



# Draft Requirements for Certificate Scope Under the Capture Fisheries Standard

Fair Trade USA

Draft Version 2.0.0 - **Version for Public Consultation**

## A. Introduction

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In late 2019, the Standards team at Fair Trade USA started the major revision of the Capture Fisheries Standard (CFS) with the goal to improve our standard and continue driving impact on the ground. In addition to revising the Standard, we are revising our Requirements for Certificate Scope. This document is a draft, changes and new requirements are noted through text in [parenthesis]. We encourage you to provide us with your comments about this Policy, through the public consultation survey available on our website, or by emailing us directly at [standards@fairtradeusa.org](mailto:standards@fairtradeusa.org).

The Fair Trade USA Capture Fisheries Standard (CFS) covers diverse groups of fishers and processing facilities under one set of requirements. The scope of the Certificate can cover a group of vessels/fishers (e.g., a cooperative or Fishing Association), multiple groups, and/or a processing facility buying from one or more groups of vessels.

Since the CFS can be applied to diverse entities, the scope of an individual Certificate can vary widely. Ensuring that scope requirements are followed is important to ensure that the proposed scope is eligible for certification and all applicable requirements are evaluated for compliance within each entity during the audit.

## B. Purpose

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This document explains the scope of the Certificate for the Capture Fisheries Standard, providing auditors and Certificate Holders with a tool to define which entities, products, sites, and activities must or may be included in an audit and the scope of a Certificate. It also explains the requirements for sites handling Fair Trade product that are not included in the scope of an audit or Certificate.

All entities, products, sites, and activities included in the scope of a Certificate must comply with the requirements of the CFS and are subject to audits by Fair Trade USA and/or approved Conformity Assessment Bodies (CABs).

## C. Scope

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This document applies to all entities audited and certified against the Fair Trade USA CFS.

## D. Related Documents

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- Guidance for Determining Scope Under the Capture Fisheries Standard
- Draft Capture Fisheries Standard 2.0.0

## 1. Requirements for the Certificate Holder

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- 1.1. The Certificate Holder is a single company or legal entity that holds the CFS Certificate on behalf of one or more entities in its supply chain. [New]
- 1.2. The Certificate Holder holds the CFS Certificate on behalf of one or more entities in its supply chain. For example, the Certificate Holder could be a cooperative or Fishing Association, exporter, importer, or processing facility. It is responsible for ensuring entities in its supply chain are compliant with the CFS.
- 1.3. The Certificate Holder must have sufficient staff or support in the same country as the suppliers included under its Certificate to implement the Internal Management System (IMS) as described in STR-CH 5 of the CFS and ensure that its suppliers comply with the CFS.
- 1.4. The Certificate Holder must either: a) be in the same country where the Fair Trade seafood is landed; b) have a local majority-owned subsidiary which is responsible for implementing the IMS; or, c) have sufficient locally-based staff or have contracted a local support organization as an implementation partner to manage some or all of the IMS.
- 1.5. The Certificate Holder must ensure that roles and responsibilities are clearly understood by all parties, including any implementation partners contracted to manage some or all of the IMS or support implementation of the CFS. The CAB is responsible for determining if the IMS is sufficient to ensure that all entities included in the scope of the Certificate are implementing the CFS correctly.
- 1.6. Only a CFS Certificate Holder can buy and sell seafood as Fair Trade Certified™. The Certificate Holder may sell product from entities included in the scope of their CFS Certificate as Fair Trade Certified™. It may also buy products from other CFS Certificate Holders and sell them as Fair Trade Certified™.
- 1.7. The Certificate Holder may also buy products from non-certified entities as long as these products are not sold as Fair Trade Certified™. Additionally, the traceability rules for the Fair Trade Certified™ product described in Section 6: Traceability & Transparency, sub-section Product Traceability (TR-PT) of the CFS must be followed to ensure segregation of Fair Trade Certified™ and non-Fair Trade Certified™ products.
- 1.8. Entities and sites independent from the Certificate Holder who are included in the scope of a CFS Certificate may only sell product as Fair Trade Certified™ to their Certificate Holder or entities included in the scope of the Certificate.
- 1.9. Certificate Holders are not allowed to remove sites from the Scope of the Certificate in order to close a non-compliance. [New]

