

MINUTES

26th LDAC Working Group 5 Meeting HORIZONTAL ISSUES

**Friday, 18 September 2020 from 10:00 to 13:00h
(Online virtual meeting)**

1- Welcome: housekeeping rules (Secretariat) and opening by the Chair.

Mr. Alexandre Rodríguez, General Secretary, makes a presentation about how to use and become familiar with the technology platform chosen for this meeting (VoiceBoxer).

Then, WG5 Chair, Mr. Julien Daudu, welcomes all Working Group members and observers, including guests representing European Commission DG MARE, FAO, EFCA and national administrations.

Afterwards, he recalls that this is the first WG5 meeting in 2020 since due to the COVID-19 outbreak and the health alert declared in March the planned meeting could not be held and was ultimately cancelled. Therefore, he encourages attendees to make the most of the new way of holding virtual meetings to inform about the work carried out in the first half of the year and to make progress in this second half.

2- Approval of the minutes of the last WG5 meeting held in Brussels on 7 November 2019.

The minutes of the previous meeting held on 7 November 2019 are approved with no changes or additional comments.

3- Approval of the agenda.

The agenda is approved with no changes to it.

4- Trade policy aspects: report on LDAC work in the first half of 2020 and way forward.

Advice for the Commission:

4.1. Follow up of LDAC contribution to EU public consultation on GSP systems.

The Chair, Mr. Julien Daudu, introduces this item summarising that last year the EC initiated the necessary preparatory work for policy-makers to decide on the future GSP (General Scheme of Preferences), since the Regulation governing the current GSP expires on 31 December 2023.

In March 2020, the Commission launched a public consultation about the GSP review to which the LDAC replied in good time and appropriate manner on 26 May 2020, based on the work of the focus group set up to this end that submitted a draft for discussion at the last Executive Committee meeting in May.



Among other aspects, the LDAC reply insisted on: the need to include international legal instruments in terms of labour, social and human rights in the fisheries domain in addition to the list of conventions on which GSP+ is based; and/or regardless of the preferential scheme considered, to ensure the effective and thorough implementation of the legal basis to ensure a level playing field and policy consistency.

The regulatory reform process is still ongoing and the Commission is expected to adopt a regulation proposal during the second quarter of 2021.

ACTION: It is agreed that WG5 will continue to perform an active follow-up of this process.

4.2. Discussion on a draft advice about a level playing field for EU and non EU operators on capture, processing and marketing of fishery products.

The Chair, Mr. Julien Daudu, reminds those present that at the last WG5 and ExCom meetings it was agreed that the LDAC should prepare an advice on reaching a level playing field to complement the advice issued by the Market Advisory Council (MAC) in order to send it once it is approved to the MAC and the European Commission (DG MARE).

He informs that the work is at an initial stage with the Secretariat acting as coordinator of a focus group made up of WG5 members, the structure and elements of which are based on a study recently published by the MarinnLeg Foundation.

ACTION: The Focus Group will continue developing a draft advice to be presented at the next WG5 meeting. All interested members are invited to join the Focus Group taking into account that they are expected to contribute both by participating in discussions and by preparing written materials.

Advice for other bodies:

4.3. Follow up of LDAC advice to the MAC on EU ATQs for Tuna Loins for 2021-2023

Mr. Julien Daudu, WG5 Chair, informs that the LDAC prepared an advice for the MAC on ATQs for tuna loins, which was the result of several meetings of the LDAC ad hoc group in June 2020 that concluded in several preliminary draft versions (more than 10) that enabled all contributors to reflect their points of view and comments.

The aim of the advice was to inform about the debate on the legislative process regarding the allocation of tariff quotas replacing those set for 2019-2020 and to be discussed during the second half of the year by the Council.

The advice recommended the elimination of the ATQ regime for tuna loins (22 out of 25 votes in favour). In addition, there was an abstention and a member organisation that failed to reply. A minority position defended by AIPCE-CEP, member organisation of the Executive Committee, was also included which recommended the need to increase ATQs for tuna loins up to 55,000t.



During the summer, the Commission published a Council Regulation proposal that included ATQs for tuna loins at 30,000t at 0% that meant an increase vis-à-vis the period 2019-2020.

