



MINUTES

28th LDAC Working Group 1 Meeting Highly Migratory Stocks and Relevant RFMOs

Monday 27 September 2021, 10:00-13:00h

Videoconference

Chair: Mr. Michel Goujon

Vice Chair: Ms. Antonia Leroy

1. Welcome by the Chair.

WG1 Chair, Mr. Michel Goujon, opens the meeting thanking the European Commission representatives, all invited experts and Working Group 1 members for their attendance and participation in this meeting held by videoconference.

He then presents apologies received owing to absence to this meeting by Béatrice Gorez (CFFA-CAPE), Javier Garat (CEPESCA) and Julio Morón (OPAGAC).

The list of members and observers attending is included in Annex I.

2. Approval of the minutes of the last WG1 meeting held via videoconference on 15 March 2021.

The minutes from 15 March 2021 are approved with no changes or comments.

3. Approval of the agenda.

The agenda is approved with no changes to it.

4. ICCAT – Atlantic Ocean.

4.1- DG MARE Report on Process and Main Priorities for ICCAT 2021 (15-22 Nov 2021)

The representative of the EC and head of the EU delegation at ICCAT, Mr. Anders Jessen, informs that it has been a complicated year to make progress given the fact that meetings were held virtually (including the Scientific Committee one) with over 50 contracting parties and delegations in different time zones, with most discussions being held via email and in writing, something that proved quite confusing in terms of versions and commitments reached. Therefore, he warns attendees that they need to be realistic in terms of ambition and expectations and says it will be necessary to focus on reaching agreements on specific aspects of the agenda. The next annual meeting will also be held virtually, but no remote written procedure is expected to take place.

He notes that the two priority stocks to move forward in decision-making this year are shortfin mako and tropical tunas.

*** North Atlantic Shortfin Mako**

Discussions started in 2019 and continued in 2020 to try and manage this fishery, but the virtual format did not help given the technical complexity and diversity in interests of these stocks. This year there is more pressure on the adoption of stricter management measures.



At the summer PA4 intersessional meetings, there was only one common text to work on, and this helped a lot since it made it possible to progress and reach a potential agreement for the annual meeting that is more ambitious and holistic than a simple update on exiting measures in force.

At this moment in time, work on this basis is being carried out on three elements, which are:

1. Measures to stop overfishing immediately.
2. A timeline for recovery (year 2047) as well as objectives.
3. Probability to reach this agreement.

An agreement was already reached on the first two points, whereas the third one is expected to be addressed at the annual meeting where the probability threshold needed will be defined for the adoption of a recovery plan for this species.

Lastly, the possibility of retaining small amounts of live specimens is mentioned, as well as the review of safe practices for the release of specimens.

* Tropical tunas in the Atlantic:

He informs that they had a PA1 intersessional meeting to review measures included in the current management plan, with very slow progress. They are waiting to quantify the TAC pending to be assessed in the Scientific Committee advice, which seems more positive than in previous years regarding the situation of bigeye tuna. There is a very high level of pressure from coastal developing countries regarding redistribution criteria of fishing opportunities in their favour. However, the EU stands strong on the idea that the new management plan must go hand in hand with fishing capacity control.

Mr. Jessen voices his scepticism about achieving good results owing to the virtual format and the lack of leadership of the PA1 Chair. He says that an alternative plan needs to be put forward to make sure that actions agreed on last year are extended.

It is still unknown whether an agreement will be reached to increase the TAC that will allow for more contracting parties to join in and to set catch limits for them in order to have further control and to avoid overfishing.

Nevertheless, he points out that before opening discussion on redistribution, there ought to be a robust management plan with clear measures and assurance of compliance with their essential objectives in terms of reporting and capacity. He observes that third countries show great reluctance regarding this matter. In fact, he explains that some states focus only on FAD management, since they believe that this is enough to regulate these fisheries, but they do not offer any robust arguments or scientific evidence, they simply request their number be reduced for no specific reason. It will be necessary to continue working with the FAD group, but without bringing this issue up every year or focusing discussion on this matter only.

