
THE EU FORCED LABOUR PRODUCTS BAN: HOW TO ENSURE EFFECTIVE ENFORCEMENT

An opportunity to learn from the successful EU Regulation on Illegal, Unreported and Unregulated Fishing



Across the ocean, forced labour - which may include withholding of wages and identity documents and debt bondage - as well as forced [child labour](#)¹ - is [shockingly common](#). With growing demand for seafood and increasingly overfished stocks, inequalities in fishing revenues widen, leaving the door open to unscrupulous operators resorting to Illegal, Unreported and Unregulated (IUU) fishing and associated human rights abuses. This further puts pressure on ocean ecosystems, fuelling a vicious cycle that will bring many fish populations to a state of collapse. This, in turn, will have devastating consequences for wildlife, the wider marine environment and all who depend upon it.

Current EU rules do not serve to protect the victims of forced labour or to stop the products it generates from reaching the EU market. The European Commission's [promises](#) to establish an instrument that would ban forced labour products from the EU's market are therefore welcome. Lessons from the [EU IUU Fishing Regulation](#)² demonstrate that an EU instrument aimed at banning unwanted products from the internal market will work best when there is a strong coordination role for the European Commission; when cooperation with third parties is integral; and when the regulatory capacity of third countries is assessed and transparency is built into the system.

This briefing draws lessons from the creation and implementation of the EU regulation to prevent, deter and eliminate IUU fishing (EU IUU Regulation) to make recommendations on the design of an EU instrument enabling a forced labour products ban. These recommendations should also be applied to the developing Corporate Sustainable Due Diligence Directive (CS3D).³

The Challenge

EU seafood consumption illustrates the urgent need for an EU-wide sustainable corporate governance framework; one that includes an effective instrument that can ban seafood produced with forced labour from the EU market.

Globally, the EU is one of the largest consumers of seafood, with each EU citizen eating on average 24 kg of seafood annually, of which roughly 60% is imported.⁴ For example, 7.68 million tonnes of fisheries products were imported in 2019.⁵ Currently, the EU IUU Regulation – which has had a proven success record over the past decade⁶ – aims to ensure that no products stemming from IUU fishing enter the EU market. Yet, the Regulation is not designed to address human rights or labour abuses in seafood imports.

A significant proportion of seafood imports into the EU are received from higher-risk markets, according to the most recent reporting by Member States on implementation of the EU IUU Regulation. For example, over 9% of the 22,000 import catch certificates⁷ presented to the **Netherlands** and over 5% of **Germany's** 41,000 catch certificates were validated by third countries which were '**yellow carded**'⁸ in 2018-19.⁹ This means that these imports came from countries that had been given a warning by the EU for their failure to tackle IUU fishing. There is also a large amount of seafood imported into the EU that has been validated by countries generally perceived to be of higher risk which have not been carded. For example, over the 2018-19 period, more than 11% of the 24,000 catch certificates received by **Portugal** were validated by **China** and over a quarter of catch certificates received by **Poland** were validated by **Russia**.¹⁰ These statistics are a cause for concern as the number of verification requests sent by the authorities of top seafood importing Member States to third countries remains very low.¹¹ This is also true for the numbers of rejected import consignments¹² and port inspections.¹³

Human rights abuses onboard fishing vessels are well documented - including the withholding of wages, excessive overtime and both physical and verbal abuse,¹⁴ as are the use of illegal and destructive fishing methods, such as the deliberate targeting of sharks and marine mammals.¹⁵ These are but a few examples of the possible overlap between IUU fishing and both environmental and human rights abuses, corroborated by further research.¹⁶ **Currently, billions of euros worth of seafood imports enter the EU each year from countries that the Commission assesses as failing to cooperate in the fight against IUU fishing or where other jurisdictions and stakeholders have documented labour abuses within fisheries (Table 1).**

Table 1: 2020 EU seafood imports from higher-risk countries or regions for IUU fishing and/or labour abuses¹⁷	
Imported seafood products from a selection of countries or regions currently warned by the EU for their failure to tackle IUU fishing (yellow card)	
Ecuador	134,000 tonnes (worth €679 million)
Vietnam	53,000 tonnes (worth €358 million)
Ghana	3,000 tonnes (worth €12 million)
Imported seafood products from a selection of countries or regions with documented labour abuses within fisheries but not currently carded ¹⁸	
South Korea ^{*19}	20,000 tonnes (worth €89 million)
Taiwan ^{*20}	900 tonnes (worth €6 million)
China ²¹	320,000 tonnes (worth €1.1 billion)
Russia ²²	151,000 tonnes (worth €573 million)