ACTION: The MAC will address this issue in their WG2 meeting next week (22 September) and has invited the LDAC Secretary to present the LDAC advice.

5- EC Targeted Consultation on International Ocean Governance

Mr. Julien Daudu, WG5 Chair, introduces the issue saying that the Commission launched this specific consultation in mid July setting the deadline for replies on 15 October.

He highlights that this consultation addresses topics of interest for the work of WG5, particularly pillars 1 (improving the IOG framework) and 2 (reducing the pressure on the oceans and creating conditions for a sustainable blue economy) of the EU Agenda on International Ocean Governance (IOG).

He then thanks the representative of the EC, Ms. Stefanie Schmidt, for her attendance and gives her the floor to summarise this initiative.

The representative of the EC, Ms. Schmidt, informs that in March the EC published a progress report on International Governance, and the conclusion was that more actions were necessary to mitigate the impact of climate change and promote ocean biodiversity, as well as to fight to overcome the health crisis that also affects maritime sectors. In addition to scientific evidence, in November 2019 the Member States backed the EC on the launch of this consultation in support of the development of the international governance agenda, to achieve the sustainable development goals for the UN agenda 2030, as well as the “European Green Deal” in terms of sustainability.

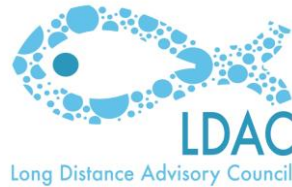
It was agreed to re-examine the 3 established priorities: sustainable growth, ocean growth and the study of future actions to be carried out by the EC. She also says that the consultation is complementary to the IOG forum. Lastly, she encourages the LDAC to reply to the consultation.

Mr. Julien Daudu, WG5 Chair, suggests that the LDAC members should identify priorities in order to set up a focus group to be able to reply to the consultation prior to the deadline set by the EC. In addition, as an alternative, he considers the possibility of preparing a specific advice without it being necessary to reply to the consultation.

After a round of questions and some discussion among the members the following **ACTION** is agreed on:

The LDAC Secretariat will launch a call for interest to set up a specific focus group to address the EU consultation on international ocean governance (deadline for replies: 15 October).

6- LDAC contribution to International Ocean Governance (IOG) Forums for the 2nd half of 2020



6.1. Update by DG MARE on IOG Forums

The representative of the EC, Ms. Stefanie Schmidt, declares that the forums were held in April with the active participation of the LDAC General Secretary, and she thanks him for his contributions. She adds that eight sectoral meetings of experts took place, and that their discussions are over.

Moreover, she informs that a new high-level event will be held in December with the participation of Commissioner Sinkevicius and high international dignitaries. In addition, she informs that Mr. Alexandre Rodríguez, LDAC General Secretary, will be invited to one of the panels to share the reflections of stakeholders.

The idea is to publish a report in spring 2021 with the outcome of consultations, including recommendations drawn from the latter and from the forums.

The following **ACTION** is agreed:

WG5 will help the General Secretary to prepare the main content and messages that the LDAC will convey at the IOG high level forum scheduled for 14-16 December 2020.

6.2. Discussion on ideas regarding: Green Deal, Biodiversity and Blue Growth.

WG5 Chair, Mr. Julien Daudu, informs that the EC has developed the European Green Deal, the EU Biodiversity Strategy and the Blue Growth Strategy is already being implemented (as it is highlighted on the recent publication of the 2020 EU Blue Economy Report in its third edition). Therefore, he invites the members to say whether they consider that there are particular areas of interest for them in order to assess the possibility of working on an advice in the coming months.

Ms. Béatrice Gorez, CFFA-CAPE, shows her interest for the blue growth strategy, since it also refers to EU activity in international waters. It seems that the EC wants to use SFPAs as a tool to foster blue growth, so she shows her concern and wishes to see how this interrelation will be shaped.

