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CIRCULAR TO THE ATTENTION OF EUROPEAN RETAILERS SELLING TUNA

Dear Madam, Dear Sir,

Alarmed by the widespread environmental and social issues along the tuna value chain, BLOOM has engaged in a dialogue with large European retailers since May 2023. Retail brands from France, Spain, Germany, Italy and Belgium were contacted, informed of the various issues along the tuna value chain, and asked to provide relevant sourcing information to ensure they were not implicated in the ongoing overfishing of tuna populations, especially in the Indian Ocean.

Our organisation has been working on the sustainability of the tuna supply chain for years. Several reports on the matter have been published, covering issues related to the lack of transparency and traceability of supply chains, unbalanced lobbying practices, the use of harmful fishing gears on overfished stocks and human rights abuses.¹

European retailers have the power to radically transform the tuna industry. By engaging with their suppliers, setting standards, and carefully monitoring practices, markets have the ability to implement long-lasting necessary change.

In this circular addressed to European retailers, we aim to provide some feedback on the responses we have received and communicate a list of environmental and social best practices (to date) that retailers should apply if they wish to ensure a higher sustainability of their tuna supply.

Based on the responses that we have received from retailers over the past two months, we feel it is important to clarify the following points with regards to sustainable tuna procurement practices:

- Given the current state of tuna fisheries, we consider that it is of primary importance that retailers possess detailed supply chain information and data regarding their tuna offer. This should include both own-label and branded products, as the sustainability of brand-name tuna is no less important than that of retailers' own-label products, and the same sourcing criteria should apply to both.
- Drifting Fish Aggregating Devices (FADs), overwhelmingly used by distant-water tropical tuna fisheries, generate significant bycatch of marine life and plastic pollution, and as such are harmful to the environment.² Non-mesh, non-entangling and biodegradable drifting FADs have been put forward as possible solutions to these issues.³ Still, these alternatives do not solve the most pressing environmental problems associated with drifting FADs.⁴ Drifting FADs are responsible for the mass capture of juvenile bigeye and yellowfin tuna. This is of particular concern in the

¹ See BLOOM's campaign actions and reports (<https://www.bloomassociation.org/en/our-actions/our-themes/fisheries-in-africa/our-campaign/>)

² See BLOOM (2023) Tuna War Games, (<https://bloomassociation.org/wp-content/uploads/2023/04/tuna-war-games.pdf>)

³ See for instance ISSF (2019), Non-entangling and biodegradable FADs guide, (<https://www.issf-foundation.org/fishery-goals-and-resources/our-best-practices-resources/non-entangling-and-biodegradable-fads-guide/download-info/non-entangling-and-biodegradable-fads-guide-english/>)

⁴ See BLOOM (2023) Tuna War Games, (<https://bloomassociation.org/wp-content/uploads/2023/04/tuna-war-games.pdf>)

Indian Ocean where both species are overfished and where studies have shown that 97% of the yellowfin tuna caught around drifting FADs by purse seine vessels are juveniles.⁵ Although removing plastic from drifting FADs and making them non-entangling is necessary, this will not change the intrinsic issues linked to drifting FADs: they will continue to facilitate the capture of millions of immature tunas, as well as vulnerable species of sharks and turtles. In addition, non-entangling drifting FADs still represent only a small proportion of drifting FADs currently in use in the Indian Ocean, despite IOTC Resolution 19/02 which requires that FADs used from 1 January 2020 should be so designed (among many other criteria).⁶ A report submitted by Kenya to the 19th session of the IOTC's Compliance Committee shows that none of the drifting FADs opportunistically recovered from the Western Indian Ocean since 1 January 2020 have shown full compliance with this resolution in force.⁷ Finally, there is scientific evidence that individual tuna that congregate under FADs are thinner, in poorer health and have a greater frequency of empty stomachs than those caught in "free schools".⁸ FADs are artificial stimuli altering the natural behaviour of schools, making them drift in waters that are less rich in food, therefore altering their pasturing behaviour.