* Previously carded under the EU IUU Regulation

The Opportunity

The enormous size of the EU's market, as well as its connection to high-risk trade flows in seafood and other commodities means it is well-placed to leverage change through an instrument that can ban products produced with forced labour from its internal market - as long as that instrument can be effectively enforced. This can be done across all sectors of imports, not just seafood.²³

The European Parliament's [resolution 2022/2611](#), which was adopted with [overwhelming support](#), recognised this need for effective enforcement on multiple points, particularly by calling for a [regulation that allows for](#):

Stakeholder-informed investigations

1. Empowering not just national authorities but also the European Commission "to launch investigations";²⁴
2. Enabling "public authorities [...] to act on the basis of information provided by stakeholders, NGOs or affected workers and through a formalised and secure complaints procedure";²⁵
3. Ensuring the EU works "closely with its partners through joint action and investigations" including via "an active role for EU delegations to engage with third countries and stakeholders".²⁶

EU-level coordination and dialogue

4. Creating "at EU level" "the coordination system" that can "support customs authorities of the Member States";²⁷
5. Allowing "for bans of forced labour products from a particular site of production, [...] importer of company [...] region [...] and [...] transport vessel or fleet";²⁸
6. While also focussing "on a dialogue with third countries, technical assistance, capacity-building and awareness raising."²⁹

Transparency

7. Ensuring "transparency of all procedures launched" under "the coordination system";³⁰
8. Creating "a public list of sanctioned entities, regions and products" that is "to be [...] maintained"³¹

Each of these points from the European Parliament's resolution can be taken further or improved upon to ensure effective enforcement of the forced labour banning instrument, namely by drawing lessons from the implementation of the EU IUU Regulation.

RECOMMENDATION 1:

Empower the European Commission to launch stakeholder-informed investigations expeditiously

It is vitally important that grassroots organisations and civil society be able to raise the alarm on environmental and human rights abuse directly with the European Commission. The current CS3D proposal allows such stakeholders to do so only via national supervisory authorities.³² It [is not sufficient](#) to allow such stakeholders to do so only via Member State authorities, especially in a context where global supply chains often have multiple points of entry to the EU market. Stakeholders must be able to alert the European Commission directly in case they have substantive concerns of non-compliance that relate to one or more Member State (a comparable possibility exists in the USA³³). However, it is equally important that the process of stakeholders alerting the European Commission, or national authorities, is both "secure" – as the European Parliament has required³⁴ – and expeditious.

Under the EU IUU Regulation, stakeholders can alert the European Commission directly in case of possible non-compliance, analyse the information, and in turn make recommendations to Member States for swift action.³⁵ Whether the alert stems from NGOs, citizens or third countries, the European Commission (DG MARE) can receive and analyse the information provided to ascertain its reliability based on a structured internal procedure (**Box 1**). Once the information is presumed sufficiently reliable, DG MARE verifies it, which may involve consulting other Commission services, EU Delegations, public sources and international bodies as relevant.³⁶ However, this secured process does not preclude swift action.³⁷

Therefore, it is recommended to:

- (a) Enable stakeholders to alert the European Commission directly in case they have substantive concerns of non-compliance, especially those that relate to more than one Member State;
- (b) Ensure that the process of alerting the European Commission (and national authorities) of alleged non-compliance is secure while remaining expeditious.

Box 1: Information exchange & Mutual Assistance under the EU IUU Regulation³⁸

The Commission is responsible for conducting risk analyses of third countries and making decisions on non-complying states under the EU IUU Regulation carding system. Under its mutual assistance system the Commission collates information on possible violations of IUU fishing rules, including its catch certificate scheme.³⁹ Information gathered through the Mutual Assistance system can be used during evaluation missions in third countries, as part of third country risk assessments, and to inform decisions taken under the carding system. One of the most innovative aspects of this system is that it is open to information received not just by Member State authorities, but also to information provided by NGOs, citizens and third countries. This means on-the-ground evidence of IUU fishing can be channelled directly to the Commission, where DG MARE has developed a structured internal procedure to analyse and substantiate the information received from interested stakeholders. Verified information from grassroots stakeholders and civil society can therefore feed into the enforcement mechanism of the EU IUU Regulation, as well as supporting businesses with making informed decisions in their seafood supply chains.

