



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels
MARE.B.3/AD

Subject: Reply to your letter on the implementation of the Forced Labour Regulation and of the Corporate Sustainability Due Diligence Directive in the Fisheries and Aquaculture Sector

Dear Ms Bermúdez,

Thank you for your letter of 4 November 2024 on the implementation of the forced labour regulation and of the corporate sustainability due diligence directive in the fisheries and aquaculture sector.

On your first set of questions regarding our **fisheries policy and fisheries control regulation**, our policy is to promote as much transparency as possible regarding the beneficial ownership of vessels registered in RFMOs organisations for any fleet. In addition, the Commission regularly submits the data on EU vessels to the **FAO global record**. The EU Fleet register is used as the single data source and is updated by the Member States according to the requirements defined by the Implementing regulation on the Union fishing fleet register ⁽¹⁾. It states that Member States shall collect and record data in their national databases without delay and submit to the EU fleet register on the same working day. The Commission and Member States are constantly following up on vessel data exchange operations at technical and business levels, which ensures the data quality and most up-to-date data availability in both EU Fleet register and FAO global record.

The results of **the study on flag State responsibilities** and “open registers” for vessels registration are currently under preparation. While there is no concrete date yet for its publication, due to the dynamic nature of the research activities, we expect to have finalised this exercise in spring 2025.

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⁽¹⁾ Commission Implementing Regulation (EU) 2017/218 of 6 February 2017 on the Union fishing fleet register, OJ L 34 9.2.2017, p. 9

Regarding IUU import controls, the Commission has intensified the cooperation with Member States to strengthen the implementation of the EU catch certification scheme (CCS), in particular, through continued development of CATCH and activities aimed to enable a smooth start of its compulsory use in January 2026. In 2024, the Commission organised five meetings with Member States IUU experts (working group) and EFCA where various CATCH-related topics were discussed. Furthermore, we organised four training sessions for Member States authorities on CATCH and distributed comprehensive video tutorials based on the first two sessions, with remaining ones under preparation.

Apart from CATCH, the above mentioned meetings covered also other issues relevant for a harmonised and effective implementation of the CCS such as work related to changes in the amended IUU regulation ⁽²⁾, principles for checks and verifications of catch certificates at import and the revision of the IUU implementing regulation ⁽³⁾ that includes, among other, detailed rules for implementation of CATCH and a revised list of risk criteria for verifications of catch certificates which will be mandatory for use in the future.

Finally, after consulting with Member States and EFCA, the Commission issued in May 2024 an updated version of the FAQs on practical application of the IUU Regulation, considering the amendments that will start to apply in January 2026. A further revision of this document is ongoing, with publication expected in early 2025.

Regarding the implementation of the provision of the fisheries control regulation, regulation 2023/2842 amended regulation 1224/2009 (“the control regulation”) ⁽⁴⁾, introducing **provisions to address the sustainability implications of forced labour in commercial fishing**. Notably, Article 90(2)(p) of the control regulation explicitly qualifies fishing activities conducted with the use of forced labour as a “serious infringement” of the CFP. This qualification imposes clear obligations on Member States to identify such infringements, take effective follow-up actions, and implement appropriate measures and sanctions, in accordance with the relevant provisions laid down in Title VIII of the Control Regulation.

The revised control regulation limits the new fisheries control rules against forced labour specifically to “fishing activities,” as defined in Article 4(1) of the Regulation. It does not extend these provisions to “aquaculture activities” or to the marketing or importation of fishery products associated with forced labour. This is, among other things, supported by Article 74(8), which explicitly references the inspection of “fishing vessels” engaged in fishing activities involving forced labour, emphasising the at-sea context of such operations.

On your second set of questions regarding **the forced labour regulation**, the prohibition covers all products made with forced labour irrespective of their origin (i.e. products manufactured in the EU for domestic consumption or export and imported products). ‘Product made with forced labour’ means “a product for which forced labour has been used in whole or in part at any stage of its extraction, harvest, production or manufacture, including in the working or processing related to a product at any stage of its supply chain.” If the forced labour occurs inside the EU, the competent authority of the Member State where the alleged forced labour risk is present will carry out the investigation and eventually adopt the decision to ban the product in question.

⁽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, OJ L 286, 29.10.2008, p. 1 (last amended by Regulation (EU) 2023/2842)

⁽³⁾ Commission Regulation (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, OJ L 280, 27.10.2009, p. 5

⁽⁴⁾ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, OJ L 343, 22.12.2009, p. 1 (last amended by Regulation (EU) 2023/2842)

The service responsible for implementation of the regulation will be decided by the new political leadership taking into account all relevant factors. In the meantime, the Commission's Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW) and Directorate-General for Trade (DG TRADE) will continue to work jointly on the implementation as it was the case for the preparation and adoption of the legislation.

Regarding the **submission of information on forced labour cases**, any natural or legal person or any association not having legal personality will be able to submit information on an alleged violation of the prohibition via the single information submission point to be set up by the Commission.

The **Union Network against Forced Labour Products** will be the platform for structured cooperation between Member States' competent authorities and the Commission to achieve coherent implementation and enforcement practices across the EU. The Commission will chair and coordinate the meetings of the network, which will be composed of representatives from Member States, the Commission and, where appropriate, of customs authorities. Other authorities or stakeholders may be invited to the meetings of the network to provide expertise on specific issues.

Regarding the specific investigations, the regulation contains provisions on the coordination of investigations and the mutual assistance (Article 16) requiring that the Commission and competent authorities cooperate closely with each other and provide each other with mutual assistance in order to implement the Regulation in a consistent and efficient manner.

Regarding your questions on **the corporate sustainability due diligence directive (CSDDD)**, the Commission's Directorate-General Justice and Consumers (DG JUST) will lead the implementation of the CSDDD, including the development of guidelines. All other DGs have been, and will continue to be, involved wherever appropriate. An internal Interservice Steering Group has also been set up to help this process, but bilateral discussions are also conducted wherever needed.

On the **CSDDD guidelines**, it has not yet been decided whether sectoral guidelines for the fisheries sector will be prepared. The need for such guidelines will be assessed based on the feedback we will receive in the open public consultations that we are planning to launch soon to inquire about needs and collect best practices. In any case, DG JUST will consult other relevant DGs (such as DG MARE in this case) wherever sector-specific or impact-specific topics are discussed. Regarding more specifically at the responsible disengagement, it is only required by the directive as a last resort and only in case of severe adverse impacts. It is a cross-sectoral issue. As such, it will be addressed in the horizontal guidelines on conducting due diligence. However, if the Commission learns about specific sector-specific examples in the fisheries sector or in other sectors that would require additional guidance, these might also be addressed in certain future sector-specific guidelines.

On the voluntary private certification schemes, multi-stakeholder and industry initiatives can play an important role in supporting the implementation of the CSDDD. These initiatives provide companies with tailored guidance and support on due diligence and can help promote best practices and standards across industries. They can have different geographical or sectoral scopes, depending on their members' needs. However, companies in the scope of CSDDD will remain responsible for the selection (and therefore also the assessment of the quality) of specific initiatives and ultimately for compliance with their own due diligence obligations. The Commission will issue guidance setting out fitness criteria and a methodology for companies to assess the fitness of industry and multi-stakeholder initiatives.

Let me take this opportunity to reiterate how much we value your expertise in this matter.

Yours sincerely,

Kestutis SADAUSKAS
p.o. Charlina VITCHEVA