



Draft Minutes  
16<sup>th</sup> Meeting of LDAC Working Group 5

**Horizontal issues**  
**Tuesday 10 March 2015 from 14:45 to 18:45h**  
**Martin's Central Park Hotel**  
**Boulevard de Charlemagne 80. Brussels**

**Chair: Julio Morón**  
**Vice-Chair: José Carlos Castro**

**1- Approval of the minutes of the 15<sup>th</sup> WG5 meeting - Brussels, 14 October 2014.**

The minutes of the meeting held on 14 October 2014 are approved.

**2- Approval of the agenda.**

The agenda is approved, adding under item 12 a new point on quotas for tuna loins, at Mr. Garat's request.

**3- Update by the EC on Fisheries Agreements: update on current negotiations** (North America, Central America and South America; African, Caribbean and Pacific region (ACP); Asia).

The representative of the EC, Mr. Dross, reports on current negotiations highlighting that there are four active agreements (Norway, Iceland, Japan and USA). An important aspect regarding tuna is that they are trying to find the best possible solution with Vietnam.

In addition, they are trying to reach a financial compensation agreement to gain access to the Norwegian and Icelandic markets, but he declares that progress is slowly being made.

There is a round of negotiations with Japan every two months approximately. This country stands at a very defensive position regarding tuna, trout aquaculture and salmon. As for bluefin tuna, tariffs are very low, about 3%, and Japan is the main market for this product; thus being very sensitive in terms of negotiations of the latter. The EU is trying to introduce a clause on sustainable development within the agreement, but it is not easy.

Regarding the USA, Mr. Dross reports that they started negotiations very slowly, and that they have not had negotiations concerning fisheries until recently. The EU's offer is still very

ambitious, since there are highly sensitive products for both parties. The EU has also requested to introduce a clause on sustainable development in all the remaining agreements signed with them, including FTAs (free trade agreements).

**4- Update by the EC on Negotiations of Commercial Agreements between the EU and third countries: update on the state of play of Interim Economic Partnership Agreements with ACP countries and on negotiations of Complete Economic Partnership Agreements.**

The representative of the EC, Mr. Swidereck, informs about fisheries partnership agreements with ACP countries. The agreement with the Caribbean region is in force. In Africa, there is an interim agreement in force with Mauritius, Seychelles, Madagascar and Zimbabwe. Negotiations for a complete EPA have reached stalemate. Nevertheless, there is a free trade agreement with these countries with no expiry date.

Regarding EPAs in the SADC region countries (South of Africa, Namibia, Botswana, Mozambique) they will have another round to tie loose legal ends. The agreement has been signed and we wish for it to come provisionally into force as soon as possible.

Besides, there is an interim agreement with Central Africa, with Cameroun, ratified in 2014. The abovementioned countries are included in annex 1 on market access, thus meaning that they enjoy duty exemption. Zimbabwe, Mauritius, Seychelles have zero duty owing to the interim EPA. The same occurs to Cameroun.

As for the Pacific region, he highlights that they have an interim EPA that came into force in 2011 with Papua New Guinea. Since July 2014, Fiji has completed the ratification of its own agreement, thus it is now in force. The complete EPA is currently blocked generally speaking, not only in terms of fisheries issues. Nevertheless, official conversations will continue.

Mr. Morón enquires about consistency within the EU policy both regarding the implementation of the IUU Regulation and of economic agreements, as well as about existing perspectives relating to the transparency requests put forward by the EC.

The representative of the EC, Mr. Swidereck, replies that the relation between the implementation of the IUU Regulation and the negotiation policy of free trade agreements is unilateral and independent. All preferential treatment is affected by the IUU Regulation, since it will affect all the products that have been illegally caught as they will not be able to access the European market. (This is the case of countries that have a red card; those with a yellow card have been alerted so that they amend their current situation).

