensus around addressing social issues.

3.2 International trade

This section analyses the CFP and social sustainability relating to trade in seafood between the EU and third countries. This covers trade agreements, EU importation requirements such as sanitary controls, international corporations and, in part, the IUU regulation.

Cheaper imports from countries with lower social and labour standards

Imports to the EU from third countries may be at lower prices than the cost of those products produced in the EU. There may be a number of reasons, but if that lower cost is achieved by applying low social standards then this is ethically inappropriate, creates unfair competition and could lead to economic dumping. Cheaper imports from third countries that do not have to follow the same high levels of both environmental and social standards undermines the economic performance of producers and processors in Europe. For example:

1. There is no way of restricting imports that do not meet equivalent EU labour standards using CFP or other EU regulations (or through trade agreements)
2. Retailers may have signed up to commitments against modern slavery (such as the UK's Modern Slavery Act), but have limited ability to audit the entire chain, have to rely on broad-brush risk assessments and have few tools to effectively address risks
3. Lack of regulation of labour issues in the supply chain can undermine confidence across all seafood

Actions that could be taken within the context of the CFP reform process, and the CMO, to begin to address these issues include:

1. Require equivalent social issues (EU and the third country) within trade agreements and include this in the CFP market element
2. Trade unions could work with buyers, ie retailers, to help conduct audits, better understand the supply chain risks and create tools or advocacy that effectively addresses the issues
3. Include social standards/requirements as part of EU/third country trade agreements
4. Push for countries to implement ILO 188 and mirror requirements for vessels under 24m

Case Study. French retailer bans seafood imports

After the slave labour claims surrounding shrimp aquaculture, major French retailer Carrefour stopped buying from the company involved. They have acted similarly on other (non social) issues, demonstrating the power of the major buyer in sanctioning imports in the absence of appropriate regulations, drive change and address risk. However, this does not benefit other players, countries, or set a wider precedent. Further it causes disruption across the market generally and amongst all producers because of the unmanaged nature of the action.

The purpose of the CFP regulating trade is not to stop imports from third countries, but trying to prevent a collapse happening as this example. The best scenario would have been for the seafood production to be kept to high standards, avoiding the collapse affecting all companies within the supply chain and removing the consumers' choice to buy entirely. This volatility within the market is also not consistent with the common organisation of the market objective, which asks for stability.

Case Study. Spanish tuna canners and imports from third countries

Spain (mainly the region of Galicia) produces 320,000 tons of canned tuna a year, which is 67.5% of the EU total. Imports of canned tuna from third countries compete with this production and in certain cases can be produced up to 35% cheaper than when manufactured in Spain. For a region so dependent on seafood for employment and income, the threat of economic dumping is daunting. We need to ensure imports meet EU standards to facilitate a level playing field.

These imports are checked by the authorities on entry to the EU for sanitary and legal conditions, but will be allowed entry even if they do not meet EU and international labour standards. To ensure fairness to EU producers, inspections should include social sustainability and reinforced in new EU policy.

Working with international corporations

Major seafood companies that trade with the EU, such as the two largest; Thai Union and Marine Harvest, have an important role to play in social sustainability. They are a bridge between producers internationally and the EU market. Both the companies mentioned have their shares traded on stock markets and corporate responsibility and regulations and to

meet.^{25 26} Their purchasing departments can promote social standards by requiring producers to meet them as a requirement of purchase. Setting and enforcing these standards, which are currently in excess of EU regulations, is a valuable service by companies of substantial influence and size such as these.

The Trade Unions can help to inform and educate these multinational companies, especially around labour issues. Generally, the companies will want to know about issues, particularly new risks, and will address them. If they don't the company can be held accountable more publicly.

Exhibitions, conferences and public forums

There are a variety of opportunities, almost daily, in which Trade Unions and others can highlight and challenge seafood sector stakeholders to better address the weak areas of social regulations and impacts in the CFP and other seafood market related regulations.

For example; The Seafood Expo Global, the world's biggest seafood exhibition, is held annually in Brussels. The world's fisheries industry, and ancillary organisations, come together to discuss trade, connect buyers to sellers and do business. Held in the backyard of the European Commission the EU have a number of activities on site, and a stand. In 2017 there were 30,000 attendees from 150 countries. Organisations arrange media events and workshops to present topical issues. It is an opportunity to bring social issues to the attention of seafood companies and the European Commission.

Trade agreements

Trade agreements between the EU and third countries are important to both enable and regulate imports. Where seafood is involved it is a good opportunity to ensure social standards, equivalent to those in the EU, are written in to the requirements of the agreement. At worst the EU may be otherwise supporting poor social practice elsewhere in the world, and the reduction in cost of such practice may also lead to unfair competition and dumping. Once the agreement has been signed it can be difficult to go back on it even if it transpires that labour standards are being breached thus it is critical to ensure such requirements are included from the outset.