## 2. Requirements for Products Included in the Scope of a Certificate

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- 2.1. Certification of endangered and threatened species is prohibited.
- 2.2. Species whose trade is controlled and monitored in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Appendices I, II, or III, listed as Endangered or Critically Endangered on the global IUCN Red List, and/or identified as endangered in national regulations or National Red Lists, may not be certified as Fair Trade.
- 2.3. Any marine and diadromous species or sub-species except for plants, mammals, seabirds, amphibians, reptiles or aquaculture products may be certified under the Capture Fisheries Standard.



- 2.4. Species caught using Fish Aggregating Devices (FADs) must comply with the *Policy on the Use of Fish Aggregating Devices (FADs) Under the Capture Fisheries Standard*. [New]
- 2.5. Freshwater species may be certified under the Capture Fisheries Standard. [New]
- 2.6. Certification of enhanced fisheries is allowed if the fishery is supported by the wild environment, species are native, rebuilding the population does not depend on artificial stocking, production of fish does not depend on added food supply, medicines are not provided on a regular basis, and habitat modifications are reversible. This includes enhanced bivalve fisheries.
- 2.7. Certification of introduced/non-native species is allowed so long as the species was introduced to the location prior to the ratification of the Convention on Biological Diversity (CBD) in 1993, the introduction of the species is irreversible, no new introductions are occurring, and the species cannot be eliminated from the location without serious ecological, economic and social consequences. [New]
- 2.8. A list of products that Fair Trade USA currently certifies is available in the Price and Premium database on our website: [www.fairtradecertified.org](http://www.fairtradecertified.org). Requests for new varieties and product categories should be sent to [standards@fairtradeusa.org](mailto:standards@fairtradeusa.org).
- 2.9. Fair Trade USA reserves the right to reject applications based on characteristics of the species, gear type, and/or geography. [New]

### 3. Requirements for Entities and Sites Included in the Scope of a Certificate

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- 3.1. The CFS is only applicable to small and mid-scale fisheries. Vessels which spend 31 or more consecutive days at sea will be categorized as large-scale fisheries and will not be eligible for certification. Please reach out to your contact Fair Trade or directly at [standards@fairtradeusa.org](mailto:standards@fairtradeusa.org) to determine if your fishery is eligible. [Added clarification for eligibility]
- 3.2. The vessels used to catch and transport Fair Trade seafood and sites where Fair Trade seafood is landed are always included in the scope of the CFS Certificate. This includes the fishing vessels, transfer vessels, tender vessels, and fishing grounds (habitat and associated species) where Fair Trade Certified fishers fish.
- 3.3. Additionally, a site is a natural grouping of one or more landing areas, or processing facility buildings with a common workforce which might work at different places on different tasks, or where fishers and workers might cross paths during the day even if they do not work together. For example, this would include a complex of buildings with a common entrance. Any worker housing provided by the Certificate Holder, Fishing Association, or Registered Fishers is considered part of a site, even if it is located elsewhere, and is included in the scope of the Certificate and CFS audit.
- 3.4. Under the CFS, Registered Fishermen are fishermen, any person regardless of gender, in the Fair Trade Program, who have joined a single or multiple Fair Trade Fishing Associations. [Deleted, covered in the introduction of the CFS]
- 3.5. Sites managed by the Certificate Holder, or by the Fishing Association, where Fair Trade seafood is processed, packed, sorted for quality, or transformed must be included in the scope of the Certificate.
- 3.6. Other sites managed by the Certificate Holder, or by the Fishing Association where Fair Trade seafood is only being stored or transported on land do not need to be included in the scope of the Certificate, but must comply with the “Requirements for Sites Not Included in the Scope of the Certificate” as described under Section 5 of this document.
- 3.7. Some types of independently owned and operated sites (i.e., those not controlled by the Fishing Association or the Certificate Holder) must also be included in the scope of the Certificate. The CFS Certificate can include multiple independent entities under one Certificate.