Moreover, he points out that they are trying to come up with an agenda to convince different states to take political measures in order for their legislations to be in line with the IUU Regulation. He adds that there is still a great deal of work to be done regarding the promotion of the values of fighting against IUU fishing.

In the Pacific region, the request for transparency issued by the EU within the IUU framework is part of the EPA negotiations. There are two sides to their negotiations, since there are countries that do not wish to comply with the principles and aims of the fight against IUU fishing. There are two parallel processes: one is the negotiation of EPAs and the other one the IUU Regulation. The EC tries to convince the countries to provide their legislation but they have not received anything so far.

The EC believes that EPAs could be used as a motivation for the countries to implement changes, but they are not willing to commit themselves yet.

Regarding negotiations with Vietnam, Mr. Castro says that the next round of negotiations starts on 23 March. They are very worried about the potential of the tuna industry in terms of the preparation of canned tuna and the development of its tuna industry. He wishes to express his great concern and, therefore, believes it is not appropriate to make concessions providing preferential access to the EU market. He requests canned tuna to be excluded from negotiations since they are considered a sensitive product, sound rules of origin to be respected, accumulation not be allowed and clauses be introduced regarding compliance with social issues, working conditions and IUU fishing.

As far as Thailand is concerned, he insists that they are aware of the fact that negotiations have reached stalemate due to the political situation of the country. However, working conditions are extremely poor; thus he requests these issues be borne in mind when negotiations are reactivated with this country.

Mr. Swidereck, representative of the EC, adds that the canned tuna sector is considered as sensitive. He states that at this moment in time no negotiations are being held with Thailand, it will depend on how the situation evolves in the next months. In fact, he points out that this country is currently more interested in prawns and aquaculture.

Mr. Trujillo supports Mr. Castro's words. He suggests drawing attention to violations incurred by countries relating to human rights, from ETF they say that they would like to know the name of the companies not meeting these fundamental rights (child labour, measures bordering on slavery, etc.). Furthermore, he proposes the analysis of flags of convenience that cause an increase of illegal fishing activities linked to job insecurity.

**5- Draft opinion by the LDAC on control over imports and fair competition of seafood in the EU (ANFACO).**

Mr. Castro explains the draft opinion prepared by ANFACO/CECOPECA, stating that the aim of the latter is that the EU control more precisely canned tuna imports that enter the EU market. Once distributed among the members, and having analysed the comments received, he commits himself to sending a new and more specific proposal and to submit it to the LDAC members.

Mr. Commere highlights that they wish to reach equality, both in terms of health issues and regarding IUU fishing. He says that the document needs clarification, they have to be accurate and explain the points in detail, e.g. regarding control of species. He is willing to collaborate on this document in order to reach a level playing field.

Ms. Gorez requests the LDAC Secretariat to send the relevant studies concerning tuna to the members requesting it. They agree that they have the common aim of achieving a level playing field.

Once the opinion is approved, Mr. Morón suggests that it be sent to the relevant CE DGs: DG MARE, DG TRADE, DG SANCO, DG in charge of consumers' issues and DG responsible for customs control and even OLAF, in case there is fraud relating to the rules of origin, etc.

**Actions:**

- Mr. Castro will send a new reviewed and simplified opinion draft requesting effective control of non-EU imports. In case of adopting it, this opinion will be sent to the 5 relevant DGs of the Commission (DG MARE, DG SANCO, DG TRADE, DG DEVCO and DG ENV).
- The Secretariat will send baseline studies supporting the draft opinion prepared by ANFACO to those who requested them.
- The LDAC will send a letter to the relevant DG reporting failure to comply with human rights in terms of working conditions of some fleets (to be coordinated with ETF and EJJ).

**6- New GSP Regulation: Beneficiary countries. Assessment of the Philippines: GSP+ and IUU.**

Mr. Morón explains the meeting between the LDAC, DG MARE and DG DEVCO regarding IUU issues. The LDAC congratulates the EU for establishing a worldwide standard in terms of IUU fishing in order to enhance governance.