RECOMMENDATION 2:

Ensure a strong Commission role in the EU-level coordination system, mutual assistance and warning non-cooperating third countries or entities

It is welcome that the European Parliament called for creating an EU-level “*coordination system*”⁴⁰ that can “*support customs authorities of the Member States*”.⁴¹ But such a coordination system should be more developed than the original proposal for a “*European Network of Supervisory Authorities*” of the CS3D proposal. The latter does not clearly stipulate a system through which Member States can be informed or required to assist each other in cases of non-compliance.⁴² Moreover, although the European Commission is open to encouraging due diligence implementation “*in third countries*”, the workings of potential EU “*cooperation instruments to support third country governments [...] addressing adverse human rights and environmental impacts*” of “*upstream economic operators*” remain vague.⁴³

Under the mutual assistance system of the EU IUU Regulation, the Commission can share information of potential non-compliance between Member States (**Box 1**) which, in turn, are required to answer requests for information regarding ongoing investigations.⁴⁴ Where the Commission becomes aware of potential non-compliance, including by non-EU countries, it can coordinate and launch EU-wide enquiries, with which relevant Member States are required to cooperate.⁴⁵ Information exchanged through mutual assistance can [feed into the carding process](#).

The European Commission is empowered to notify a non-EU country of the risk of being identified as ‘non-cooperating’ in fighting IUU fishing, and can subsequently engage in a formal dialogue with the country and initiate cooperation to resolve identified non-compliance based on an action plan. Working with non-EU countries in this way has demonstrably improved compliance with and enforcement of international obligations and instilled long-term changes in policy and implementation for improved governance of natural resources.⁴⁶ Doing so on forced labour would also appear consistent with the European Parliament’s view that “*to eradicate the forced labour and tackle the issue at its roots [...] the EU should also focus on a dialogue with third countries, technical assistance, capacity-building and awareness raising*”,⁴⁷ and with earlier recommendations from stakeholders, including those from the EU fishing industry.⁴⁸

As to the European Parliament's proposal to allow for bans of forced labour products from a particular entity, such as a "transport vessel or fleet",⁴⁹ it is notable that the EU IUU Regulation allows for the Commission to identify and publicly list vessels engaged in IUU fishing on a so-called IUU vessel list.⁵⁰ This list can be amended by Commission Implementing Regulations.⁵¹⁵² Under the EU IUU Regulation, Member State authorities must refuse imports of fishery products "without having to request any additional evidence" if they become aware that these stem from vessels listed on the EU IUU vessel list.⁵³⁵⁴

We can learn from this to enhance the proposal for an EU-level coordination system or "Network" in the forced labour instrument, and the overarching CS3D framework, in this regard by:

- (a) Enabling the European Commission to act as a supporting hub between Member States so as to easily channel information of potential non-compliance, especially in cases of EU-wide relevance;
- (b) Requiring Member States to mutually assist each other, and the European Commission, in their investigations, if requested;
- (c) Empowering the European Commission to issue public warnings regarding, and if necessary ban, imports from non-EU countries that are failing to address the issues in this briefing, and to engage in bilateral dialogue with notified or sanctioned countries or regions.
- (d) Empower the European Commission to add entities to a forced labour entity list, including particular vessels/fleets.⁵⁵

RECOMMENDATION 3:

Create transparency about enforcement

The European Parliament has called for ensuring "transparency of all procedures launched" under the coordination system;⁵⁶ and creation of "a public list of sanctioned entities, regions and products" that is "to be [...] maintained".⁵⁷ These calls are important, but need further specification.

