

# 台灣區遠洋鯷鮪圍網漁船魚類輸出業同業公會 函

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受文者：本會全體會員

發文日期：中華民國112年12月27日

發文字號：(112)台圍網(六)字第0476號

速別：

附件：如文

主旨：函轉農業部漁業署有關荷蘭在歐盟農業及漁業部長理事會(Council of the EU)提出中國漁船、養殖及水產品加工業強迫勞動之資訊，詳如附件，請查照。

說明：依據農業部漁業署112年12月26日漁五字第1121239216號函辦理。

正本：本會全體會員

副本：本會會務人員

理事長 黃一茂

正本

檔 號：  
保存年限：

農業部漁業署 函

112/12/27  
0476  
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受文者：台灣區遠洋經銷圍網漁船魚類輸  
出業同業公會

發文日期：中華民國112年12月26日  
發文字號：漁五字第1121239216號  
速別：普通件  
密等及解密條件或保密期限：  
附件：如說明

主旨：有關荷蘭在歐盟農業及漁業部長理事會（Council of the EU）提出中國漁船、養殖及水產品加工業強迫勞動之資訊，請貴會轉知會員參考，請查照。

說明：

- 一、依據駐歐盟兼駐比利時代表處112年12月12日比利字第11240704620號函（檢附該函影本1份）辦理。
- 二、荷蘭於112年12月10日至11日之歐盟農業及漁業部長理事會提出以下資訊：

（一）歐盟有大量的水產品來自中國，依據歐盟規範，中國水產品必須與歐盟生產的水產品具有相同標準，但近日「非法海洋計畫」（The Outlaw Ocean Project）發表調查報告指出，中國遠洋漁船及水產品加工業刻正發生侵犯人權行為以及中國的水產養殖業有強迫勞動與IUU之行為。研究人員聲稱中國漁船似乎從事非法漁業、非法丟棄混獲物及捕撈受保護的魷魚物種，且在中國的水產養殖及水產品加工業也發現有類似行為。

（二）歐盟共同漁業政策（CFP）揭示漁業活動應符合社會及勞動利益，並對從事漁業人員提供公平的生活水準，而強迫

勞動有違共同漁業政策目標，歐盟刻正修正相關規範，將強迫勞動認定為重大違規。

(三)歐盟目前《強迫勞動法規》(FLR)與《企業永續發展盡職調查指令》(CSDDD)正在立法程序中。FLR將禁止強迫勞動產品禁入歐盟；CSDDD則要求歐盟市場的大型企業有義務進行盡職調查(due diligence)，降低與預防對人權與環境的侵害風險。

三、為讓業者了解歐盟相關政策法規趨勢，請貴會協助將相關資訊轉知所屬會員，俾預先做好風險管理與因應。

正本：台灣區遠洋鮪延繩釣漁船魚類輸出業同業公會、台灣區遠洋魷魚暨秋刀魚漁船魚類輸出業同業公會、台灣鮪延繩釣協會、宜蘭縣延繩漁業協會、台灣區遠洋鯷鮪圍網漁船魚類輸出業同業公會

副本：

署長張致盛

檔 號：

保存年限：

## 駐歐盟兼駐比利時代表處 函

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受文者：農業部漁業署

發文日期：中華民國112年12月12日

發文字號：比利字第11240704620號

速別：普通件

密等及解密條件或保密期限：

附件：如文



主旨：荷蘭在歐盟農業及漁業部長理事會（Council of the EU）提出中國漁船、養殖及水產品加工業強迫勞動之資訊，詳如說明，請查照。

說明：

一、依據歐盟部長理事會本（2023）年12月7日第16423/23號文件（如附件）辦理。

二、荷蘭於本（12）月10日至11日之農業及漁業部長理事會議臨時動議，提出旨揭資訊，重點摘要如下：

（一）中國是世界上最大的水產品生產及出口國，其進口的水產品中，約有四分之三是加工後再出口到原產國（通常為歐盟），導致大量中國水產品最終進入歐洲市場，又依據歐盟規範，中國水產品必須與歐盟生產的水產品具有相同標準。

（二）近日「非法海洋計畫」（The Outlaw Ocean Project）發表1份有關中國漁業的調查結果報告，該報告指出中國遠洋漁船及水產品加工業刻正發生之侵犯人權行為，例如債務束縛、人口販運、超時工作、強迫勞動及虐待等。研究人員聲稱中國漁船似乎從事非法漁業、非法丟棄混獲物及捕撈受保護的魷魚物種，且在中國的水產養殖及水產品加工業也發現有類似行為。

（三）歐盟共同漁業政策（CFP）揭示漁業活動應符合社會及勞動利益，並對從事漁業人員提供公平的生活水準，而強迫



農業部漁業署總收文



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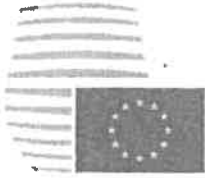
勞動有違共同漁業政策目標，但卻未能懲罰或禁止該行為。歐盟刻正修正相關規範，將強迫勞動認定為重大違規。惟目前就第三國生產之水產品（含養殖及加工品），並未要求不得有強迫勞動行為，尚不受貿易限制。