Case study. Citra Mina tuna company curtailment of unionisation, Philippines

This case illustrates how lower social standards in importing countries can lead to 1) labour abuses and 2) EU products/processing having to compete with countries that have lower costs due to lower standards.

Citra Mina is a major tuna exporter from the Philippines that imports into the EU. Of the 3,200 Citra Mina employees, only around 500 have regular employment contracts. According to the IUF, in September 2013, when workers formed a legally registered trade union, the company responded with mass dismissals of union members. This is in contravention to ILO conventions and the basic labour rights of workers. Citra Mina workers have continued to fight for their right to create a union since that time. More recently in January 2017 the case

²⁵ Marine Harvest: <http://marineharvest.com/people/code-of-conduct-suppliers/>

²⁶ Thai Union: <http://www.thaiunion.com/en/sustainability/code-of-conduct>

was brought up in the Philippine parliament as an example of a company imposing slavery-like working conditions on tuna workers.

Despite these labour abuses, since 25 December 2014 the Philippines has enjoyed enhanced trade preferences with the EU under the EU's Generalised Scheme of Preferences plus (GSP+). Furthermore, negotiations for an EU-Philippines Free Trade Agreement were launched on 22 December 2015.

In its current form CFP is powerless to address this issue because labour rights are missing from the definition of 'sustainability'. Therefore sanctioning mechanisms like the IUU regulation which can shut down trade or the COM regulation around market standards cannot directly sanction countries or companies for digressions and the CFP relying on trade negotiations to resolve them. However, once a trade agreement is signed it is difficult to enforce labour abuses that subsequently arise. Administrations and individuals responsible for promises change and their replacements may not feel the same way as their predecessor. Whilst this is ongoing, the company has access to the EU market as long as they comply with the IUU and sanitary requirements.

3.3 International dimension

Where the EU is operating, or partnering, outside of EU water it has a responsibility to ensure the waters in question are not only harvested environmentally sustainably, but that people working in the fisheries, or associated with them, are treated appropriately, i.e. social sustainability. Neither the current IUU, nor external fleets' regulations address social sustainability, and neither does as well as EU employment law as it pertains to third parties in these agreements and the ILO conventions are not currently delivering that.

High levels of IUU can be linked to poor labour standards

A clear link has been noted between environmental sustainability, IUU fishing activity and social standards. In part this is due to overfishing ultimately leading to lower catches and higher pressure on fishermen to cut costs. Subsequently, fishermen may fish illegally, and undertake poor labour practices to cut costs. Arguably those fishing without regard for sustainability, safety or regulations are unlikely to be concerned with social welfare.

The Global Implications of IUU report (2016) stated that fishing also acts as a vector for human trafficking in the form of forced labour, particularly for boats that remain at sea for long periods of time.²⁷ This is part of a broader picture of a lack of monitoring and assessment. Improving at-sea and at-port inspections would have benefits for the stock, economic development of the country affected and strengthening of social standards.

While IUU regulations may improve social standards on board vessels, waiting for labour standards to improve as a consequence of IUU mitigation is not sufficient, slow and almost impossible to monitor. Action must be taken to tackle labour issues directly through improved policies and sanctioning mechanisms.

Poor labour standards in some EU fleets using migrant workers

Migrant workers can be found in EU fleets and in the EU seafood processing sector. Recruitment practices need to be standardized, such as for remuneration and working hours,

²⁷ <https://fas.org/irp/nic/fishing.pdf>

to reflect other sectors who have addressed these issues and to support best practice within the EU in order that we might demand similar of third countries.

Workers' rights across the EU should be the same regardless of the location. Migrant workers will often receive less comprehensive training and accept poorer employment conditions in order to win work. In Spain, Galicia is home to the most industrial fleet and has the highest ability to recruit, but there are over 9000 unemployed in the sector, with companies stating that there are no qualified workers locally and recruiting migrant workers instead. Policies are needed to ensure these two groups are 'competing' equally and receiving the same rights. Regulations need to ensure that profit is not sacrificing safety, fairness and ethics as the driver of recruitment.

The "re-flagging" of EU vessels (the practice of flying and operating under different nations' flags) to allow them to evade European fishing rules in other countries' waters and to fish on the high seas, outside of managed areas and individual nations' waters, makes it hard to monitor the activities of those involved.

Re-flagged vessels may take advantage of Generalised Scheme of Preference (GSP) which has three objectives:

- contribute to poverty eradication by expanding exports from countries most in need
- promote sustainable development and good governance
- ensure that the EU's financial and economic interests are safeguarded

However, beneficiary countries are expected to put into practice key UN human rights and International Labour Organization conventions.