Firstly, it is important to have adequate transparency on procedures launched under "the coordination system". While Member States are required to draft and submit implementation reports every two years under the EU IUU Regulation, these reports are not made public. However, it is common practice to publish such reports in other areas of EU law, something that the EU fishing industry and other stakeholders support.⁵⁸ Where there is a lack of transparency about implementation of common rules, this can create a [culture of mistrust](#) (including between operators), drive misinformation and mismanagement, and ultimately jeopardise the objectives of EU-wide legislation. To avoid this, it is key to require [annual reports and consequences for Member States which fail to implement the law](#). Having access to up-to-date and aggregate information on the implementation and enforcement of the forced labour instrument, and the nationally transposed rules pursuant to the CS3D, will help decision-makers and other relevant stakeholders to identify existing challenges and to propose effective solutions, including within "the coordination system" or European Network of Supervisory Authorities. Moreover, private actors will trust a tool whose implementation they can comprehend and whose results they can use to inform investments.

Secondly, creating a public list of sanctioned entities, regions and products is crucial. When it comes to "regions", or countries, the warnings and decisions issued under the carding system of the EU IUU Regulation have also acted as an important signal of risk to market actors,⁵⁹ who can choose to move away from importing products from yellow-carded countries or invest in supporting those countries to improve regulatory oversight following guidelines on responsible disengagement.⁶⁰ It is therefore equally important to ensure the sanctioning of a country or region is paired with the publication of warnings issued to high-risk countries and bilateral dialogues to effect change before, during and after the application of trade-related sanctions.⁶¹ Both the sanctioning of a country, as well as a summary of the expected actions for its removal from the list of non-compliant regions, must be transparent.⁶²

The listing of private entities sanctioned for forced labour abuse is equally critical to inform the due diligence systems of market actors. Moreover, public information on human rights-related arrests or prosecutions can also act as a deterrent and may stimulate increased reporting of illegalities by citizens and legitimate companies who face unfair competition from competitors using forced labour.⁶³ At a minimum, lists should be published and accessible on government websites and include information on the entity, including on a “particular transport vessel or fleet” as with the ‘EU IUU vessel list’⁶⁴; (e.g. name of the vessel/fleet, company, State), offence and fine paid, and by whom.

It is therefore recommended to:

- (a) Require Member States to provide annually up-to-date and aggregate information on the implementation and enforcement of the forced labour instrument and CS3D;
- (b) Publish at least summarised information on the reasons for sanctioning or de-listing regions or countries or regions;
- (c) Publish information about arrests and sanctions imposed on a particular vessel or fleet and companies, including on beneficial ownership, for forced labour and related crimes, including at EU level.

Next Steps

Recognising that the EU significantly relies on imports from countries with demonstrable forced labour risks, it is important to move quickly to develop an instrument that can ban products associated with forced labour.

The European Parliament has identified key ways how this can be realised, yet there is also ample, proven precedent thanks to the EU’s pioneering efforts to combat illegal seafood imports. By drawing on lessons from the enforcement of the EU IUU Regulation, EU decision-makers can strengthen proposals for a forced labour products ban and the CS3D, shut the door to unethical products and unfair competition, and protect our environment - including our ocean.

Anti-Slavery International, Environmental Justice Foundation, Oceana, TNC, WWF therefore recommend, in brief, to:

1. Empower the European Commission to launch stakeholder-informed investigations expeditiously, by:

- Enabling stakeholders to alert the European Commission directly, securely and expeditiously.

2. Ensure a strong role for the Commission in the EU-level coordination, mutual assistance and warning non-cooperating third countries, by:

- Enabling the European Commission to easily channel information of potential non-compliance, especially in cases of EU-wide relevance;
- Requiring Member States to mutually assist each other, and the European Commission in investigations;
- Empowering the European Commission to publicly warn, and if necessary ban, imports from non-EU countries and to engage in bilateral dialogue with notified or sanctioned countries or regions;
- Empower the European Commission to also add entities to a forced labour entity list, including particular vessels.

3. Create transparency about enforcement, by:

- Requiring Member States to provide annually up-to-date and aggregate information on enforcement;
- Publishing reasons for sanctioning or de-listing countries or regions;
- Publishing information about arrests and sanctions imposed on a particular vessel or fleet and companies for forced labour and related crimes, including at EU level.

