

M&S

EST. 1884

MARKS & SPENCER CODE OF PRACTICE – RAW MATERIALS AND INGREDIENT REQUIREMENTS

## MARKS AND SPENCER POLICY

# SEAFOOD SOURCING: WILD CAUGHT & FARMED FISH & SHELLFISH

UNCONTROLLED COPY

Latest Version Date	September 2016	Version	2
Page	Page 1 of 14		
Uncontrolled Copy © MARKS AND SPENCER for the use of Marks & Spencer and Marks & Spencer suppliers only			

**Purpose:** To ensure that all Marks & Spencer finished products containing fish or shellfish, whether wild-caught or farmed, have been produced using seafood raw materials and ingredients sourced from fisheries and farms that are in line with our requirements, thereby ensuring that the products on our shelves pose no integrity risk to our customers or to our brand.

**Scope:** All fish and shellfish raw materials and ingredients, that are intended for use within the Marks & Spencer supply base and finished products, and which will ultimately be sold in our main chain stores, franchise, international and hospitality outlets.

**Out of Scope:** Marks & Spencer pet food products and seafood which is used as a flavor enhancer, such as anchovy essence and oyster extract.

N.B. We are working with our suppliers to map our pet food supply chains to understand whether we can bring these products in line with our seafood sourcing requirements.

We have historically focused our sourcing expertise on fish and shellfish raw material and ingredients, but not where seafood is used as a flavour enhancer. We are currently mapping supply chains where seafood is used as a flavor enhancer to understand whether we can bring these products in line with our seafood sourcing requirements.

Latest Version Date	September 2016	Version	2
Page	Page 2 of 14		
Uncontrolled Copy © MARKS AND SPENCER for the use of Marks & Spencer and Marks & Spencer suppliers only			

## MARKS & SPENCER POLICY EXECUTIVE SUMMARY

This policy document is intended to protect the Marks & Spencer customer and brand from the integrity risks that are sometimes associated with fisheries and aquaculture operations. It ensures that finished products are produced using raw materials and ingredients that are from known and trusted fisheries and farms that meet our minimum sourcing standards.

The requirements set out in this document are our **baseline standards** and must be implemented across A list and Mandatory suppliers.

All sources of fish and shellfish raw materials and ingredients purchased and/or brought into the custody of a site for use in Marks & Spencer finished product must be pre-approved by Marks & Spencer's Fisheries & Aquaculture Manager and/or its Aquaculture Specialist. The approval process is set out in the 'Requirements' section of this document (4.0).

It is the responsibility of the direct M&S supplier (finished product manufacturer), to ensure that all the requirements set out in this policy are demonstrably adhered to throughout the supply chain, unless otherwise stated.

### 1.0 Background

Marks & Spencer seafood products are sourced from around the world and may be from either wild stocks or aquaculture operations. Regardless of the source, every seafood product must be obtained from reputable fisheries and farms, approved by Marks & Spencer.

Since Marks & Spencer sell almost 100% own brand seafood, our Seafood Sourcing Policy applies to all product types that contain seafood, whether in a salad, ready meal, a can, a sandwich or a fish ready meal etc. (please refer to 'Scope' section above for further clarity).

This policy document summarises our '*work with the best, avoid the worst and invest in the rest*' approach to seafood sourcing. This approach is reflected in the following sourcing principles which cover specific issues that matter to us.

Latest Version Date	September 2016	Version	2
Page	Page 3 of 14		
Uncontrolled Copy © MARKS AND SPENCER for the use of Marks & Spencer and Marks & Spencer suppliers only			

In January 2010, Marks & Spencer became the first UK company to sign up to the [WWF Seafood Charter](#). Together, this commits WWF and Marks & Spencer to work as partners to drive Marks & Spencer’s supply chains towards responsible sourcing of sustainable seafood and to take a leadership role in bringing widespread improvement to fisheries and fish farming globally.

Our ‘*work with the best, avoid the worst and invest in the rest*’ approach to seafood sourcing is evident by our significant investment in fishery improvement projects (FIPs) around the world. We regard FIPs as an important tool for driving improvement towards reputable third party standards for sustainable fisheries.