- According to our enquiry's responses, most European retailers source a certain amount of Pacific tuna. This is also the case for most of the producers of branded products. Although human rights violations are not confined to this region, they are of particular concern in this area. Such violations include widespread use of forced labour practices, physical, sexual and verbal violence and the lack of grievance mechanisms for workers (both on fishing boats, in canning factories and in other processing plants).⁹ We would like to remind retailers of the important role they can play in influencing supplier practices, particularly on these issues. Given the seriousness and extent of human rights violations in tropical tuna fisheries and transformation industries supplying European retailers, and aware of the attention paid by consumers to these issues, we consider the implementation of measures to restrict the trade of tuna from high-risk supply chains to be of priority importance.
- Several surveyed companies rely on the Marine Stewardship Council (MSC) certification to guarantee the sustainability of their offer, despite the fact that it has largely been proven to no longer be a reliable mark of environmental sustainability, and never was regarding social aspects.¹⁰ This is especially relevant when it comes to tuna fisheries, with the recent exponential growth of MSC certified FAD-associated tuna fisheries since 2018¹¹ proving that it is no longer possible for supermarket chains to rely on this label to certify the sustainability of their tuna offering. Additionally, MSC certification does not guarantee that tuna has come from a well-managed stock, given the number of certified fisheries that exist without harvest strategies (by MSC's own

⁵ See Global Tuna Alliance (2021), Sustainability of yellowfin tuna (*Thunnus albacares*) fisheries in the Indian Ocean, with a special focus on juvenile catches, (<https://www.globaltunaalliance.com/wp-content/uploads/2022/03/Naunet-Fisheries.2021.V3-new.pdf>)

⁶ See IOTC Resolution 19/02, (<https://faolex.fao.org/docs/pdf/mul199458.pdf>)

⁷ See IOTC (2022). Systematic non-compliance of drifting fish aggregating devices (dFADs) with Resolution 19/02 'Procedures on a Fish Aggregating Devices (FADs) Management Plan', (https://iotc.org/sites/default/files/documents/2022/05/IOTC-2022-CoC19-INF03_Rev2_-_Compliance_concerns_dFADs_and_CMM_1902.pdf)

⁸ See Hallier and Gaertner (2008), Drifting Fish Aggregation Devices could act as an ecological trap for tropical tuna species. Available at: <https://doi.org/10.3354/meps07180>.

⁹ See BLOOM (2023), Canned Brutality (<https://bloomassociation.org/wp-content/uploads/2023/05/Canned-brutality.pdf>) for an overview of the topic.

¹⁰ See for example: Make Stewardship Count (<https://www.make-stewardship-count.org/>) and On the Hook (<https://onthehook.org.uk/>) campaigns for a detailed overview of the topic.

¹¹ Today, almost half of MSC-labelled European tuna purse seine fisheries use FADs. Such as the AGAC four oceans Integral Purse Seine Tropical Tuna Fishery (<https://fisheries.msc.org/en/fisheries/agac-four-oceans-integral-purse-seine-tropical-tuna-fishery>) for other fisheries, see the MSC website (<https://fisheries.msc.org/en/fisheries/>)

acknowledgements)¹², nor that the stock has fully recovered from overfishing (if this was previously the case).¹³

- Finally, the fact that a fishery is in a fisheries improvement project (FIP), is even less of a reliable sustainability indicator. FIPs are programs aimed to improve environmentally sustainable practices where these are lacking, not a certification label. Therefore, using the “FIP” designation as an indicator of product sustainability is highly problematic.