The activity of reflagging of vessels is unique to fishing and as such EU vessels who are reflagging are exploiting the intent of the GSP.

Poor organisation of workers in both fishing and processing sectors leading to labour rights abuses (lack of unionisation)

Organisation of workers (freedom of association) is now much lower in the seafood sector than previously and access and communication with migrant workers makes organisation difficult. Additionally, it's difficult to organise seasonal workers although there may be lessons that could be transferred from other sectors. What are the obstacles preventing organisation and exercising of rights under ILO?

In the EU catching sector, many small-scale or "self-employed" fishermen have no representative unions. There are almost no examples of global companies establishing works councils²⁸ in the catch sector. In the UK a new PO was recently formed specifically providing access to single operators and self-employed, small vessel owners, while in Spain, a major seafood producer, with a well-organised workforce and interested employers there is more unionisation here than in other European countries. Such examples of better freedom of

²⁸ European Works Councils. European Works Councils are bodies representing the European employees of a company. Through them, workers are informed and consulted by management on the progress of the business and any significant decision at European level that could affect their employment or working conditions.

association and organisation may provide insight in to more broad changes that could be implemented.

Current social standards have in some cases not been endorsed, or in other cases are not being effectively applied

There are a number of international conventions seeking to address social issues, particularly on fishing vessels.

These include ILO188 which came in to effect in November 2017 after the ratification by 10 countries. Only France, Estonia and Lithuania appear to be on that ratification list from EU Member State countries. In addition to the core convention 188 has supplementary recommendations that could be translated in to policy, however, it only applies to vessels over 24m.

The Cape Town Agreement, which was an earlier agreement on conditions on vessels, also only addresses vessels over 24m. Meanwhile The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW)²⁹ was not considered in the development of EU policy. Additionally there are a number of voluntary market standards available and this labyrinth of international conventions – as yet unenforced – and voluntary standards, only gives rise to confusion.

One option might be for the CFP to harmonise social and labour regulations, possibly using ILO 188, so that they are clearly defined for fisheries workers. This has been achieved already for IUU fishing, sanitary conditions and labelling thus a precedent of possible is in place. Were it to take that route the CFP reform would need to consider how to address sub 24m vessels and explore if there are other social issues to be addressed outside of ILO 188.

Extending powers of the European Fisheries Control Agency internationally

The Long Distance Advisory Council (LDAC) submitted a request to the European Commission³⁰ to incorporate the international dimension into the activities of the control agency. The LDAC asked to see an increase of the Control Agency's role and a wider mandate given by the European Commission in their work and operations related to the international dimension of control activities, namely operational campaigns, for regional fisheries management organisations (RFMOs) and focused on fight against IUU fishing, capacity building and training activities for third country inspectors and control authorities.

Brexit implications

The UK imports some 720,000 tonnes of seafood, a third of which comes from the European Union, and two thirds from third countries. As an EU Member State, the UK exports and imports fish and seafood products tariff free within the Single Market (the countries that make up the EU), plus some arrangements with regional groups. It also imports fish and seafood products from third countries under arrangements made at an EU level, i.e. as a major influencer within the negotiating power of the world's biggest seafood market.

The UK voted to leave the European Union and invoked the procedure to do so in 2017. The only thing that all pundits agree on in debate over life in the UK post-Brexit is that no one

²⁹ The STCW, 1978 sets minimum qualification standards for masters, officers and watch personnel on seagoing merchant ships.

³⁰ EU Transparency Register No. 905805219213-67, October 2017.

knows what is going to happen. Discussion on trade arrangements have not yet begun although there is speculation as to what may happen. The UK is scheduled to officially leave the EU April 2019 and thus all negotiations should be complete by then.

Crucially, trade may reduce into and out of the UK as well as into and out of Europe. Social standards in the UK may be different from those in the EU if the UK leaves CFP and other EU regulations. Fishing access to UK waters may reduce and may affect jobs and processing in other EU waters.

Trade in fish and seafood is essential to the wider seafood industry, which relies heavily on importing raw goods at reduced or zero tariffs for domestic consumption, and on exporting domestic catches and production. Any disruptions to the current trading models would be likely to affect the UK fish and seafood markets. Fundamentally, it could make some fish too expensive to maintain current consumption patterns, and over time lead to a shift in species to more domestic catches. However, this is unlikely to happen quickly.