Ms. Vanya Vulperhorst, OCEANA, conveys the interest of NGOs for the LDAC to prepare an advice on biodiversity, in order to promote transparency and for EU standards to be met. In addition, she refers to two studies carried out by the NGO coalition to fight against IUU fishing that can be found clicking on the following links:

<https://ldac.eu/images/EU-IUU-Coalition-Biodiversity-Policy-Brief-final.pdf>

<https://ldac.eu/images/EU-IUU-Coalition-Farm-To-Fork-Policy-Brief-final.pdf>

The representative of the EC, Ms. Schmidt, clarifies that a new strategy on Blue Economy is under preparation, and that she will keep us informed.

Regarding the possibility of putting an end to deep-sea mining, the EC is willing to discuss the topic with all stakeholders, so LDAC suggestions in this regard would come in very handy.



6.3. Ideas for an updated advice on deep-sea mining in international waters.

WG5 Chair, Mr. Julien Daudu, provides some context on this point reminding attendees that the LDAC adopted an advice on deep-sea mining in 2019. However, this issue is still a priority on the international agenda and the Commission has a role to play, as it is mentioned in the EU Biodiversity Strategy.

The LDAC is closely following up this issue.

Afterwards, Mr. Matthew Gianni, Deep Sea Conservation Coalition (DSCC), is given the floor to give an update on this matter. Mr. Matthew Gianni informs that three workshops to be sponsored by the International Seabed Authority (ISA) are going to be held. At international level (EU and CBD), there is a call to consider 30% of the ocean as marine protected areas, where biodiversity and habitats are to be protected.

The conclusion drawn by NGOs is that these plans could set free mining activities in unprotected areas in the high seas. In the ISA website there are documents about regional multiannual management plans. Furthermore, it is possible that new exploration licences are awarded and exploration permits are approved throughout next year. He points out that DSCC could not participate in a workshop in December 2020, so he suggests telling the EC that these forums should be open. Besides, he explains that there is a report from the University of Hawaii stating that particles released by mining activities may have an impact in terms of pollution and dissemination across hundreds of kilometres, together with the effect caused by polluting mining wastewater (carbon sinks that may have an impact on fisheries management). In its communication, the EC states that the risks are understood but concludes that there is no marine risk. ISA is going to define what it understands by “marine damage”. However, it is believed that mining as a large scale commercial activity is going to be allowed. He highlights the possibility of replacing underwater mining components by low impact ones, in line with circular economy principles.

Lastly, he shows his willingness to collaborate with the LDAC in this regard.

Mr. Alexandre Rodríguez, General Secretary, clarifies that both the LDAC and the PELAC had prepared advice on this matter, suggesting it would be convenient to update them. Moreover, he states that we will request to attend the workshop to be held in December, we will follow up ISA’s activities with Mr. Gianni and we will be on the lookout for novelties in the negotiation of the BBNJ Treaty Draft.

The representative of the EC, Ms. Stefanie Schmidt, underlines that the position of the EC is that the EU believes that first there should be a scientific assessment ensuring that underwater mining has no harmful impact on biodiversity. In addition, it is thought that ISA, both as an organisation and in terms of processes, must enhance its transparency. In fact, it is believed that all exploring activities performed by the Member States shall be subject to an environmental impact assessment.

Mr. Iván López, LDAC Chair, agrees with Mr. Gianni and points out that the cause of the problem is the lack of research. Furthermore, the impact should be assessed in the short, long and medium term. He suggests including as many interested Advisory Councils (ACs) in the discussion as possible.



Mr. Daniel Voces, Européche, points out that, as industry, they wish everything would be more sustainable. He underlines the importance of studying the impact of all marine activities, not only that of fisheries (e.g. wind farms).

The European fishing industry has greatly improved its practices in terms of respect for the environment and plays a major nutritional role, so good practices shall be given visibility. In his opinion, the biodiversity strategy does not recognise the efforts made by the European fisheries sector. In addition, he believes that the role played by food security in the EU strategy should be analysed, since proteins are contributed with minor impact. He highlights the need for there to be a balance between fisheries production and environmental measures, insisting on the importance of having zero tolerance for IUU fishing.