WG1 Chair, Mr. Goujon, thanks Mr. Jessen for his report and opens the round of questions for members to convey their opinions and concerns to the representative of the EC.

The representative of OPNAPA, Edelmiro Ulloa, acknowledges the work carried out by DG MARE and the efforts to achieve a recovery plan for shortfin mako. He trusts that resolution SCRS 2021-60 will open a feasible way to achieve management objectives with a more flexible approach based on results. Moreover, he requests the reports by the IEO group of experts on sharks (available on the ICCAT website) be rigorously taken into account by the Scientific Committee when the 2017 stock assessment is reviewed, which he believes is ill-founded.

The representative of OPAGAC, Miguel Herrera, mainly agrees with the proposals and the approach presented by Mr. Jessen for tropical tunas, but expresses his concern regarding two issues: 1. Claims by coastal developing states to request future fishing opportunities that they do not currently have, and his insistence on linking this to current negotiations on the distribution and allocation of TAC. He believes that both issues should be separately discussed. He informs that Senegal has doubled its volume of bigeye catches compared to the previous year and that, according to a recent ISSF report, there are many purse seiners registered in Liberia that do not report catches to ICCAT; 2. There is little and fragmented information on the number of active vessels. It is necessary to have an active record of vessels which is wide and complete, at least with regards to the industrial fleet. He finally highlights that they are in favour of a regional VMS in the medium term.

The representative of WWF, Raúl García, regrets the lack of action of several RFMOs during the pandemic at the expense of the multilateral collaboration spirit and progress. He encourages the EC to strive to improve resource management for the ultimate benefit of fleets. As for mako, he asks what process there is ahead of us to negotiate the EU position and influence stakeholders to define a common position. He recalls that beyond ICCAT there is large room for manoeuvre for the EU and affected MS regarding unilateral actions to reduce bycatches of mako, and that SCRS is progressing in terms of analysis of scientific assessment on the implementation of potential technical measures, such as identification of aggregation areas and time-area closures.

Mr. Jessen is thankful for the comments and addresses the questions asked. Regarding the increase in catches by Senegal, he recognises that it is on European Commission's radar since there are inconsistencies regarding the approach adopted, and what they request at ICCAT is different to what they actually do. He stresses the opinion that the EU should not sacrifice its quotas in the redistribution to benefit countries with Asian fleets under their flag that do not meet those limits or measures.

As for mako, he defends an approach with a package of measures affecting all European and non European longline fleets, in order to achieve a level playing field and consider the adoption of measures that have been successful in Spain, such as retention of 1-2 dead specimens or individuals per fishing trip, setting a target TAC before a bycatch limit, etc.

He informs on the provisional calendar of meetings, planned as follows:

- From 27 September to 2 October: ICCAT Scientific Committee meeting.
- 6-7 October: technical meeting with Member States.
- 14 October: presentation before the Council of the EU and discussion on ICCAT.
- 27 October: third technical meeting.

He encourages LDAC members to send their input preferably by the week of 4 October which he sets as a deadline in order to include them in their mandate proposal.



Then Dr. Josu Santiago, AZTI, makes a presentation on the preliminary results of the bigeye tuna (BET) assessment of 2021.

The presentation is available on the following link:

https://ldac.eu/images/2021_BET_stock_assessment_preliminary_results.pdf

Finally, Mr. Jessen informs about the new DG MARE team for ICCAT. After Mr. Xavier Vázquez's retirement, Ms. Agata Malczewska has joined in. In addition, Ms. Florina Costica will replace Mr. Arnaud Peyronet, who has been appointed as deputy director in another unit.

In a second round of questions regarding mako, the representative of Pew, Paulus Tak, talks about a negotiation taking into account mortality levels within the green area of the Kobe matrix in the SCRS assessment, ensuring that total mortality is being addressed, including catches, discards and post-release mortality before just setting a catch limit. Regarding technical measures, he suggests considering circular hooks as well as other additional mitigation measures. Lastly, he insists on the need to increase the coverage of scientific observers and better data reporting in terms of targeted catches and bycatches.