With this said, BLOOM is hereby sharing with European retailers a list of best practices to date, which, when implemented, would ensure a higher level of environmental and social sustainability of their tuna supply chain. These would vastly improve retailer practices with regards to own-brand and national brand tuna products, and should be applied as soon as possible:

1. Eliminate from your offer the tropical tuna that is fished under drifting FADs. The situation being the most alarming in the Indian Ocean due to the ongoing overfishing of yellowfin and bigeye tuna, this fishing zone should be concerned primarily. Nonetheless, eventually, all the world’s oceans should be covered by this measure. This will reduce by-catch, the fishing of juvenile tuna populations and limit the overall contribution of your tuna offering to the loss of marine biodiversity globally. Additionally, you should ensure that your company obtains relevant proof that FAD-free tuna is in fact fished without drifting FADs through audit processes or other supply chain assessments so as to ensure robust traceability.

2. Ban fishing on schools of dolphins or other mammals.

3. Adapt your tuna purchasing practices annually, to systematically reduce and eventually eliminate your supplies of tuna coming from overfished stocks ($B < BMSY$ and/or $F > FMSY$)¹⁴ according to scientific indications published periodically by RFMOs. In areas where stocks are targeted by both industrial, destructive fisheries and smaller scale, more virtuous fisheries, sourcing priority should be given to the latter, while stocks are being rebuilt and destructive practices being phased out. This could for example apply to pole-and-line fisheries in the Indian Ocean being given priority, while purse seine, FAD-associated fisheries are being phased out.

4. Establish full transparency in your tuna supply chain. A priority is to be put on the Indian Ocean, but the measure concerns all world’s oceans. This includes:

- a. Regarding products: systematically displaying the species (common and scientific name), fishing technique (including whether it involves the use of FADs), fishing zone, and processing location. The fishing vessel should also be readily available, whether directly or indirectly with a QR code for example. Only such a full set of information can allow a proper tracking of the tuna sold and ensure consumers that no environmental nor social problematic practice was perpetuated in the supply chain.
- b. Regarding public corporate communication: publishing detailed, transparent and regular information (at least annually) related to:

¹² See for example two MSC corporate communications on the topic (<https://www.msc.org/species/tuna/western-central-pacific-ocean-tuna-fisheries-explainer> and <https://www.msc.org/media-centre/news-opinion/news/2022/11/21/worlds-most-important-tuna-stocks-long-term-sustainability-risk>)

¹³ See WWF (2020), New flawed MSC certification of bluefin tuna risks reaching the Mediterranean market, warns WWF available at: https://wwf.panda.org/wwf_news/?1011266/New-flawed-MSC-certification-of-bluefin-tuna-risks-reaching-the-Mediterranean-market-warns-WWF , and ICCAT (2020), Report of the 2020 second ICCAT intersessional meeting of the bluefin tuna species group, available at: https://www.iccat.int/Documents/Meetings/Docs/2020/REPORTS/2020_2_BFT_ENG.pdf

¹⁴ Biomass under the Biomass at Maximum Sustainable Yield levels and Fishing mortality over the level at Maximum Sustainable Yield level. For further explanations, see FAO’s resource (<https://www.fao.org/3/cc0461en/online/sofia/2022/status-of-fishery-resources.html>) and Stockholm University’s resource (<https://www.su.se/stockholm-university-baltic-sea-centre/web-magazine-baltic-eye/fisheries/fact-sheet-understanding-msy-1.607831>)

- i. Your tuna procurement, detailing relative procurement shares in tuna species, fishing techniques (including whether it involves the use of FADs), as well as information regarding fishing fleets and processing locations along the value chain; and
- ii. All measures taken to mitigate the human rights and environmental risks along the supply chain.