Concerning the general scheme of preferences, Mr. Dross, representative of the EC, states that the idea is to contribute preferences to developing countries under specific international obligations and criteria. This legislation is compatible with the WTO but it cannot be discriminatory against one country in favour of another one; thus it must be ensured that criteria are applied in as fair a manner as possible. For this reason, if there is a problem regarding IUU fishing with the Philippines, the GSP application is a separate matter; otherwise it would be discriminatory against them.

Regarding the Philippines, he points out that, in the event there is a problem relating to illegal fishing, it must be included within the framework of the IUU Regulation and not within the GSP framework.

Mr. Herrera, representative of the EC, adds that, as it has already been said, these are two different elements, and that the dialogue with the Philippines continues. They just got back from there with their Director General, Ms. Evans, and have verified that positive developments have taken place. In fact, last week the Philippines adopted a new legal framework that now covers the activity of the long distance fleet. In addition, sanctions are being considered; thus new elements are being introduced that restrain illegal activities.

There are also new control follow-up measures carried out by vessels monitoring systems. The President of the Philippines has acquired a commitment regarding the update of human and financial resources with one thousand new employees working on certification activities, for instance, for the catch certificate. There are better inspections and enhanced traceability. In fact, they have also ratified the United Nations fisheries agreement with a series of commitments. They are witnessing very positive results in their dialogue. The conclusion drawn by the Director General is that it is worth continuing with negotiations there in order to start considering it a collaborative country. The assessment of the Philippines will be followed, but their cooperation is already positive and fruitful.

#### **7- Application of the new discards policy: landing obligations.**

- **Updated information by DG MARE**
- **Member States Working Group**
- **Update on the preparatory work for the LDAC to draft an opinion (FEOPE/ LDAC Secretariat)**

Mr. Liria says that art. 15 of the landing obligation excludes a large part of the LDAC fleet in that it affects the activity carried out in third countries, since these are competent waters of

the country they belong to and, therefore, the discarding rules must be drafted by those countries. Indeed, derogations were issued through delegated acts for those areas where there are international obligations of the EU that contradict EU regulations.

From the LDAC Secretariat, Mr. Rodríguez insists on the need to be aware of the EC's interpretation in this regard.

Mr. Varsamos, representative of the EC, adds that cases that are coming into force in the first round have to be identified. The second and third steps in the implementation of the landing obligation are currently being discussed. He points out that international obligations prevail, that is why delegated acts are prepared to ensure that there is political consistency regarding the regulation. They are trying to promote EU discard policies within RFMOs.

The EC is currently trying to identify all fisheries reaching the landing obligation, in terms of long distance landing, except for those cases where there is already a predetermined regulation of an RFO.

The EC cannot share the outcomes of its studies yet, but can anticipate that one of the conclusions is that the main RFOs where they will have to face problems will be NEAFC as well as NAFO and CCMLAR.

He finds it interesting and very positive to receive the analysis of the work carried out by the LDAC, and he also requests that detailed information be provided as to where problems are found regarding the application of this Regulation.

Mr. Stockhausen mentions that increased cooperation with other stakeholders on the work done by Mr Liria as it was actually agreed in 2014 would have resulted in greater understanding of the issue and could have potentially led also to improved results of the LD efforts.

**Actions:**

- The Secretariat will forward the list of NEAFC fisheries with targeted species sent by Mr. Liria to all members, as well as supporting documentation if appropriate.
- To work on the preparation of an opinion or recommendation on this issue regarding the impact of the LO on EU fleets with examples of specific problems and consistency with RFO regulations.