The representative of ORPAGU, Juana Parada, comments that the Spanish surface longline fleet can share many real examples of measures and initiatives that are being implemented by the sector. She points out that it takes an individual effort at country level for a collective measure to be implemented, something that is not working at ICCAT because the rest of fleets do not follow suit. On their part, they are adopting a precautionary approach, setting a limit of 2 specimens per vessel and fishing trip and discarding the rest whether dead or alive and writing it down on the logbook. She points out that most vessels already have an observer on board. For a Spanish longliner with 3 month-long fishing trips that can only catch 2 specimens per trip, this means that they can catch a maximum of 8 specimens per year, the equivalent of 500kg per vessel, which does not have any economic benefit but is important for science so that historical data series are not broken. She believes it is essential that other contracting parties and non European longline operators also say the measures they are taking at state and sector level.

The representative of OP-7-BURELA, José Manuel Fernández Beltrán, expresses his support to the arguments voiced by Edelmiro and Juana.

As a general reflection, Mr. Iván López, LDAC Chair, defends the need for all ICCAT contracting parties with surface longline and purse seine fleets to be transparent and show a list of measures taken at state and industry level, using the EU market as a coercive mechanism in case of noncompliance (as it is the case of tuna loin quotas coming from China).

4.2- Discussion from the floor: preparation of LDAC advice.

After consideration among the members, the following **ACTIONS** are agreed on:

- The Secretariat will compile a document containing proposals and comments received from interested members, particularly with regards to voluntary self-regulation measures and initiatives adopted by the industry (for instance, the increase in observer coverage, reporting of bycatches, seasonal closures, etc.) to reduce bycatches and to promote responsible management of tropical tunas and/or shortfin mako. The Secretariat is



expecting to receive a report from ICCAT Scientific Committee (SCRS) as soon as it is publicly available in order to have a well-informed basis for its proposals.

- This information will be presented before Mr. Anders Jessen and his team prior to the coordination meeting between stakeholders and DG MARE in preparation for ICCAT (deadline: 8 October). Otherwise, a Focus Group will be called the week starting on 11 October to work on this and try and prepare a draft opinion on tropical tuna and North Atlantic shortfin mako.

For ICCAT 2022:

- WG1 agrees to reflect upon the possibility to prepare an opinion with proactive observations (as was indicated by Mr. Raúl García, WWF) on the reallocation of quota for tropical tunas, in order to overcome current blockages, develop guarantees so that developing countries may sustainably access the resource and allow creating jobs at local level.

- Dr. Josu Santiago will be invited to make a presentation on tropical tuna catching strategies (MSE and HCR) at the next LDAC WG1 meeting.

5. IOTC – Indian Ocean Tuna Commission.

5.1 DG MARE report on the outcomes of the 25th IOTC Session (7 June 2021)

5.2- Report on work progress from IOTC WG on socio-economic impacts of fisheries.

The representative of the EC and head of the EU delegation at IOTC, Mr. Marco Valleta, informs that from 7 to 11 June an annual meeting was held, highlighting that consensus was reached on some recommendations for yellowfin tuna. If these are met, with the new plan, it will be possible to go back to the TAC level recommended by IOTC.

Yellowfin tuna (YFT)

He underlines the essential role played by the EU in reaching an agreement based on consensus with recommendations for the adoption of the new recovery plan for yellowfin tuna, mainly based on a joint proposal by the EU and Maldives that was negotiated at the previous meeting and that establishes a 21% TAC reduction. If it is met, it will allow going back to sustainable catch levels around Fmsy. He points out that the EU has already reduced its catches in 15%.

He explains that discussions were not easy; in fact, this is linked to the attitude of coastal states, since it is very difficult to ensure good governance within the RFMO if states do not commit to complying with measures. There was an adequate level of commitment and the text is very positive, but the problem lies in objections made by some coastal states (Madagascar, Oman, Somalia, etc.) as measures ought to be respected by all contracting parties.

- **Management of FADs**

As for management of FADs, Kenya's proposal was very controversial, since it basically meant reducing considerably the number of FADs without any scientific basis, but there was not enough time to discuss it as the debate focused mainly on the recovery plan for tropical tunas.