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

- **The LDAC Secretariat will send all WG5 members the reports and technical sheets shared by DSCC (Mr. Matt Gianni), as well as the relevant information relating to upcoming seminars, events and meetings of the ISA Council, which are planned for the second half of 2020.**

- **The Secretariat will launch a call for interest to set up a Focus Group in order to prepare an updated advice on deep-sea mining. A first draft should be ready to be presented at WG5 before the end of the year to inform on the current discussion taking place at international level on this topic (EU, BBNJ, ISA). In addition, it was agreed that the LDAC Secretariat should get in touch with colleagues from the SWWAC, NWWAC and PELAC (that have also prepared guidance on this issue) to look for a collaborative and coordinated approach in order to call an Inter-AC meeting and/or prepare a joint advice.**

- **Regarding the virtual seminar planned from 23 November to 4 December 2020 on the development of a REMP for the North Mid-Atlantic Ridge, the Secretariat will ask the EU whether there would be room for LDAC representatives and EU stakeholders (both in the fisheries and NGO sectors) to be designated to attend, considering that the deadline for the appointment of scientific or technical experts is formally over.**

7- Fight against illegal, unreported and unregulated (IUU) fishing:

7.1. Report of the Commission on development in the context of the carding system in 2020

Mr. Julien Daudu, WG5 Chair, introduces the issue highlighting that the fight against IUU fishing is the main and central subject of this working group. Then, he gives the floor to the representative of the Commission, Ms. Desiree Kjolsen, who starts reviewing the situation in the different countries as far as the carding system is concerned:

- Panama: it has gone back to the yellow card since there are problems regarding the management of its fleets. In January 2019, the EC realised these deficiencies, so they were given 6 months to assess their improvement. In July, hardly any progress had been made, so in December 2019 they were issued a yellow card. However, there seems to be political will to improve.



- Ecuador: it still has the yellow card. A new fisheries act was passed and now they are drafting applicable regulations and working on their implementation and management plans. They defined an action plan and show their willingness to collaborate.
- Vietnam: there have been coordination problems at provincial level. They had a virtual meeting in June, but they are progressing very slowly.
- Sierra Leone and Liberia: there is an open dialogue with them; they are trying to find further political will regarding the fight against IUU fishing.
- Côte d'Ivoire: they hope to be able to carry out an on-site visit next year.
- Ghana: it has a yellow card. They set up a working group to fight against IUU fishing and they met in November 2019. However, it seems that developments have been interrupted in the fight against IUU fishing, as more cases were detected and there are not enough control means, so in practice this is causing a collapse of small pelagic species.
- South Korea: a Memorandum of Understanding (MoU) has been signed and a follow-up of its implementation is being carried out.

Finally, she points out that the pandemic has posed an additional challenge for the EC, since they have not been able to perform on-site missions in the countries to verify their real progress and now processes move forward more slowly because they are being followed through virtual meetings.

The following **ACTION** is agreed:

WG5 will closely follow up the carding system update, and may encourage the preparation of specific advice on any country of interest, if appropriate.

7.2. Update on IT system (CATCH) – Electronic EU Catch certification scheme

The representative of the EC, Ms. Desiree Kjolsen, informs that in 2019 the IT CATCH pilot system was launched with information sessions for Member States, as well as some promotional activities. In March 2020 they had planned a seminar in Bangkok, which could not be held owing to the health alert.

She informs that since the first version was presented, IT CATCH has evolved into a more user-friendly system based on feedback and the experience of voluntary users. In any case, she requests and encourages the industry to send their opinions and comments as soon as they start to use this system.

Although DG MARE and DG SANTE have a lot of information on their websites, they will send us an email with the link to the website and with guidelines on how to try the system.

In terms of trade, there are 92 states that export to the EU, so a solution is being studied to help the different countries with an automated standard message system for computer compatibility and system interoperability issues.



DG MARE replies to questions asked by members on item 7:

Concerning the SFPA with Liberia, that will conclude in December 2020, she says that she does not have further information, but that they asked them to establish a transshipment registry and they have to see how they respond. They hope to hold a videoconference with them in a month.

As for the technical interoperability of IT CATCH with systems in third countries, the idea is to create a standard message system on how to include and export data, so that a swift exchange of documents may take place.

Regarding the issue of EU fleet control in third countries and the result of an audit conducted on Italian vessels fishing in waters of the EEZ of West African countries, she informs that she will pass this question on to her colleagues.