Marks & Spencer are also a member of the Sustainable Seafood Coalition (SSC), a cross-industry group in the UK tackling seafood sustainability using our influence as businesses involved in seafood to drive change. We are united in a vision for sustainable seafood and have pledged to work together to achieve this.

As a member of the SSC, Marks & Spencer have committed to implement the SSC’s voluntary Codes of Conduct for Seafood Sourcing and Environmental Claims. Please refer to the SSC website for further detail and to review the codes themselves.

## 2.0 Definitions

### **Definition of Chain of Custody:**

Detail of every link in supply chain back to farm, including specific pond or cage, and ocean, including specific vessel(s). Every time the raw material is moved, paid for, handled, stored or processed.

### **Definition of Direct Marks & Spencer Supplier:**

A site holding a 4 figure Marks & Spencer supplier code that supplies finished products intended to be sold in main chain stores, Franchise, International and Hospitality outlets.

### **Seafood:**

Throughout this policy document, the term ‘seafood’ refers to all species of fish and shellfish, whether wild-caught or farmed, marine or freshwater.

Latest Version Date	September 2016	Version	2
Page	Page 4 of 14		
Uncontrolled Copy © MARKS AND SPENCER for the use of Marks & Spencer and Marks & Spencer suppliers only			

### 3.0 Responsibilities

#### Marks & Spencer are responsible for:-

- Approving (or not approving) fisheries based on the outcome of the risk assessment and advice from WWF, notifying the direct supplier and the relevant category team.
- Approving (or not approving) aquaculture operations based on a gap analysis against the most relevant Select Farm standard (conducted by the direct supplier) and our own risk assessment, notifying the direct supplier and the relevant category team.

#### Direct Suppliers are responsible for:-

- Completing the Species Tracker (published on Connect) accurately and with the most up-to-date information available for all new seafood species prior to any product development with Marks & Spencer Category Teams, and submitting this Species Tracker to WWF. Marks & Spencer Fisheries & Aquaculture Manager and/or Aquaculture Specialist to be kept informed.
- Holding an up-to-date Species Tracker to include ALL species of seafood used onsite as a raw material or as an ingredient in Marks & Spencer finished product.
- Keeping a record of all written approvals from Marks & Spencer Fisheries & Aquaculture Manager and/or Aquaculture Specialist as evidence that the approval process has been adhered to (email approvals considered acceptable).
- Ensuring that sourcing principles outlined in this policy document are adhered to and communicated throughout the supply chain, including at A List and Mandatory Supplier sites where relevant.

### 4.0 Requirements

#### 1. Evaluate seafood sustainability

*Marks & Spencer work with WWF to regularly review the performance of our seafood species through sustainability analysis and evaluation on a species by species, supplier by supplier basis. The results of these assessments not only provide guidance on our new seafood sources but also inform our on-going procurement decisions. This approach supports our ability to focus on the highest priority seafood species and sources which we believe would benefit from improvement through processes such as fishery or aquaculture improvement projects.*

Latest Version Date	September 2016	Version	2
Page	Page 5 of 14		
Uncontrolled Copy © MARKS AND SPENCER for the use of Marks & Spencer and Marks & Spencer suppliers only			

## Policy requirement

To comply with this policy, direct suppliers are required to:

- Complete in full the latest version of the Species Tracker for all wild caught and farmed seafood, and submit to Marks & Spencer Fisheries & Aquaculture Manager by 1<sup>st</sup> February each year. This date ensures we have time to conduct the necessary assessments in advance of our year end, March 31<sup>st</sup>.
- Ensure that the completed Species Tracker covers 100% of seafood supplied to Marks & Spencer within the period covered by the tracker (1<sup>st</sup> April to 31<sup>st</sup> March the following year);
- Complete the Species Tracker and receive approval to proceed from the Fisheries & Aquaculture Manager or Aquaculture Specialist for any proposed new seafood species, fishery or farm in advance of any product development engagement with Marks & Spencer.
- Participate with Marks & Spencer in an annual sustainability risk review for each species and source, based on species and source assessment results.
- Work with Marks & Spencer and other relevant stakeholders to develop appropriate improvement work for a seafood species or source if a need is identified in the risk review.
- Provide detailed information on and help to assess the sourcing of any marine and other key ingredients used in aquafeed.