Due to the fact that the proposal arrived before the WG on FADs presented its conclusions, it was suggested that it should be discussed once they had all the results from the scientific committee and the working group.

Nevertheless, Kenya and other states insisted on voting. The result was chaotic as they argued that a 2/3 majority was not necessary for adoption when the rules were clear in this regard. Moreover, a party objected because it was not an express vote and abstentions did not count as votes. In addition, there were identity problems with the proxy votes, so it was decided that the vote had to be reviewed after the annual meeting. The chair, after consulting the legal committee, declared that abstentions did not count as express vote, and confirmed there were irregularities with regards to the identity of some representatives of the electronic proxy votes. In conclusion, the vote was declared invalid and it was considered as adopted by the IOTC for legal purposes.

The proposal for the future is to hold a special session to make sure that sufficient support is reached to back the proposal made by the Chair. It should take place after the meeting of the working group on FADs in October and the Scientific Committee meeting in December.

As for the proposal regarding skipjack tuna (SKJ), the representative of the EC notes that this species is not overexploited or overfished. The EU presented a proposal for a harvest control rule that was not taken into consideration, since most contracting parties were unwilling to discuss it.

On the contrary, the proposal put forward by Maldives about postponing the decision to the following year was adopted, and this caused disappointment within the EU delegation.

Lastly, he informs that Ms. Jung-re Riley Kim (Rep. of Korea) was appointed as the new chair. In his opinion, she is a competent person for this position, with extensive knowledge of the fisheries and RFMOs involved.

5.3 - Discussion: Work plan for 2021 and way forward.

Then there is a round of questions and discussion, and the representative of the EC, Mr. Valleta, replies the following:

Mr. Goujon, WG1 Chair, reflects upon the need to take consistent cross-cutting measures that strike a balance between the conservation of tuna stocks and the development of fleet capacity in developing countries in a global catch limit context. To this end, it will be necessary to adopt a global approach on horizontal matters such as the use and management of FADs in the Atlantic Ocean (ICCAT) and in the Indian Ocean (IOTC) and to exchange knowledge and lessons learnt. In addition, technical evidence shall always prevail over political commitments.

Mr. Raúl García, WWF, asks what elements of Kenya's proposal on FADs could be used. Mr. Valleta replies that there is a basic problem in terms of methodology, and the EU is not willing to compromise on this matter. A decision ought to be made at international level, taking all impacts into account. Firstly, there is a need for a solid methodology to calculate the number of FADs and their impacts on the environment.

They are waiting to find out the results obtained by the Working Group on FADs and the Scientific Committee so that they can discuss a new proposal, but always respecting the conclusions drawn by both groups.

As for Kenya's proposal, he says that some aspects could not be implemented in a realistic way. Moreover, he highlights that biodegradable FADs are very complex, and this situation

must be borne in mind by decision-makers. A timeline to implement the measures must also be taken into account.

Mr. Miguel Herrera, OPAGAC, insists that all RFMOs prioritise the FADs issue and does not understand why the debate is not centred on misreporting of catches by many countries, as it is the case of tunas in the Indian Ocean. Furthermore, Mr. Herrera points out that every one or two years new measures are taken regarding FADs, without any of them causing global improvement in tuna stocks management. The IOTC Secretariat has provided data and the EU fleet has fulfilled its reporting obligations. He insists that talking about more restrictive measures regarding FADs could put an end to the economic viability of these fisheries for the Spanish and French purse seine fleets, since it means excessive burden for the EU industry, that is the only one complying with requirements while other countries such as Indonesia have thousands of non reported FADs. Although he understands how difficult fisheries governance in the Indian Ocean is, he hopes that his considerations will be taken into account.

Mr. Valleta, EC, responds that the EU wishes to discuss and think about a tuna management plan in the medium and long term, so he would like there to be a discussion focusing only on FADs at every IOTC meeting. He agrees that a plan including all fishing gear (not only FADs) shall be approved and implemented.