As for Kiribati, she says that, although the protocol has expired, it seems that they are positively moving forward.

The following **ACTION** is agreed:

Progress with the IT CATCH system (electronic catch certificate) will be followed up within the framework of the Control System Regulation review.

7.3. Ideas to develop an LDAC advice on the implementation of IUU Regulation and CDS.

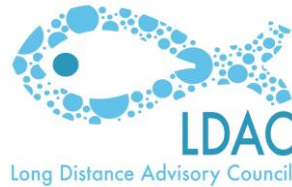
The Chair, Mr. Julien Daudu, provides some context on this point, stating that the last LDAC advice on IUU fishing goes back to 2017. In the 2015-2017 period, the LDAC was very active in the preparation of a series of advice on the implementation of the IUU Regulation. Since this matter is of utmost importance and in view of the legislative process, other ACs have also issued advice on this domain, such as the MAC or MEDAC.

He thinks it would be appropriate to issue a new advice on this matter, and that it is important to know the areas where the Commission would like to rely on an LDAC advice.

The representative of the EC, Ms. Desiree Kjolsen, declares that she will enquire on the areas where they would wish to receive feedback from the LDAC. She adds that, although the carding system has worked successfully, they still do not have an assessment of the IUU Regulation. In her opinion, the LDAC could tell the EC what has worked and what has not work from their point of view.

Mr. Julien Daudu suggests that the advice on IUU fishing should be updated once the advice on a level playing field is finalised. After some discussion, the following **ACTION** is agreed:

To prepare an updated LDAC advice on the implementation of the IUU fishing Regulation (including specific topics that may be put forward by the DG MARE unit in charge of IUU fishing, the importance of transparency in fishing activities, food security and the impact of environmental measures, among other).



8- Work plan on labour and social issues related to fisheries for the 2nd half of 2020

- 8.1. Secretariat report on LDAC joint work plan with EU Social Dialogue Committee (ETF-EUROPECHE)**
- 8.2. Proposal for a draft advice on transposition of key international conventions on maritime safety in fisheries.**

Mr. Alexandre Rodríguez, General Secretary, notes that so far in 2020 not much progress has been made regarding the social dimension of the CFP. However, the LDAC maintains its 2018 roadmap with the European Social Dialogue Committee. He highlights that it is important to resume this issue, review priorities and make an update taking into account the 2021 perspective.

In addition, complementing the main ideas of the roadmap, he points out the importance of reviewing the concept of fishing capacity.

Besides, he refers to the document *“Joining forces to shape the fishery sector of tomorrow. Promoting safety and decent work in fisheries through the application of international standards”*, published by FAO, that can be found on the following link: <http://www.fao.org/3/cb0627en/CB0627EN.pdf>

Due to technical problems with the audio setup, Ms. Mariana Toussaint, FAO, could not inform attendees on progress made regarding work on the Guidance on Social Responsibility in Fisheries and Aquaculture Value Chains and on FAO COFI perspectives.

N.B. Information received AFTER THE MEETING – FAO DOCUMENT PROVIDING GUIDANCE ON SOCIAL RESPONSIBILITY IN FISHERIES VALUE CHAINS:

FAO Sub-Committee on Fish Trade noted the work presented by the Secretariat on the COFI: FT / XVII / 2019/13 document and acknowledged the wide and inclusive consultation process leading to its development.

The Sub-Committee recognised the importance of social responsibility in fisheries and aquaculture sectors, and pointed out that it is a broad scope topic. The Sub-Committee highlighted that this work area is not part of FAO basic activities and requires close collaboration with other relevant specialised bodies, including ILO, IMO and OECD, to be consistent with the relevant conventions in force.

The Sub-Committee emphasised that any work carried out in this area should be specifically and technically related to the fisheries sector. The Sub-Committee also asked FAO to ensure that the language used reflects the voluntary nature of any guidance document. The Sub-Committee insisted as well on the fact that the results of this work should be non-binding, inclusive, practical and provide tangible guidance to help actors in the fisheries sector to apply the relevant existing instruments and guidelines, when appropriate, in support of social responsibility, and including an approach on the trafficking in persons and forced labour practices on fishing vessels. The Sub-Committee reiterated that all stakeholders should continue participating in the work of FAO.



