



TENDER SPECIFICATION FOR THE EU CO-FUNDED ACTION

Pillars of the Sea 3: Project implementing part of the SSDC Work Programme roadmap towards socially sustainable fishing

Grant Agreement Project 101051878

External contractor: Legal analysis of trade measures to combat forced labour in the fishing industry

Brussels, 12 October 2022

1. Background

It is proven that Illegal, Unreported, and Unregulated (IUU) fishing is often linked with labour and modern slavery abuses. The IUU Regulation (EC/1005/2008) only addresses environmental offences such as illegal fishing, but not labour abuse. Labour abuses of fishers, such as cases of modern slavery and even burials at sea of both fishers and observers, are occurring, specifically in certain Asian fishing fleets.

The International Labour Organization Convention Work in Fishing (ILO C188) is key to deterring forced labour in fisheries and sets the conditions for a level playing field for work in the sector at a global level. However, the EU can only inspect and control non-EU fishing vessels calling European ports. Therefore, many of the fish products imported into the EU market can be produced by fishers subject to labour abuse, and as such new market tools should be developed to fill the gap.

In light of this, the Union Customs Code could be the right instrument and legal basis to set prohibitions or restrictions on imports, exports or goods in transit when they are justified on grounds of the protection of health and life of humans. Consequently, the Social Partners for Sea Fisheries believe it fundamental to prevent the entry of imports from fishing vessels or countries identified for serious labour abuse and play a leading role in promoting decent working conditions in fisheries worldwide. Hereby referring to the United States customs who blocked seafood shipments from fishing vessels identified for using forced labour. These fleets and their respective countries have been added to the United States' Department of Labour's 'List of goods produced by Child labour and Forced labour'.

The Social Partners aim to explore the possibility for EU customs authorities to restrict or prohibit seafood imports from fishing vessels or countries identified for child or serious labour abuse including no respect of basic human rights on board fishing vessels. Considering that the Union Customs Code sets prohibitions and restrictions on imports when justified on the protection of health and life of humans, the Social Partners aim to develop specific standards tailor-made for the whole seafood supply chain. The recommended steps to be undertaken against non-compliant fishing vessels and non-cooperating third countries could be like those established in the EU Regulation to prevent, deter, and eliminate IUU fishing (EC/1005/2008). This internationally recognised Regulation successfully implemented market tools to prevent the entry of illegal fish in the EU market on the grounds of the protection of the environment.

2. Purpose of the contract

The contract is aimed at providing the Social Partners with the specific expertise on trade measures against violation of labour standards in the fisheries sector, required to perform the above-mentioned action.

3. Tasks to be performed by the contractor

3.1 Description of tasks

The contractor should perform the following task:

- Map existing EU and international market and custom tools. This included the research and legal analysis of the available instruments to identify, prevent, and deter labour abuse in the seafood industry.
- Develop policy recommendations concerning violation of labour standards. The recommendations should elaborate on a possible EU approach about sanctioning non-EU country fishing vessels and their respective countries in case of violation of labour standards in the fisheries sector.

The contractor will be required to attend 5 steering group meetings and 1 conference.

3.2 Guidance and indications on tasks execution and methodology

The contractor will work under the guidance of the project's steering group and of the ETF and Européche's Secretariats. The deadlines for deliverables will be set jointly by the contractor and the project partners according to the project's timeline.

4. Expertise required

Candidates should meet the following criteria:

- Sound expertise on international and EU legal environment related to the scope of the task.
- Knowledge of the fisheries sector is highly desirable.
- Excellent command of written and spoken English.
- Sound experience in drafting documents and reports.
- Respect of budgetary constraints.

5. Time schedule and reporting

The contractor will be required to work for a total of 70 days between December 2022 and August 2024, including the participation to steering group meetings and the final conference (the first meeting will take place on 7 December 2022 in Amsterdam, the Netherlands). The time schedule for deliverables and reports will be established jointly by the contractor and the project partners according to the project's timeline and will be indicated in the contract signed by the two parties.

6. Payments and standard contract

The contractor will receive an advance and a final payment according to the time and modalities that will be indicated in the contract between the parties. The project promoter will draft a contract which will be submitted to the contractor.

7. Price

The maximum budget available is EUR 35,000 VAT included. This does not include travel, accommodation and subsistence expenses related to the attendance of meetings, which will be reimbursed upon the presentation of receipts if previously authorized by the project promoters. The amount eligible for reimbursement follows the thresholds set in the project's budget and the general European Social Fund+ Social Prerogatives and Specific Competencies Lines Guidelines (Version 1.0, 1 June 2021).

8. Legal obligations

The basis of the contract is the grant agreement between the European Commission and Europêche. The terms of this grant agreement are also applicable to the Contractor.

9. Selection criteria

The offers will be examined by the Steering Committee against the following criteria:

Criterion	Description	Value
Price	Best value for money	30 per cent
Quality and expertise	Proven expertise as specified in point 4.	40 per cent
Approach	Structured and open approach	10 per cent
Ability to write and speak in clear and concise English		20 per cent
TOTAL:		100 per cent

10. Award criteria

The contract will be awarded to the tenderer whose offer represents the best value for money – taking into account the evidence provided to prove their expertise in the fields indicated under point 4. The respect of the principles of transparency and equal treatment with a view to avoid any conflict of interest will be undertaken. It should be noted that the contract will not be awarded to a tenderer that receives less than 70 % of the award criteria.

11. Content and presentation of the bids

11.1 Content of the bids

The bids must indicate how candidates meet the criteria listed above, present a draft working plan, a draft schedule for the tasks to be performed and indicate the total price of the consultancy. In case of

bids submitted by individual candidates, a CV should be attached. This should include a list of publications and works done by the applicant in the fields relevant for the tasks to be performed. References should also be provided.

In case of bids submitted by organisations, a list of the organisation's activities in fields relevant for the tasks to be performed should be attached as well as the CVs of the people who will be involved in the project. Organisations should also indicate a contact person who will be responsible for the supervision of the tasks and who will report to the project promoters.

Only bids in English will be considered.

11.2 Presentation of the bids

Bids must be submitted by email to: rosalie.tukker@europeche.org by **10 November 2022**. The title of the task for which the candidate applies must be specified in the bid.