After some discussion, the following **ACTION** is agreed:

- LDAC WG1 will follow the implementation of the IOTC recommendations for 2022 and will invite the EC to present an update on discussions and outcomes from the IOTC Working Group on FADs.

6. IATTC- Inter-American Tropical Tuna Commission

6.1- DG MARE report on outcomes of the 98th IATTC Annual Meeting (August 16-27, 2021)

Mr. Valleta, EC, informs that the annual meeting was divided into two different sessions to be held in August and October. They worked very hard during the summer to be able to have a measure for tropical tuna.

At the beginning of the meeting, there were 6 proposals and the IATTC Chair tried to reach a common proposal. However, on the last day, USA and Ecuador put forward a proposal with common elements with that of the EU and with other individual proposals, including and combining measures in terms of closure and reduction in the number of FADs.

He highlights that the proposal put forward by the USA and Ecuador is a move in the right direction, but that it could not be approved because it was presented on the last day and there was no time for discussion.

The second part of the annual meeting will be held in mid October and they hope to be able to reach an agreement there. He believes that if the meeting in August had been face to face they would have been able to reach a common understanding, but it was more complicated because of the virtual format.

Besides, he informs that the IATTC director has been ratified in his position, although there will be an election at the first face-to-face meeting.



Lastly, there was a debate on Pacific bluefin tuna where there was a possibility of increasing the TAC, but no agreement was reached since the USA and Mexico agreed on the TAC distribution. Nevertheless, he thinks that in the October meeting a common position will be presented in this regard.

He concludes by pointing out that they hope to reach an agreement for tropical tuna in the October session.

6.2- Work plan for 2021 and way forward.

The Chair, Mr. Michel Goujon, notes that developments taking place at the IATTC meeting in October will be monitored.

7. WCPFC- Western and Central Pacific Fisheries Commission.

7.1- DG MARE report on main priorities for the WCPFC Regular Session (29 Nov-7 Dec)

No DG MARE representative was present.

7.2- Work plan for 2021 and way forward.

Mr. Alexandre Rodríguez, General Secretary, informs on the agenda for the next WCPFC preparatory meeting for coordination with stakeholders called by DG MARE, which is planned for 4 October.

He then recalls DG MARE pending requests regarding the impact of COVID-19 on EU fleets in the area and the increase in electronic monitoring both for purse seiners and longliners after the last WG1 meeting.

Finally, he invites those WG1 members who are interested in contributing proposals and evidence to the Commission to inform the LDAC Secretariat so that they are contacted.

8. Follow up on ATLAFCO-COMHAFAT's study on FADs in the Atlantic Ocean.

Mr. Abdelouahed Benabbou, Executive Secretary of ATLAFCO-COMHAFAT, thanks the LDAC for inviting him to participate in this WG1 meeting. He highlights that there is great collaboration between the LDAC and ATLAFCO-COMHAFAT and takes the opportunity to remind DG MARE that they are willing to collaborate with them and that they will welcome any proposals for future collaboration.

He then informs that the objective of carrying out a study on the impact of the use of FADs in the ATLAFCO-COMHAFAT area, as well as regulations and legislation in the different member countries, is to compile the available data on the different fisheries using FADs, including support elements and auxiliary industry; to identify fleets and actors involved in fisheries management at member state and regional level including ICCAT; to characterise fisheries using FADs, identify hotspots or study potential risks. In brief, they wish to have an impact study based on regulations linked to FADs according to which recommendations to improve the use of FADs may be issued.

Two applications were submitted to the call for tenders (a Spanish one and a French one) and the French consultancy firm was selected (IRD). There is a schedule in place and it is



expected that at the end of November the complete final report will be concluded as well as a summary note. In addition, an *atelier de restitution* will be held to share all the information and the LDAC will be invited.

The Chair, Mr. Michel Goujon, supports this initiative on behalf of WG1 and confirms that the LDAC will be present at this workshop. He declares that it would be very positive that the consultancy firm in charge of conducting the study contacted the operators involved in order to be able to discuss the different documents, data and information that have been compiled. Moreover, he suggests that ATLAFCO-COMHAFAT and the LDAC work together on a potential opinion for the EU and coastal countries in order to propose some action at ICCAT regarding the depiction of a regional programme of scientific observers on board.