In order to address these concerns, the Sub-Committee recommended that the Secretariat prepare a preliminary document providing further context on specific matters of the fisheries sector and identifying the potential role of FAO, in consultation with the Members.

The Sub-Committee requested that the analysis document provide a clear outline of the main challenges and identify essential stakeholders, including their basic roles, competence and mandates, and references to the relevant existing international instruments and tools, as well as identify other work and processes under way. The Sub-Committee requested that a document be provided at the following Sub-Committee meeting as a guideline.

ACTIONS:

- Dialogue priorities shall be reviewed and established to move forward with the roadmap between the LDAC and the EU Social Dialogue Committee member organisations (EFT and EUROPECHE) using the roadmap adopted in December 2018 as a reference.

- Mr. Daniel Voces, Europêche, will share with the LDAC a draft letter jointly prepared by EP-ETF for FAO to continue working on the implementation of international maritime safety instruments together with UN agencies, ILO and IMO, and supporting its recent publication and work on guidelines regarding this issue. Mr. Andrea Albertazzi, ETF, supported this initiative and suggested that the letter should be finally signed by the three organisations.

- ETF is organising a seminar with the Commission that will be held in the second half of November 2020. The LDAC will be invited to participate and explore new collaboration paths.

Closure

The Chair, Mr. Julien Daudu, thanks all attendees, the representatives of the EC, the interpreters and the LDAC Secretariat for the work put into this meeting.



(Annex I) List of attendees
LDAC Working Group 5 Meeting
Friday, 18 September 2020

WORKING GROUP MEMBERS

1. Julien Daudu. EJF
2. Daniel Voces. EUROPECHE
3. Iván López. AGARBA/CEPESCA
4. Béatrice Gorez. CFFA-CAPE
5. Rob Banning. DPFA
6. Pierre Commere. EUROTHON
7. Anna Boulova. FRUCOM
8. Haydeé Fernández. CONXEMAR
9. Juan Manuel Liria. CEPESCA
10. Sara Frocklin. SSNC
11. Katrin Poulsen. WWF
12. Julio Morón. OPAGAC
13. Anertz Muniategi. ANABAC
14. Yaiza Dronkers. IPLNF
15. David Troncoso. ANASCO
16. Javier Garat. CEPESCA
17. Felicidad Fernández. ANFACO-CECOPECA
18. José Beltrán. OPP-Lugo
19. Sergio López. OPP-Lugo
20. Rosalie Tukker. EUROPECHE
21. Caroline Mangalo. CNPMEM
22. Rosalie Crespín. CNPMEM
23. Stavroula KREMMYDIOTOU. EBCD
24. Despina Symons. EBCD
25. Vanya Vulperhorst. OCEANA
26. Joelle Philippe. CFFA-CAPE
27. Andrea Ripol. Seas at Risk
28. Edelmiro Ulloa. Anapa / Anamer / Acemix / Agarba
29. Alexandra Maufroy. ORTHONGEL
30. Andrea Albertazzi. ETF
31. Raúl García. WWF
32. Gerard van Balsfoort. DPFTA
33. Antonia Leroy. WWF
34. Anaid Panossian. CFFA-CAPE
35. Jacopo Pasquero. EBCD



OBSERVERS

36. Stefanie Schmidt. DG MARE EC (International Ocean Governance)
37. Desiree Kjolsen. EC DG MARE (IUU Fishing)
38. Mariana Toussaint. FAO
39. Matthew Gianni. DSCC
40. Sophia Kochalski. GIZ
41. Alberto Martin. MSC Spain
42. Carlos Ossorio. Secretariat General for Fisheries (SGP) Spain
43. Anna Gruszczynska. Polish Ministry of Maritime Economy & Inland Navigation
44. Irene Vidal. EFCA
45. Mike Park. SWFPA
46. Pedro Reis. MAC
47. Selene Álvarez Pena. PEW
48. Sonia Doblado. FARFISH/ LDAC
49. Alexandre Rodríguez. LDAC
50. Manuela Iglesias. LDAC
51. Marta de Lucas. LDAC