Table: Options for the UK exiting the EU

Alternative Brexit models						
	EU membership	Norway	Switzerland	Canada	Turkey	WTO
Single market member?	Full	Full	Partial	No	No	No
Tariffs?	None	None	None	Reduced tariffs through free trade deal	None on industrial goods	Yes
Accept free movement?	Yes	Yes	Yes	No	No	No
In the customs union	Yes	No	No	No	Yes	No
Makes EU budget contributions	Yes	Yes	Yes (but smaller than Norway)	No	No	No

<http://www.bbc.com/news/uk-politics>

There are a relatively small number of options in view, but the detail of each will be that which has the impact and we must recognise that seafood does not have a loud voice in the negotiation.

Experts refer to a ‘soft’ or ‘shallow’ Brexit, which represents one end of a scale where agreements and trade would look as close to existing conditions as possible – and a ‘hard’ Brexit which represents no agreements being made and the UK moving to the mercy of the WTO.

The speculation as to the outcome of trade negotiations with EU and non-EU countries has been likened to the discourse over the likelihood that the world’s computers would crash at midnight on 31st December 1999. In reality, businesses geared up and took precautions, some investment was needed, some ripples occurred, but life continued much as normal.

Many believe that the likely outcome, via some level of fear and pain, will be that the UK trade with the EU will be slightly lower, which will impact many UK fisheries. Thus, British caught fish may find new markets within the UK or outside of the EU. It may also be that new fishing arrangements will enable access to this fish to be sold prior to harvest. However, it is not thought that the trade that remains with the EU will attract significant tariffs.

For those species and products that are highly important to UK markets and imported from third countries, new negotiations would need to be put in place the 'harder' the Brexit. These may well be done on a bilateral arrangement. Regarding tuna, for example, given its global competitiveness this may cause a shift in UK consumption dependent on its ability and willingness to pay competitively. The UK has embraced pole and line caught tuna and invested considerably in close relationships with producer countries, thus it might be hoped this will stand negotiators and buyers in good stead.

Some of the challenge with seafood imports to the UK will lie in the lack of priority it will be afforded in the negotiations and bi-lateral agreements. Were the UK to maintain favourable arrangements with EU countries, it may be that supply chains become more complex adding a layer of import via an EU country before products arrives in the UK, to make the best of tariffs and trades.

4. Summary

The following matrix summarises the subjects within each of the themes showing the positive and negative influences of the CFP.

Table: Examples of positive and negative social influences of the CFP

Theme	Subject	Positive	Negative
Market	Current regulations do not ensure worker rights in the seafood sector meet market standards	The scope of the regulation includes all seafood products for human consumption regardless of their origin (EU or imported).	Labour rights are not an objective of the principle regulations leading to social sustainability being overlooked.
	Role of the retailers and major buyers	Social standards are currently at the heart of many major buying policies.	The CFP does not provide safeguards and support for retailers on social sustainability.
	Structure of the market does not ensure there is fair representation of workers or collective bargaining opportunities		Underrepresentation of workers in decision making by Producer Organisations and Advisory Councils. Lack of Works Councils and unionisation in the sector.
(Extra-EU) Trade	Cheaper imports from countries with lower social and labour standards	The CFP facilitates conversations around labour conditions in third countries.	The CFP and other EU regulations do not prevent economic dumping or protect worker rights in third countries.
	Role of international corporations and activities such as the Seafood Expo	The Expo takes place in Brussels and the Commission is present.	
	Trade agreements	CFP raises the profile of social sustainability in fisheries in trade agreements.	Lack of priority or mechanisms to enforce social sustainability in fisheries.
International Dimension	High levels of IUU have been linked to poor labour standards	IUU regulation tackles illegal fishing and, indirectly de facto labour issues.	Social issues are not included in the scope of the IUU regulation and any secondary impacts will be slow and possibly immeasurable.
	Poor labour standards in some EU fleets using migrant workers	EU fleets are regulated by the CFP.	CFP and other regulations do not protect worker rights.
	Poor organisation of workers in the fishery sector.	The CFP has funds available for fishermen in transition to sustainable fisheries.	Does not provide for training, research or worker representation.

Theme	Subject	Positive	Negative
	Current social standards have in some cases not been endorsed, or in other cases are not being effectively applied		The issue is that current standards are not applicable or considered, and research is needed on social impacts and data collection.
	Extending powers of the European Fisheries Control Agency internationally	The LDAC advocate for the EU external fleet to come under the Control Agency	The Control Agency mandate does not include the EU external fleet.
	Use of Flags of Convenience		Reflagging vessels is permitted under the CFP.
	Brexit implications	Mechanisms are in place to put agreements in place for fishing and trade.	Trade may reduce into and out of the UK as well as into and out of Europe. Social standards in the UK may be different from those in the EU if the UK leaves CFP and other EU regulations. Fishing access to UK waters may reduce and may affect jobs and processing in other EU waters.

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