5. Strengthen your monitoring system for environmental and social risks along the tuna value chain. This includes:

- a. For environmental risks, paying particular attention to illegal, unreported, and unregulated fishing by:
 - i. Guaranteeing the traceability of your tuna to the fishing vessel and ensuring that they are not on the EU list of vessels engaged in illegal, unreported and unregulated fishing;¹⁵
 - ii. Requiring the use of vessels registered and authorised by regional fisheries management organisations (RFMOs);
 - iii. Ensuring the application of Article 10 of European Regulation 1224/2009¹⁶ concerning the use of AIS systems on tuna vessels in your value chain and disengaging from suppliers whose vessels have been legally implicated in cases of non-compliance with this regulation;¹⁷
 - iv. Ensuring that tuna is landed within "Port State Allowed" limits, in accordance with the International Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) (FAO, 2009);
 - v. Requiring and verifying the presence of independent observers or CCTV surveillance systems active 24 hours a day, 7 days a week on the deck of all industrial fishing fleets operating on the high seas in priority, and with time, all fishing vessels;
 - vi. More generally, guaranteeing that the standards imposed on EU vessels by the European Fisheries Control Regulation are implemented on all vessels contributing to the supply chain.¹⁸
- b. For social risks, paying particular attention to respect for human and labour rights, in accordance with the Universal Declaration of Human Rights and the International Labour Organisation, by:
 - i. Ensuring the application of Supplier code of conduct all the way to the fishing vessel, with sufficient guarantees to prevent human rights violations;
 - ii. Mapping human rights violation risks per country and/or per supplier;
 - iii. Implementing annual social audits (from tier 1 suppliers to fishing vessels) based on risk analysis and the publication the results of these audits and related action plans;
 - iv. Withdrawing from any supplier which has been involved in any form of human rights violation in the last 5 years, throughout the value chain;
 - v. Providing effective complaint, alert and compensation systems that are known to all, accessible and understandable by all employees along the value chain;
 - vi. Making all complaints collected and the means deployed to respond to them publicly accessible;
 - vii. Ensuring that all your suppliers guarantee the right of their employees, regardless of gender or other discriminatory criteria, to join a trade union organization.
- c. Prohibit transshipments at sea in all circumstances except in cases of force majeure where the crew or the ship are at direct risk.

6. Engage with your national brands product suppliers to ensure that they comply with the same set of practices (1 to 5).

These steps are necessary to ensure the sustainability of European tuna procurement. Based on retailers' previous responses, we are aware that most will currently already be tackling some of these practices in some way. However, we insist on the fact that so far, the market response is falling short of meeting the

¹⁵ As per the annex of European Regulation 2023/147

¹⁶ In compliance with the reviewed EU fisheries control regulation voted on July 27th 2023 in the EU fisheries committee.

¹⁷ See BLOOM and Blue Marine Foundation legal action on the matter (<https://bloomassociation.org/flagrant-delit-de-fraude-des-navires-ciblent-le-thon-tropical/>)

¹⁸ See European Commission's EU fisheries control system (https://oceans-and-fisheries.ec.europa.eu/fisheries/rules/enforcing-rules/eu-fisheries-control-system_en)

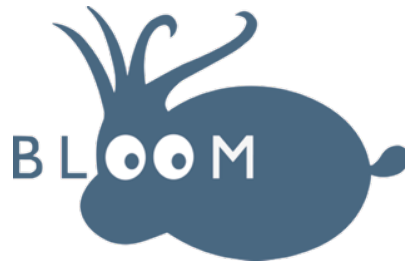
environmental and social urgency in the tuna fishing sector. We therefore highlight the importance that all these criteria be met, both for own-brand and national brand products, to ensure a higher and effective sustainability of their tuna procurement practices.

We are counting on EU retailers to take full responsibility in light of the weak regulatory framework and even weaker enforcement currently at play in the realm of distant tropical tuna fisheries. Retailers can and should be a driving force of change at a time of "global boiling" to quote UN General Secretary Mr. Guterres about the fast destruction pace of climate change and biodiversity breakdown.¹⁹

We look forward to your committed response with regards to this circular, and to a fruitful collaboration to shape the future of sustainable tuna fisheries and remain available to discuss further the application of such measures.

Sincerely,

BLOOM Association



¹⁹ See UN Secretary-General António Guterres declaration (<https://news.un.org/en/story/2023/07/1139162>)