

MINUTES

24th LDAC Working Group 5 Meeting HORIZONTAL ISSUES

**Thursday 28 March 2019, 09:00-16:00h
Hotel NH Brussels EU Berlaymont
Boulevard de Charlemagne 11-19 – 1000 Brussels**

1- Welcome and opening of the meeting.

The Chair, Ms. M^a José Cornax, welcomes all attendees.

2- Approval of the minutes of the last WG5 meeting – Brussels, 24 October 2018.

The minutes from 24 October 2018 are approved with no additional modifications to those already sent in writing by the attendees to that meeting.

3- Approval of the agenda.

The agenda is approved with no modifications or additional items to be included.

4- Identification of aspects to be addressed regarding trade agreements and promoting a level playing field among EU and non-EU operators for fisheries products marketing: collaboration with MAC

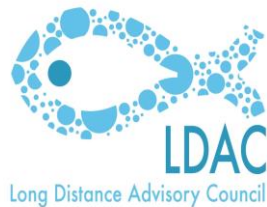
4.1. MAC report on focus group on level playing field / WG2: collaboration with LDAC

4.2. Identification of subjects for LDAC work on trade and markets.

The Chair, M^a José Cornax, says that the LDAC has started conversations with the MAC in order to study potential collaboration areas between both Advisory Councils for issues of common interest.

Mr. Alexandre Rodríguez, General Secretary, introduces the topic explaining that before the MAC was set up, the LDAC was the AC in charge of market issues, and as such, it has over 10 years' experience and has issued numerous opinions on aspects relating to the implementation of trade agreements, or generalised scheme of preferences for countries like Ecuador or Philippines.

In addition, given its membership it focuses on horizontal issues linking fisheries and commercial policies with aspects of the fight against illegal, unreported and unregulated fishing, development cooperation, international provisions in terms of labour or human rights, among other.



Furthermore, Mr. Rodríguez recalls that since the creation of WG5, representatives of the European Commission (DG MARE and DG TRADE) have been invited to attend the meetings and make presentations on these issues. Since the creation of the MAC, Mr. Rodríguez, in his capacity as Secretary, has participated as permanent observer appointed by the LDAC in MAC WG2 and WG3 in order to reflect upon ways of collaboration between both bodies.

He informs that the MAC has set up a focus group to study the commercial and regulatory compliance terms that apply to EU and non-EU operators to promote a level playing field regarding the marketing of fisheries products (whether fresh, chilled, processed or transformed products).

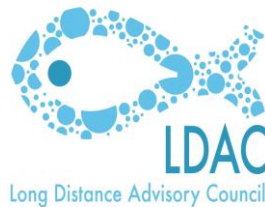
The WG5 Chair thanks the Secretary for his contribution and invites Mr. Pierre Comerre, member of the MAC and the LDAC and Chair of the focus group, to inform about the work carried out in this group. Mr. Comerre says that the focus group held two meetings where they decided to examine issues relating to unfair competition between EU and non EU operators using case studies and specific analyses. They tried to identify the regulatory framework including, among other instruments, the regulations and rules applicable to the CFP, to fisheries control, the fight against IUU fishing, common market organisation, as well as in terms of hygiene and health, customs organisation and trade defence. At the first meeting held in May 2018, examples of cases were identified and speakers were appointed within the members of the focus group to make progress. He points out that they have excluded the regional dimension to simplify the analytical and comparative method.

More precisely, they agreed to work on the following pillars:

- 1) Identifying EU legislation to set a level playing field and analyse the situations in terms of competition in the internal market in the different EU countries;
- 2) Analysing the practical implementation of regulations by Member States;
- 3) Identifying whether there are legislative measures in the EU that can be applied out of the EU territory within the boundaries of their jurisdiction. This is very important for the fight against IUU fishing, as well as for labour issues. They wish to analyse the role of the EU in international bodies, such as CBD, UNGA, RFMOs. At this point, potential collaboration with LDAC is mentioned;
- 4) Carrying out research work on national legislations (traceability, consumption, customs, etc.) that bring advantages or disadvantages within or beyond Member States.

The deadline for the different stakeholders, including all parts of the value chain in the fisheries sector and NGOs, to send contributions to the MAC Secretariat is the end of March. He highlights that LDAC participation is welcome to inform on the work of this focus group.