Note that this fishery/farm risk assessment is also a requirement of the Sustainable Seafood Coalition’s Code of Conduct on Environmentally Responsible Fish and Seafood Sourcing, of which Marks & Spencer are an industry member (<http://sustainableseafoodcoalition.org/documents/ssc-codes-conduct-designed.pdf/?8bb52f>).

## 2. Prevent and deter Illegal, Unregulated and Unreported (IUU) seafood

*Marks & Spencer take measures to ensure that all of the seafood we buy has been legally caught and landed. We will only purchase from suppliers who can demonstrate their compliance with relevant international, national and local laws and regulations. We will not purchase from any companies that buy from vessels listed on any official black (IUU) list. We are committed to taking any actions to prevent and deter illegal material entering our supply chains and in advocating for wider sector improvements.*

Latest Version Date	September 2016	Version	2
Page	Page 6 of 14		
Uncontrolled Copy © MARKS AND SPENCER for the use of Marks & Spencer and Marks & Spencer suppliers only			

**Policy requirement**

All seafood species sold by Marks & Spencer must comply with all international, national and local laws and regulations. We will not tolerate any IUU seafood entering our supply chains and will never knowingly buy fish that has not been legally caught and landed. Whilst we believe that our suppliers are familiar with our traceability and legality expectations, they are routinely asked to provide evidence of compliance, both on an announced and unannounced basis.

Suppliers to Marks & Spencer are also required to provide relevant information when we conduct supply chain checks and audits.

At a minimum, suppliers are responsible for:

- Ensuring that all seafood supplied to Marks & Spencer is fished or farmed in accordance with national and international laws;
- Identifying all vessels or groups of vessels that supply seafood to Marks & Spencer and checking those vessels against published National / regional (as appropriate) lists of vessels and IUU lists; ;
- Communicating concerns over IUU fishing to Marks & Spencer and relevant primary processors and obtaining confirmation that vessel skippers and owners actively oppose these practices. This may form part of a broader vessel approval scheme;
- Promoting the use of tracking and monitoring systems on board fishing vessels to prove fishing activity has been conducted within legal requirements;
- Ensuring systems exist to trace all finished product back to individual fishing vessels or groups of fishing vessels as appropriate;
- Ensuring that all seafood complies with the EU IUU Regulation including the EU Catch Certification Scheme;
- Continuing to monitor the European Commission Decisions on Non Cooperating Countries on IUU.

**3. Leading social standards on land and at sea**

*As set out in our Global Sourcing Principles, for many years Marks & Spencer has worked to ensure that our suppliers’ employees, producing our products, are provided with good working conditions, and this applies to every step in our supply chains, whether on land or at sea. This drive supports our core brand value of integrity – our customers expect high standards and trust us to work ethically.*

*We achieve these objectives by developing agreed standards with our suppliers, supported by regular site visits and a policy of continual improvement. Strict sanctions*

Latest Version Date	September 2016	Version	2
Page	Page 7 of 14		
Uncontrolled Copy © MARKS AND SPENCER for the use of Marks & Spencer and Marks & Spencer suppliers only			

are applied when standards are not met, or where there is no commitment to improve standards.