**8- Conclusions of the meeting with DGMARE+DGDEVCO (Brussels, 9 February 2015):**

**8.1- Coordination of fishing policy with other EU policies (development cooperation, trade, health, etc.). EC/LDAC Secretariat report.**

The representative of the EC, Ms. Duarte, states that coordination relations among DG MARE, DG DEVCO and the external service have widely expanded. They are currently discussing many aspects relating to policies and DG DEVCO is contacting them more and more prior to implementing their programmes. In fact, they have a well-established dialogue at fisheries agreement level in order to ensure enhanced consistency and specify how fisheries agreements can support developing countries. As a matter of fact, their involvement in existing programmes is growing, such as the Smartfish programme, which they are going to try to control to a greater extent since they know it is not working the way it should. Nevertheless, she points out that the experience acquired with this project will enable them to work better in the future. Another example of the evolution in their relationship is that for the first time DG MARE has been invited to take part in the Steering Committee of an African regional programme of DG DEVCO. The latter, due to its importance, can be the political engine needed for the development of other projects in the region.

Mr. Morón highlights the importance of there being extended coordination between DG MARE and DG DEVCO, in fact, it is of the essence for the LDAC. He declares that they would like representatives of COMHAFAT/ATLAFCO, with whom the LDAC has signed an MoU, to attend the coordination meeting with Africa mentioned by Ms. Duarte.

The LDAC offered to provide any type of assistance that DG MARE and DG DEVCO might require in order to help with any issue that can be of interest to them.

## **8.2- Application of the IUU Regulation (EC)**

The representative of the EC, Mr. Herrera, reports that they have opened dialogue with about fifty countries. Their top priority has been West Africa and now the Indian Ocean area. Twelve countries have been pre-identified and 3 have received commercial sanctions: Sri Lanka, Guinea and Cambodia. Generally speaking, conversations with all of them are positive, except for those three countries that have been sanctioned.

After verifying improvements in the legal framework, Korea was given a yellow card. Papua New Guinea was pre-identified in June 2014 but conversations have been positive and an extension was launched in February.

As for Curacao, they had a meeting in February 2015 and they are renewing their legal framework. Tuvalu, Grenadines and Solomon Islands, Saint Vincent were also identified.

Cooperation with other EC services has been very positive; DG TRADE and DG DEVCO are sharing all the relevant information. Awareness has also been raised within the EP and the Council.

In April they will receive a delegation coming from Japan.

The relation with the USA has been strengthened; they are exchanging a great deal of information and usually meet every six months. They have their own IUU Regulation but they are very interested in the European one.

In addition, he reports about their constant dialogue with Thailand. Apart from having many problems with IUU fishing, they also face failure to comply with working rights. These issues will be addressed within a bilateral scope.

The dialogue with Sri Lanka is still open.

Mr. Morón suggests carrying out an initiative involving a letter to raise awareness on the social aspect and human rights carried out by EJF and ETF.

The representative of the EC, Mr. Dross, points out that people in charge of human rights and trafficking in human beings within the EC are part of the external action service, which is now holding a dialogue with Thailand.

Mr. Herrera, representative of the EC, thanks the LDAC for the content of the letter about PNA and the countries in the Pacific area since it goes along the lines of what the EC supports.

**Action:**

- The LDAC will pay special attention and will actively participate in the public consultation by the Commission on the improvement of the effective implementation of the IUU Regulation and the review of the Control Regulation (in 5 years' time).

**8.3- Presentation on transparency of EU funds for the development of sustainable fisheries in third countries (CFFA.CAPE)**

Ms. Gorez makes the presentation, which is in turn uploaded to the LDAC web site for all members' knowledge.

Ms. Gorez is thanked for such a useful presentation.

**9- Consistency between fisheries and environmental policies: legally-binding instruments regarding Environmental Law at EU and international level.**

**9.1. UNGA Resolution on Biodiversity in Areas Beyond National Jurisdiction (ABNJ).**

Mr. Brincat, representative of the EC, informs about a specific group within the United Nations set up to deal with this matter, called BBNG, that had several meetings from 2006 to 2012, until the Rio agreements were signed. Afterwards, three more meetings were held in order to have a new legally-binding instrument under the UNCLOS. After two agreements, one regarding mining and the other regarding stocks, they finally signed an agreement that



developed this legally-binding instrument. In 2018, the United Nations will decide whether they continue having this intergovernmental conference. No discussion about the areas covered by fisheries stocks agreements is going to take place. Any measure to be adopted will have to follow an impact assessment.