- 1 ILO Indicators of Forced Labour: ILO (2012). Indicators of Forced Labour. Available at https://www.ilo.org/global/topics/forced-labour/publications/WCMS_203832/lang-en/index.htm%20. Accessed 2.8.22.
- 2 Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing. <https://eur-lex.europa.eu/eli/reg/2008/1005/oj>. Accessed 2.8.22.
- 3 For the overarching recommendations for the CS3D proposal itself, such as an alert system and on scope, see: <https://ejfoundation.org/reports/a-race-to-the-top-lessons-learnt-from-the-eus-law-on-illegal-fishing-to-secure-an-eu-framework-to-lead-global-sustainable-corporate-governance-2> (Accessed 2.8.22) and the European Commission's Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937 (henceforth the [CS3D proposal](#)).
- 4 EUMOFA. (2021). The EU Fish Market: 2021 Edition. European Market Observatory for Fisheries and Aquaculture Products, Publications Office of the European Union, Luxembourg, 111 pp. Available at: https://www.eumofa.eu/documents/20178/477018/EN_The+EU+fish+market_2021.pdf/27a6d912-a758-6065-c973-c1146ac93d30?t=1636964632989. Accessed 2.8.22.
- 5 Ibid.
- 6 European Commission. (2020). 'Report from the Commission to the European Parliament and the Council on the application of Council Regulation (EC) No 1005/2008 establishing a community system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing (the EU IUU Regulation)', <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0772>. Accessed 2.8.22.
- 7 Catch certificates must accompany all seafood consignments exported by third (non-EU) countries to the EU and contain information including catch species, weight of consignment and necessary details on the vessels' permissions to catch said species, including details on when and where the fish was caught.
- 8 Under the EU IUU Regulation, the carding scheme allows the EU to enter into dialogue with third countries that are determined to be failing in combating IUU fishing (yellow card). Following this bilateral dialogue, if insufficient reforms are established by the third country and the EU determines the State to be non-cooperative in efforts to combat IUU fishing, the EU can impose sanctions including trade bans on the country's fisheries products (red card). Further details on the carding scheme are available at: <http://www.iuuwatch.eu/map-of-eu-carding-decisions/>.
- 9 Under the EU IUU Regulation (Article 55), every 2 years the 27 EU Member States are required to submit a report to the European Commission with detailed information on the application of the regulation.
- 10 According to the biennial reports submitted by Member States according to Art.55 of the EU IUU Regulation for the 2018/19 period. 2,790 of the 24,446 catch certificates received by Portugal were validated by China (11.41%) and 3,322 of the 12,024 catch certificates received by Poland were validated by Russia (27.63%). To access the biennial reports submitted by EU Member States for this period, see: <http://www.iuuwatch.eu/2022/01/eu-member-states-biennial-reports/>.
- 11 In 2020, the top EU importers of seafood (subject to the EU IUU Regulation) were Spain, Italy, France, Netherlands, Germany and Denmark. For all of these EU Member States, verification requests as a percentage of the total number of import catch certificates received were less than 1% between 2018-19, according to the biennial report for that period submitted according to Art. 55 of the EU IUU Regulation.
- 12 Number of rejected import consignments for top EU seafood importers in the 2018-2019 reporting period: Spain (13), Italy (15), France (4), Netherlands (16), Germany (1), Denmark (2), according to the biennial report for that period submitted according to Art.55 of the EU IUU Regulation.
- 13 Number of port inspections (third country vessels) for top EU seafood importers in the 2018-2019 reporting period: Spain (294), France (218), Netherlands (34), Germany (0), Denmark (50), according to the biennial report for that period submitted according to Art.55 of the EU IUU Regulation.