*Labour conditions in wild capture fisheries are difficult to observe and monitor. The very nature of the fishing industry means that workers carry out their duties beyond the scrutiny of normal business control mechanisms and therefore beyond the reach of standard due diligence processes such as routine audit and inspection.*

*We are determined to do everything we can to bring fair sourcing principles to all stages of our supply chain, including fishing vessels. We have therefore made a commitment to the Seafood Responsible Fishing Scheme (RFS), which provides tangible evidence that the seafood caught by a fishing boat has been responsibly caught and handled and the boat has the highest standards on crew welfare, fair pay, health and safety and human rights.*

Link to Marks & Spencer Global Sourcing Principles:

<https://corporate.marksandspencer.com/file.axd?pointerid=fdc4fb2ad28c4db7bac11e8bb64416a4>)

### **Marks & Spencer RFS Commitment:**

All fishing boats supplying Marks & Spencer to be certified by the Responsible Fishing Scheme (RFS) by 2021, or be actively engaged in a time bound plan to achieve RFS certification. This applies worldwide, however UK boats will be required to gain the certificate or be actively engaged by the end of 2017. Alternative credible third party standards which include social accountability at sea will be considered, if such standards develop.

### **Policy Requirement**

All seafood sold by Marks and Spencer must be purchased from companies who comply with the Marks & Spencer Human Rights Policy and Code of Ethics and Behaviours, which can be found on Connect.

All seafood sold by Marks & Spencer must be sourced from vessels which are either certified to the RFS or actively engaged in a timebound plan to achieve RFS certification (or an equivalent credible third party standard) UK vessels must achieve this by the end of 2017. Overseas vessels must achieve this by the end of 2021.

To comply with this policy, suppliers are responsible for:

- Actively facilitating the roll out of RFS certification across fishing fleets from which seafood destined for Marks & Spencer finished products is sourced.
- Building in house expertise on RFS by sending an appropriate member of their business on the RFS auditor training course.
- Holding a complete list of all vessels from which seafood destined for Marks & Spencer finished product is sourced, to act as a tracker for certification progress.

Latest Version Date	September 2016	Version	2
Page	Page 8 of 14		
Uncontrolled Copy © MARKS AND SPENCER for the use of Marks & Spencer and Marks & Spencer suppliers only			

- Reporting progress using the vessel tracker on a quarterly basis to Marks & Spencer Fisheries & Aquaculture Manager and Ethical Trading Manager.

#### 4. Conserve sensitive marine habitats

*Marks & Spencer support efforts and initiatives that will conserve sensitive marine habitats and aquatic ecosystems. We recognise the benefits of different types of marine protected area (MPAs) ranging from no-take marine reserves to multi-zoning areas where fishing or other activities are allowed. Marks & Spencer do not permit the sale of seafood from fisheries or fish farms that are involved in irreversible damage to the marine environment.*

##### Policy requirement

To comply with this policy, suppliers are responsible for:

- Ensuring that no Marks & Spencer wild caught seafood comes from fishing vessels that actively operate in legally recognised marine sensitive areas or no-take marine reserves.
- Ensuring that no Marks & Spencer wild caught seafood comes from fishing vessels that knowingly cause irreversible damage to sensitive marine habitats.
- Evaluating, mitigating, minimising and where possible avoiding the impacts of the production of seafood species if it occurs within or near the vicinity of marine protected areas.
- Ensuring fishing or fish farming activities comply with recognised conservation objectives as well as with regulations if these activities are conducted within or close to sensitive marine habitats.

#### 5. Avoid endangered species and support healthy fish stocks

*Marks & Spencer recognise that healthy wild fish stocks are key to achieving sustainable supplies of seafood as well as much of the fish meal and oil that is often used in aquafeed. We support the use of fish and seafood sourced from healthy stocks, like those independently verified as such by third party sustainability standards such as Marine Stewardship Council (MSC), International Fish Oil and Fishmeal Organisation (IFFO RS), or equivalent. Our procurement process will examine the stock status of all of our seafood species and support the implementation of improvement work that is identified as needed.*

*We will not source any species which are listed as ‘Endangered’ or ‘Critically Endangered’ on the International Union for Conservation of Nature (IUCN) List of Threatened Species and those listed on the Appendices of the Convention on*

Latest Version Date	September 2016	Version	2
Page	Page 9 of 14		
Uncontrolled Copy © MARKS AND SPENCER for the use of Marks & Spencer and Marks & Spencer suppliers only			

*International Trade in Endangered Species of Wild Fauna and Flora (CITES). Where a species is listed as ‘endangered’ or ‘critically endangered’ and the assessment appears to be superseded by recent credible data (e.g. stock assessments) that demonstrates the situation has changed, suppliers should provide these details when seeking approval / submitting the tracker.*