- (四)鑒於歐盟內部為自由市場，有必要在歐盟層級採取行動解決侵犯人權問題。目前已有二案在歐盟立法程序中，其一最重要的是《強迫勞動法規》（FLR）旨在禁止強迫勞動製造之產品進入歐盟市場；另一案為《企業永續發展盡職調查指令》（CSDDD），規定活躍於歐盟市場的大公司有義務進行盡職調查，或識別、減輕、阻止、預防及評估對人類與環境的風險。

正本：農業部漁業署

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交09:換20章



Council of the  
European Union

Brussels, 7 December 2023  
(OR. en)

16423/23

PECHE 570

**NOTE**

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From: General Secretariat of the Council  
To: Delegations

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Subject: Forced labour on Chinese fishing vessels, aquaculture and fish processing industry  
*- Information from the Netherlands delegation*

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Delegations will find attached an information note by the Netherlands delegation on the above-mentioned subject in view of the meeting of the Council (Agriculture and Fisheries) on 10-11 December 2023, where it will be presented under "Any Other Business"

## Forced labour on Chinese fishing vessels, aquaculture and fish processing industry

The European market for fishery and aquaculture products is part of a global market that faces several challenges concerning traceability and transparency. In order to tackle these challenges the EU and its Member States have continuously increased standards for fisheries and aquaculture industries and continued to intensify these efforts in line with the goals of the Common Fisheries Policy (CFP). New and stricter requirements on traceability and transparency for fishery and aquaculture products are for example part of the revised Control Regulation ((EG) nr 1224/2009). By setting internal standards for the fishery and aquaculture industry in the EU and by supporting third countries in raising their standards, the EU and its Member States are influential on a global scale.

However, China remained the world's largest seafood producer and exporter in 2022, with production expected to reach 67.5 million metric tons (MMT), up from the 66.9 MMT in 2021.<sup>1</sup> Furthermore, nearly three-quarters of all fishery and aquaculture products that China imports is processed and re-exported to the country of origin, often located within the EU.<sup>2</sup> This results in significant amounts of fishery and aquaculture products from the Chinese fisheries and aquaculture industry ending up on the European market. It is important that these products meet the same requirements as those produced in the EU.

Recently the research collective *The Outlaw Ocean Project* published a report about their findings on the conditions in the Chinese fishing industry. They discovered, among other things, that human rights violations are taking place on Chinese 'distant water' fishing vessels and fish processing industry, such as debt bondage, human trafficking, excessive working hours, forced labour, abuse and even death due to negligence or dangerous conditions.<sup>3</sup> The researchers also claim that Chinese fishing vessels appear to be involved in illegal fishing, the illegal dumping of bycatch and fishing for protected squid species. Similar violations have also been found in the Chinese aquaculture and fish processing industry. The discoveries of The Outlaw Ocean Project are concerning and raised international media attention and also lead to questions in the Dutch parliament.

### Chinese fishery and aquaculture products on the EU internal market

The use of forced labour is contrary to the objectives of the CFP, but is not yet punishable or prohibited under the CFP. However, the CFP states that fishing activities should be managed consistent with the objectives of achieving social and employment benefits and contributing to a fair standard of living for those dependent on fishing activities.

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<sup>1</sup> [China: 2022 China Fishery Products Annual | USDA Foreign Agricultural Service](#)

<sup>2</sup> [cc0461en.pdf \(fao.org\)](#)

<sup>3</sup> [The Crimes Behind the Seafood You Eat | The New Yorker](#)

With the revision of the Control Regulation the use of forced labour in the Union fleet will be classified as a serious infringement. Reference is made to International Labor Organization (ILO) Convention No. 29 on forced labour, which provides that the illegal performance of forced or compulsory labor must be made a criminal offense by Member States and must be subject to adequate legal sanctions that are rigorously enforced.

Rules against illegal, unreported and unregulated (IUU) fishing are included in the IUU Regulation ((EG) nr 1005/2008). Fishery and aquaculture products from third countries have to meet the requirements of this regulation in order to be placed on the European market. However, production (i.e. on board and/or in aquaculture and/or processing industries) in third countries without forced labour is currently not one of the requirements included in this regulation, and are therefore not subject to trade restrictions.

### State of play

Unfortunately, the use of forced labour in Chinese industries is not restricted to the fisheries industry.<sup>4</sup> Furthermore, due to the free internal European market, this issue cannot be the responsibility of individual Member States. Therefore broad action on an European level is necessary to tackle human rights violations. Two initiatives on European legislative processes are ongoing. The most important in this context is the Forced Labor Regulation (FLR), which aims to ban products manufactured with forced labour from the Union market. The other legislative proposal, the Corporate Sustainability Due Diligence Directive (CSDDD), stipulates that large companies active on the EU market have an obligation to apply due diligence, or to identify, mitigate, stop, prevent and account for risks for people and the environment in their value chains.

We invite the Commission to reflect on these legislative processes and to indicate how these proposals are going to help prevent fisheries and aquaculture products produced using forced labour from entering the European market.

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<sup>4</sup> <https://www.theguardian.com/world/2020/sep/18/clues-to-scale-of-xinjiang-labour-operation-emerge-as-china-defends-camps>