- 14 EJF. (2020). Illegal fishing and human rights abuses in the Taiwanese fishing fleet. Environmental Justice Foundation, London, UK, 24 pp. Available at: <https://ejfoundation.org/reports/illegal-fishing-and-human-rights-abuses-in-the-taiwanese-fishing-fleet-2> [Accessed 10.9.2021]. Accessed 2.8.22. Also see: <https://www.business-humanrights.org/en/latest-news/ghana-how-trafficked-children-are-enslaved-in-lake-voltas-fishing-industry/> Accessed 2.8.22.
- 15 EJF. (2020). Cetacean slaughter, shark finning and human rights abuse in Taiwan's fishing fleet. <https://ejfoundation.org/resources/downloads/EJF-Taiwan-dolphin-briefing-2020.pdf> [Accessed 10.9.2021]
- 16 Selig, E.R., Nakayama, S., Wabnitz, C.C.C. et al. (2022) Revealing global risks of labor abuse and illegal, unreported, and unregulated fishing. *Nat Commun* 13, 1612. Available at: <https://www.nature.com/articles/s41467-022-28916-2>. Accessed 2.8.22.
- 17 Eurostat. (2020). All imports reported by the EU 27 (2020) under the 03 product code (Fish and crustaceans, molluscs and other aquatic invertebrates). Further information available at: https://ec.europa.eu/taxation_customs/dds2/taric/measures.jsp. Accessed 2.8.22.
Note: These figures include imports of seafood which are not subject to the EU IUU Regulation, freshwater fish for example.
- 18 EJF. (2019). Blood and Water. Environmental Justice Foundation, London, UK, 44 pp. Available at: <https://ejfoundation.org/resources/downloads/Blood-water-06-2019-final.pdf>. Accessed 2.8.22.
- 19 EJF. (2020). 'Abuse of migrant workers and illegal fishing in Korean fleet that exports to EU, UK and US'. <https://ejfoundation.org/news-media/abuse-of-migrant-workers-and-illegal-fishing-in-korean-fleet-that-exports-to-eu-uk-and-us>. Accessed 2.8.22.
- 20 EJF. (2020). Illegal fishing and human rights abuses in the Taiwanese fishing fleet, op cit.
- 21 EJF. (2022). The Ever-Widening Net. Environmental Justice Foundation, London, UK, 44 pp. Available at: <https://ejfoundation.org/resources/downloads/The-Ever-Widening-Net-2022-final.pdf>. Accessed 2.8.22.
- 22 There are also examples of labour abuses within the Russian fishing fleet, including those involving migrants from Ukraine. Further information available at: <https://www.globalslaveryindex.org/2018/findings/country-studies/russia/>. Accessed 2.8.22.
- 23 For an overview of the situation of modern slavery and forced labour, please consult: https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575540.pdf. Accessed 2.8.22.
- 24 Paragraph 7, European Parliament [resolution 2022/2611](#).
- 25 Paragraph 7, European Parliament [resolution 2022/2611](#).
- 26 Paragraph 13, European Parliament [resolution 2022/2611](#).
- 27 Paragraph 9, European Parliament [resolution 2022/2611](#).
- 28 Paragraph 3, European Parliament [resolution 2022/2611](#).
- 29 Paragraph J, European Parliament [resolution 2022/2611](#).
- 30 Paragraph 9, European Parliament [resolution 2022/2611](#).
- 31 Paragraph 11, European Parliament [resolution 2022/2611](#).
- 32 Article 17-19, 21, [CS3D proposal](#).
- 33 U.S. private persons, including NGOs, can inform about possible forced labour to the US customs and border protection (CBP) directly who will then be able to consider this for investigation. "Since 2016, the CBP has been conducting self-initiated investigations more frequently or initiating them in response to petitions submitted under Section 307 alleging goods produced by forced labour are being imported." [https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/698895/EPRS_ATA\(2022\)698895_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/698895/EPRS_ATA(2022)698895_EN.pdf). Also see <https://www.govinfo.gov/content/pkg/USCODE-2010-title19/html/USCODE-2010-title19-chap4.htm>.