He highlights the fact that the LDAC will be contacted should there be any queries.

Mr. Garat informs about him taking part in a meeting organised by FAO and GEF in Rome. When the DOALOS Director was asked a question about whether matters relating with fisheries are out of the scope of this instrument, she replied that, in spite of the fact that they tried to do so, the truth is that they might be included. Therefore, he thinks that creating marine protected areas at high seas with an impact on fisheries without prior consultation with RFOs and their imposition by means of such instrument can be considered a threat. In addition, he highlights the fact that they are concerned about species considered as “discreet” that are caught out of the EEZ, should they be regulated by this instrument.

Mr. Brincat replies that they will have impact assessments and they will have to create marine protected areas, but that much of the work has been carried out by institutions from the fisheries sector. He draws attention to the importance of RFOs. He points out that the measures that might affect fisheries will be approved by RFOs.

**Action:**

- The possibility of sending Mr. Brincat a document expressing concern regarding the establishment of new marine protected areas.

**9.2. Convention on Biological Diversity (CBD) and Aichi Target on Marine Protected Areas (MAP) and Ecologically and Biologically Significant Areas (EBSAS).**

The representative of the EC, Mr. Maier, explains that there is no MPAs agreement. Under the Biodiversity strategic plan for period 2011-2020, there are twenty targets. Target 11 refers to marine and terrestrial protected areas. He says that for the marine world by the year 2020 at least 10% of the areas have to be preserved through well-managed plans for marine protected areas. It is not a binding treaty unless it is an agreement signed by the Member States and the EU.

Within the EU, it is thought that there is a great deal of work to be done by 2020 to reach this 10%.

Regarding EBSAS, it is a process that started back in 2005-2006 with a workshop at the Azores in the context of biological diversity. Ten workshops were held at the time, the

conclusions of which were conveyed to a scientific body (SAFSA), including geographical descriptions of different areas meeting the criteria and being part of the EBSA process. Attention should be drawn to the fact that the outcomes of these workshops can be found on the CBD web site.

### **9.3. Sustainable Ocean Initiative (SOI)**

Mr. Morón enquires about the Sustainable Ocean Initiative.

The representative of the EC says that next year a conference will be held. The LDAC will be requested to send its position in this regard. He points out that, when they talk about blue growth, they refer to establishing a balance between social and economic growth.

### **9.4. Application of the EU Marine Strategy Framework Directive (MSFD)**

The representative of the EC, Ms. Karasszon, explains that the aim of this directive is to achieve a good environmental situation from today to 2020. Member States are forced to implement a series of measures: to determine the situation of the marine environment and establish aims and indicators to measure progress made. This was carried out in 2012 and was completed in 2014. After its publication, the EC held meetings with the Member States to discuss the results.

Member States must currently establish monitoring or control programmes to see their progress. The deadline to send a report to the EC was October 2014. The EC expects to have assessed everything by autumn 2015, so that they can identify the relevant measures later on.

The EC is organising a joint workshop with DG MARE to be held on 21 May.

## **10- Organising a seminar on the external dimension of the new CFP. (LDAC Secretariat)**

Mr. Rodríguez describes what has been done so far regarding the organisation of the Seminar, and informs that this will be discussed in detail within WG1.

## **11- Discussion regarding FAD free tuna self-certification systems**

Mr. Morón presents and reads a text drafted by CEPESCA about FAD free tuna self-certification systems that may lead to confusion in the market.

Circulation of the text is approved and, should there be no objection to it, a letter will be sent to the EC enquiring about their actions regarding the current situation.

Mr. Goujon supports this proposal. He wishes to provide additional elements regarding self-certification, highlighting the fact that the credibility of certification cannot be ensured.