Mr. Benabbou, ATLAFCO-COMHAFAT, thanks Mr. Goujon for his suggestion and informs that in mid November 15 inspectors will be trained at the Académie Nationale in Abidjan who will be hired and will work with autonomy at regional level.

The following **ACTIONS** are then agreed:

- **Study on FADs: ATLAFCO-COMHAFAT will share with the LDAC the main conclusions of the desk study entrusted to IRD on the review of national and international legislation applicable to West African countries related to FAD control and management; as well as the potential impact of using FADs on the marine environment (hotspots, available data, etc.).**
- **ATLAFCO-COMHAFAT will invite the LDAC to participate at an "atelier de restitution" (specific workshop) planned for the end of November to present the outcomes of this study.**
- **Regional observer programme at sea: The LDAC will work together with ATLAFCO-COMHAFAT to prepare a draft opinion on the possibility to develop a regional scientific observer programme at sea complementary to existing observer programmes developed by Spanish and French tuna purse seiners in collaboration with their national scientific institutes and MCS authorities.**

9. Closure - Summary of actions and recommendations.

Mr. Michel Goujon, WG1 Chair, thanks the Secretariat for its efforts in coordinating and preparing working documents and meetings logistics; the members present for their attendance and active participation, the representatives of the European Commission (DG MARE) for their availability to inform on the new developments, the representatives of ATLAFCO-COMHAFAT and AZTI for their input and the interpreters for their technical job.

With no other issues to address, the session is adjourned.

(Annex I) List of attendees
LDAC Working Group 1 Meeting
27 September 2021

WORKING GROUP MEMBERS

1. Michel Goujon. ORTHONGEL
2. Antonia Leroy. WWF
3. Miguel Ángel Herrera. OPAGAC
4. Anertz Muniategui. ANABAC
5. Rosalie Crespin. CNPMM
6. Rob Banning. DPFA
7. Edelmiro Ulloa. Opana.
8. Marc Ghiglia. UAPF
9. Xavier Leduc. UAPF
10. Rocío Béjar. CEPESCA
11. Iván López. AGARBA/CEPESCA
12. Juana Parada. ORPAGU
13. Daniel Voces. Europêche
14. Francisco Portela Rosa. VIANAPESCA
15. Despina Symons. EBCD
16. José Beltrán. OPP-Lugo
17. Julien Daudu. EIJF
18. Paulus Tak. Pew
19. Dana Miller. OCEANA
20. Raúl García. WWF
21. Roy Bealey. International Pole & Line Foundation
22. Florie Hovine. Earthworm Foundation
23. Tom Pickerell. Global Tuna Alliance
24. Juan Manuel Trujillo. European Transport Federation

OBSERVERS

25. Anders Jessen. DG MARE (HoU ICCAT)
26. Marco Valleta. DG MARE (HoU IOTC, IATTC)
27. Agata Malczewska. DG MARE (ICCAT)
- 28.
29. Laura Marot. DG MARE
30. Benoit Marcoux. DG MARE
31. Franco Biagi. DG MARE (Unit C3-Scientific advice and data collection)
32. Niall Gerlitz. DG MARE (Unit C3-Scientific advice and data collection)
33. Florina Costica. DG MARE
34. Michael Cohen. ISFF
35. Abdelouahed Benabbou. ATLAFCO-COMHAFAT
36. Mohamed Sadiki. ATLAFCO-COMHAFAT
37. Naji Laamrich. ATLAFCO-COMHAFAT
38. Josu Santiago. AZTI
39. Gorka Merino. AZTI
40. Hilario Murúa. International Seafood Sustainability Foundation (ISSF)
41. Alberto Martín. MSC



- 42. Mariana Toussaint. FAO
- 43. Sonia Doblado. FARFISH
- 44. Alexandre Rodríguez. LDAC
- 45. Manuela Iglesias. LDAC
- 46. Marta de Lucas. LDAC