34 Paragraph 7, European Parliament [resolution 2022/2611](#).

35 Title IV of Commission Regulation [1010/2009](#), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32009R1010>; Chapter XI [1005/2008](#), <https://eur-lex.europa.eu/eli/reg/2008/1005/oj>. Accessed 2.8.22.

36 European Commission. (DG Mare). (2014). Study on the state of play regarding application and implementation of Council Regulation (EC) No 1005/2008 of 29 September 2008, establishing a community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (EU IUU Regulation), p. 58-59. Accessed 2.8.22.

37 A recent example of stakeholder information that led to swift action by the authorities is the so-called 'ISRAR fleet'. For more information, please consult <https://ejfoundation.org/news-media/illegal-fishing-fleet-blacklisted-showing-urgent-need-for-transparency> and <https://ejfoundation.org/news-media/another-blow-struck-against-illegal-fishing>. Accessed 2.8.22.

38 Box 2 taken from: <https://ejfoundation.org/reports/a-race-to-the-top-lessons-learned-from-the-eus-law-on-illegal-fishing-to-secure-an-eu-framework-to-lead-global-sustainable-corporate-governance-2>. Accessed 2.8.22.

39 European Commission. (DG Mare). (2014). Study on the state of play regarding application and implementation of Council Regulation (EC) No 1005/2008 of 29 September 2008, establishing a community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (EU IUU Regulation).

40 Paragraph 9, European Parliament [resolution 2022/2611](#).

41 Paragraph 9, European Parliament [resolution 2022/2611](#).

42 Article 21 [CS3D proposal](#).

43 The Commission has indicated in its explanatory memorandum for the CS3D proposal that it is open to consider "supporting measures" that can implement the due diligence requirements "within the Union and in third countries". This would include "cooperation instruments to support third country governments and upstream economic operators in third countries addressing adverse human rights and environmental impacts of their operations and upstream business relationships" Explanatory memorandum, CS3D proposal.

44 Article. 51 of Council Regulation Nr. [1005/2008](#); article 45 of Commission Regulation Nr. [1010/2009](#).

45 Article 50 of Commission Regulation Nr. [1010/2009](#).

46 See European Commission (2020) 'Report from the Commission to the European Parliament and the Council on the application of Council Regulation (EC) No 1005/2008 establishing a community system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing (the EU IUU Regulation, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0772>, see section 2.1; and Title VI of Council Regulation Nr. [1005/2008](#).

47 Paragraph J, European Parliament resolution 2022/2611.

48 See p. 35 of Long Distance Advisory Council (LDAC) (2021), Advice - Opinions, LDAC Recommendations for a Level Playing Field for EU and non-EU fish products. https://ldac.eu/images/EN_LDAC_Advice_LPF_25May2021.pdf. Accessed 2.8.22.

49 Paragraph 3, European Parliament resolution 2022/2611.

50 Article. 51 of Council Regulation Nr. [1005/2008](#)

51 Commission Implementing Regulation (EU) 2022/1184, of 8 July 2022, amending Regulation (EU) No 468/2010 establishing the EU list of vessels engaged in illegal, unreported and unregulated fishing.

52 Similarly, Commission services are authorised to publish a list of containing details of the non-EU establishments to export food to the EU in accordance with the requirements of Article 127 of Regulation (EU) 2017/625 and Commission Delegated Regulation (EU) 2019/625. DG SANTE Non-EU Countries Authorised Establishments.

53 Article 18(f) and Chapter V, Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing. <https://eur-lex.europa.eu/eli/reg/2008/1005/oj>. Accessed 2.8.22.

54 Stakeholders, including from the EU fishing industry have made similar recommendations. See p.35 of Long Distance Advisory Council (LDAC) (2021), Advice - Opinions, LDAC Recommendations for a Level Playing Field for EU and non-EU fish products. https://ldac.eu/images/EN_LDAC_Advice_LPF_25May2021.pdf. Accessed 2.8.22.

55 Paragraph 3, European Parliament [resolution 2022/2611](#).

56 Paragraph 9, European Parliament [resolution 2022/2611](#).

57 Paragraph 11, European Parliament [resolution 2022/2611](#).

58 See [Joint Opinion](#) Long Distance Advisory Council (LDAC) Market Advisory Council (MAC) Mediterranean Advisory Council (MEDAC) IMPROVING IMPLEMENTATION OF COUNCIL REGULATION (EC) 1005/2008 TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING, June 2017. Also see the European Parliament's amendment 274 to the European Commission's proposal to revise the [EU fisheries Control Regulation, Nr. 1224/2009](#).

59 See [Joint Opinion](#) Long Distance Advisory Council (LDAC) Market Advisory Council (MAC) Mediterranean Advisory Council (MEDAC) IMPROVING IMPLEMENTATION OF COUNCIL REGULATION (EC) 1005/2008 TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING June 2017.

60 UNGP (2011) UN Guiding Principles on Business and Human Rights. UN Office of the High Commissioner, New York City USA, 42 pp. https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf. Accessed 2.8.22.

61 <https://ejfoundation.org/resources/downloads/EU-SCG-Policy-Brief-2021.pdf>. Accessed 2.8.22.

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