Ms. Gorez says that it is a question of trying to prove that there are no guarantees for these certifications. They agree.

**Action:**

- To distribute the Fads Free text to all members and, should a consensus be reached, to send the LDAC's position to the EC.

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**12- Any other business.**

**12.1- Response of the EC to the letter sent by the LDAC about coordination regarding Ebola virus disease protocols. (FEOPE)**

Mr. Morón says that the response of the EC has been circulated to all members.

**12.2-Meetings with LDAC representation during the first quarter of 2015 (MIACO, EFCA...) (LDAC Secretariat)**

Mr. Morón states that the summary of all the meetings has been circulated to all members and that it is also available on the LDAC web site.

**12.3- New aspects concerning the Market Advisory Council**

Mr. Morón says that the LDAC will ask the EC whether there are new aspects concerning the Market Advisory Council.

**12.4- Quotas for tuna loins:**

Mr. Garat takes the floor to highlight the concern of the EU tuna fleet regarding the review of the Regulation which sets tariff quotas for the next few years, owing to the requests of the processing industry. He believes that tariff quotas should be removed from tuna loins. He points out that he does not understand such request; in fact, he believes that quotas should be eliminated from these tuna loins.

Mr. Castro explains that the processing industry needs raw material to be operative, and points out that quotas run out very quickly, that is why it is absolutely necessary to have this raw material.

The representative of the EC thanks attendees for their opinions and highlights that this issue will be discussed in May.

#### **12.5- New chairmanship of WG5**

Mr. Morón informs about the fact that he has been proposed as WG4 Chair since the current Chair, Mr. Fontán, is retiring. He suggests the Vice-Chair takes over the chairmanship and that a Vice-Chair be appointed later.

The representative of ANFACO would accept the chairmanship of WG5 in the person of José Carlos Castro.

Nevertheless, following an exchange of views, it is agreed that the new positions will be decided at the next WG meeting to be held in October. This item will be included in the agenda of the next WG meeting.

#### **Action:**

- The Secretariat will email the details of the candidates to the chairmanship and vice-chairmanship.

#### **13- Place and date of next meeting.**

It will be held in October in Brussels.

#### **14- Closure.**

The meeting was closed at 19.20 hours.

Attendees  
WORKING GROUP MEMBERS

1. Julio Morón. OPAGAC
2. José Carlos Castro. ANFACO-CECOPECA
3. Beatrice Gorez. CFFA-CAPE
4. Michel Goujon. ORTHONGEL
5. Raúl García. WWF
6. Sandra Sanmartin. EBCD
7. Björn Stockhausen. Seas at Risk
8. María José Cornax. OCEANA
9. Juan Manuel Liria. FEOPE/CEPESCA
10. Javier Garat. CEPESCA/FEOPE
11. Pierre Commere. FIAC
12. Juana Parada. ORPAGU
13. Mercedes Rodríguez. OPP-Lugo
14. Aurora Vicente. AIPCE
15. Pablo Lourenzo. AIPCE
16. Anna Boulova. AIPCE
17. José Ramón Fontán. OP-ANACEF
18. Raúl García. WWF
19. Juan Manuel Trujillo. ETF
20. Emil Remisz. NAPO
21. Erik Olsen. Living Sea
22. Rob Banning. Dutch pelagic freezer trawler association.

OBSERVERS

1. Gonzalo Herrera. EC
2. Pawel Swiderek. EC
3. Nicolas Dross. EC
4. Stamatis VARSAMOS. EC
5. Dovile VAIGAUSKAITE. EC
6. Eduarda Duarte de Sousa. EC
7. Leonhard Maier. EC
8. John Brincat. EC
9. Anna KARASSZON. EC
10. Adam Augustynowicz. Ministry of Agriculture and Rural Development. Poland
11. Irene Vidal. EJP
12. Ulrika Ekfeldt. EP
13. Alexandre Rodríguez. LDAC
14. Manuela Iglesias. LDAC
15. Marta de Lucas. LDAC

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