*Marks & Spencer does not and will not trade with any business that is actively involved in the targeted capture and/or the commercial slaughter of non-seafood species such as marine mammals or sea turtles. Nor will we trade with any business which participates in the removal of shark fins, discarding the body back into the sea.*

### **Policy requirement**

To avoid threatening the survival of marine species, suppliers are required to:

- Check the lists of IUCN and CITES prior to proposing a new species to ensure that no ‘endangered’/‘Critically Endangered’ seafood species are supplied to Marks & Spencer;
- Ensure and demonstrate that accidental capture of non-target species is minimised through the use of best practice.
- If any specie supplied to Marks & Spencer is listed as ‘Avoid’ by seafood guides that we deem credible, suppliers are required to understand why and to work with the supply chain to improve the sustainability performance of that fishery/farm.
- Ensure that no member of the supply chain is actively engaged in the deliberate capture and/or slaughter of non-seafood species such as marine mammals or sea turtles or in shark finning.

## **6. Minimise fishing gear impacts, waste and discards**

*Marks & Spencer support the use of gear types that have lower impacts on the marine habitat and those which are more selective towards the target species. We encourage and support innovation such as gear modifications and new designs that help to avoid unwanted catches and minimise the impacts on the sea bed and habitats. We will not accept seafood from fisheries or vessels where their fishing gears are knowingly and persistently involved in the destruction of sensitive marine habitats, the capture of endangered species and high levels of discards.*

### **Policy requirement**

For gear types which inherently have higher negative impacts on the seabed, Marks & Spencer will only accept seafood from these fisheries if they are MSC certified or

Latest Version Date	September 2016	Version	2
Page	Page 10 of 14		
Uncontrolled Copy © MARKS AND SPENCER for the use of Marks & Spencer and Marks & Spencer suppliers only			

can demonstrate that they are operating to best practices that minimise or improve the impacts to an acceptable level.

Specific, demonstrable requirements must be met for any fisheries using beam trawl catch methods, and this must be pre-agreed with Marks & Spencer before commencing supply.

All tuna destined for Marks & Spencer product, regardless of species, must be caught using line-capture methods. Furthermore, all skipjack tuna destined for Marks & Spencer product must be caught by pole and line.

Marks & Spencer will only accept fish that are larger than the mandatory minimum landing size (MLS) or minimum marketing size. When a MLS is not specified, we expect our suppliers to develop a MLS or minimum weight equivalent, based on size at maturity data, to ensure that no juvenile fish enter our supply chain.

Marks & Spencer are committed to support innovative actions such as gear modification to a) improve the gear selectivity to avoid non-target catch and b) to minimise gear impacts on the sea bed.

To comply with this policy, suppliers are responsible for:

- Collating information about catch methods to meet Marks & Spencer’s requirements.
- Ensuring that no wild caught seafood species are smaller than minimum landing sizes (MLS) or minimum marketing size. When a MLS is not specified, suppliers are to develop and implement their own MLS or minimum weight equivalent based on size at maturity data. This must be pre-agreed with Marks & Spencer.
- Where relevant, ensure that the fisheries that supply seafood to Marks & Spencer are in compliance with any associated Landings Obligation regulation;
- Work with fisheries or fishing vessels and relevant stakeholders to develop actions or plans to minimise gear type impacts.
- Ensuring that all tuna species supplied to Marks & Spencer, whether canned, chilled or frozen, as an ingredient or raw material, comply with our capture method requirements outlined above.