3.8. All intermediate buying and selling operations between Fair Trade Certified fishers and the Certificate Holder where Fair Trade seafood is being processed, packed, sorted for quality, or transformed must be included in the scope of the CFS Certificate. If the intermediaries are only storing or providing ground transportation for the seafood, they are not required to be in the scope of the CFS Certificate but must comply with the “Requirements for Sites Not Included in the Scope of the Certificate” described under Section 5 of this document.

~~3.9. The site of first processing prior to product export must be included in the scope of the CFS Certificate. This includes the first in-country processing facility, even if this is in another region or location (including a different island) from the landing site. [Deleted, covered by requirement 3.5]~~

~~3.10. The one exception to this is if the Fishing Association or cooperative is the Certificate Holder and does not own or manage the site of first processing, then it is not included in the scope of the Certificate. In this case, the site of first processing must comply with the “Requirements for Sites not included in the Scope of the Certificate as described under Section 5 of this document. [Deleted, covered by requirement 3.5]~~

## 4. Requirements for Activities Included in the Scope of a Certificate

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4.1. At a minimum, all fishing, landing, and processing activities carried out by Fair Trade Certified fishers for those species covered by the CFS Certificate must be included in the scope of the Certificate and audit.

4.2. For any site in the scope of the Certificate, all regular on-vessel and on-site activities, crew members, and workers in the production chain are included in the scope of the Certificate. This applies equally to work and activities carried out by permanent and temporary crew members and workers, by individuals employed directly, and by those employed through a labor contractor.

4.3. Regular on-vessel and on-site activities include any service that occurs at least annually related to production and transformation, even if it is not for a Fair Trade product. This includes, but is not limited to, all fishing, processing, and regular maintenance/cleaning of vessels, equipment or facilities. This excludes short-term non-production projects, such as special construction.

4.4. Working conditions for all Fair Trade fishers, crew members, and workers on any site in the scope of the Certificate must follow the CFS, even if there are some individuals who never handle Fair Trade product.

## 5. Requirements for Sites Not Included in the Scope of a Certificate

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5.1. Sites not required to be in the scope of the Certificate may be included at the Certificate Holder’s discretion.

5.2. This could include, for example, any site where Fair Trade seafood is only being stored or transported, or off-site subcontracted facilities, where Fair Trade seafood is being processed, packed, sorted for quality, or otherwise transformed.<sup>1</sup> These sites are not required to be in the scope of the Certificate, but the Certificate Holder may elect to include them.

5.3. For any site where Fair Trade seafood is stored, transported, or handled that is not included in the scope of the Certificate, the Certificate Holder must have a contract with the entity which covers all the following elements:

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<sup>1</sup> This refers to any subcontractor (individual or company) that is not managed by the Certificate Holder nor subject to a controlling interest by the Certificate Holder (either through ownership or family relationships) and which does not take legal ownership of the Fair Trade product but provides services to process, pack, or transform the product.



- a) That the entity will ensure that Fair Trade product is not mixed with non-Fair Trade product, in accordance with requirements in Section 6.1 of the CFS.
- b) That the entity meets the ILO Core Conventions:
  - i. Forced Labour Convention, 1930 (No. 29)
  - ii. Abolition of Forced Labour Convention, 1957 (No. 105)
  - iii. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
  - iv. Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
  - v. Minimum Age Convention, 1973 (No. 138)
  - vi. Worst Forms of Child Labour Convention, 1999 (No. 182)
  - vii. Equal Remuneration Convention, 1951 (No. 100)
  - viii. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- c) That Fair Trade USA and/or an approved CAB may enter the site(s) to perform control activities against these contract requirements.

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