## 7. Ensure responsible farming practices

*All producers of farmed seafood for Marks & Spencer must operate to Marks & Spencer Select Farm Assurance standards. These standards have been developed in collaboration with suppliers, industry experts and NGOs, to ensure that impacts associated with the farming operations are minimised through best practice at all*

Latest Version Date	September 2016	Version	2
Page	Page 11 of 14		
Uncontrolled Copy © MARKS AND SPENCER for the use of Marks & Spencer and Marks & Spencer suppliers only			

*stages of production up to and including the point of slaughter. Hatcheries, juvenile production facilities and farms are audited against these standards.*

*A key element of Select Farm Assurance is animal welfare and our standards are developed with the Five Freedoms at their core. Through our Select Farm assurance programme we ensure that all our producers are operating to leading standards of animal welfare. Where appropriate, we adopt RSPCA Freedom Foods standards; 100% of our Lochmuir salmon and trout are Freedom Foods certified.*

**Policy requirement**

All producers of farmed seafood for Marks & Spencer must be in compliance with the relevant Select Farm Assurance standard which are published on Connect. It is the responsibility of the direct supplier to ensure that this is the case before sourcing commences and whenever sourcing is active. Producers will be required to demonstrate compliance with this standard and it is the responsibility of our direct suppliers to regularly audit against it, having been properly trained to do so. A sample of farm sites will be audited by our independent audit partner to an agreed frequency.

For farmed species for which a Marks & Spencer Select Farm standard does not yet exist, the following must be in place:

- The grow out site must be certified to an internationally recognised aquaculture standard (for example ASC, Global Gap, GAA BAP or another standard that we deem credible).
- As a minimum, the grow out site must have been visited by our direct supplier to review aquaculture management practices and conduct an initial gap analysis against the most relevant Select Farm standard. This must have been discussed with the Marks & Spencer Aquaculture Specialist.
- The Marks & Spencer Aquaculture Specialist must be satisfied that the supply will meet an M&S Select Farm Assurance standard once developed.
- The Marks & Spencer direct supplier and producers in the supply chain must be prepared to work with the Marks & Spencer Aquaculture Specialist to develop a Select Farm standard (where one does not already exist), once it has been determined that the product is successful and will remain on sale in the medium to long term.
- The Marks & Spencer Species Tracker must be completed by the direct supplier and approved in writing by the Marks & Spencer Fisheries & Aquaculture Manager and/or Aquaculture Specialist, before any NPD work commences.

Latest Version Date	September 2016	Version	2
Page	Page 12 of 14		
Uncontrolled Copy © MARKS AND SPENCER for the use of Marks & Spencer and Marks & Spencer suppliers only			

## 8. Source aquafeed responsibly

*Marks & Spencer and its suppliers are committed to the development of aquafeeds and feeding regimes that optimise the animal health and eating quality of farmed fish, whilst having full regard for any impact associated with the farming operation and the fisheries from which marine ingredients are sourced. Working with industry experts and NGOs, we have developed our own Code of Practice (Aquafeed Manufacture) to help drive best practice in our farmed seafood supply base. All aquafeed mills within our supply chains must be audited against this code of practice at a frequency agreed with Marks & Spencer.*

### Policy requirement

Marks & Spencer requires that all aquafeed in our supply chains are sourced from approved aquafeed manufacturers whose production systems must comply with the Marks & Spencer Code of Practice (Aquafeed Manufacture). These aquafeed manufacturers must be audited by our direct suppliers, having been properly trained to do so, at a frequency agreed by Marks & Spencer. A sample of aquafeed manufacturers will be audited by our independent audit partner to an agreed frequency.

Latest Version Date	September 2016	Version	2
Page	Page 13 of 14		
Uncontrolled Copy © MARKS AND SPENCER for the use of Marks & Spencer and Marks & Spencer suppliers only			

## 5.0 Related policy and guideline documents

The following list details all relevant policy and guideline documents which should be read and implemented in conjunction with the Seafood Sourcing Policy:

1. M&S Species Tracker
2. Code of Practice: Seafood Sourcing
3. User Guide: Seafood Sourcing
4. Aquaculture Governance Guide
5. Code of Practice: Aquafeed Manufacture
6. Select Farm Assurance documents – where relevant

Most of these documents can all be found on Connect, however some are under development and will be published shortly.

Latest Version Date	September 2016	Version	2
Page	Page 14 of 14		
Uncontrolled Copy © MARKS AND SPENCER for the use of Marks & Spencer and Marks & Spencer suppliers only			