Mr. Daniel Voces, Europêche, congratulates Mr. Comerre for coordinating this group. He then informs that they sent a document regarding item 2. They are currently drafting a document on the SMEFF Regulation. They have verified that the implementation level varies dramatically from one country to another. Regarding the first point, he highlights that there were cases of inequality in terms of measures within the EU and out of it. Some examples are EU legislation



regarding the fins-attached policy for sharks, red tape for the processing and issuance of health certificates when importing products, among other.

Ms. Béatrice Gorez, CFFA-CAPE, also congratulates Mr. Comerre. As for item 3 relating to EU legislation and measures that may be implemented outside the EU without interfering with their own national policies, such as free trade agreements with Thailand or Vietnam, or the generalised scheme of preferences with countries like the Philippines, she highlights the chapter on Sustainable Development. In addition, she says that European participation in RFMOs and in other bodies such as FAO is essential. She points out that, in the case of imported products, for instance in aquaculture, there are different applicable regulations regarding the use of antibiotics or the control of the different life cycle phases of the product.

Mr. Daniel Voces, Europêche, declares that LDAC contributions will be welcome and suggests these should be sent to the MAC Secretariat.

Ms. Béatrice Gorez, CFFA-CAPE, clarifies that the technical conditions applied to the European fleets shall also be applied to non-European fleets, something that the EC shall really take into consideration when negotiating sustainable fisheries partnership agreements (SFPAs).

Mr. Ment van der Zwan, Europêche, highlights that in the negotiations concerning SFPAs, the European Commission shall pay closer attention to the opinion of the sector and of the NGOs.

Ms. Vanya Vulperhorst, OCEANA, suggests that considering that the LDAC has been discussing these topics for a long time, she finds it very positive that drafts prepared by this MAC group of experts are shared with the LDAC, once they have been developed.

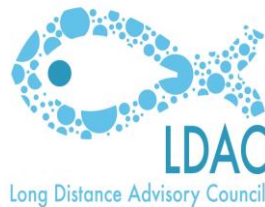
Mr. Alexandre Rodríguez, General Secretary, points out that among the LDAC members there are experts that can contribute their view and knowledge, as it was evidenced with opinions on the implementation assessment of SGP+ in the Philippines

Ms. M^{re} José Cornax, WG5 Chair, insists on the fact that rather than collaborating with the MAC, the LDAC should carry out its own debate and work organisation regarding these topics, separately from the MAC.

Mr. Iván López, AGARBA/CEPESCA, voices his agreement with Ms. Cornax and highlights the importance of the LDAC sending its opinions on these matters to the MAC and subsequently to the EC.

In his opinion, the LDAC should continue discussing issues such as control of imports, since it is important that we offer our perspective and point of view with a higher influence of the catching fleet. He requests that the MAC deliberative bodies be more transparent.

Mr. Pierre Comerre, FIAC/AIPCE, informs that there is a specific focus group working on this topic and that WG2 is trying to move forward in this regard. He agrees with the fact that the LDAC and the MAC exchange information or even strive to achieve a single document with a common position in order to submit joint opinions to the EC instead of two opinions on the same topic with different conclusions, something that would only generate confusion.



Ms. M^a José Cornax, OCEANA, thinks that we should know the issues that are being addressed within the MAC and identify other topics that are of interest to the LDAC even if they are not discussed there. Moreover, she believes it would be positive to draft MAC and LDAC opinions in a complementary way.

Ms. Béatrice Gorez, CFFA-CAPE, believes that the document ought to be finished within the MAC focus group, but that they should contact the LDAC to see the possibility of including an additional topic or issue. She thinks it is convenient that both the LDAC Secretary and those interested common members attend the MAC WG2 meetings to follow up on progress made and have more informed discussions within LDAC WG5, achieving more fruitful debates this way.

Mr. Ment van der Zwan, Europêche, points out that there is nothing to negotiate in labour terms, since there is an international regulation containing the minimum standards to be met.

Mr. Iván López, AGARBA/CEPESCA, thinks that it is not a question of entering into competition or conflict with another AC, but rather of finding a balance.

Ms. Béatrice Gorez, CFFA-CAPE, thinks that just like the LDAC may issue its own opinion and send it to MAC WG2, the latter can do the same thing.

Mr. Juan Manuel Trujillo, ETF, supports that both ACs continue working together and agrees with Mr. van der Zwan's words.

Ms. M^a José Cornax, OCEANA, suggests that once we have access to the document from the MAC focus group, we should review it and discuss it within the LDAC.

After discussing this issue, the following **actions** are agreed:

- **To find a coordination formula with the MAC/EC to be informed about the state of play of negotiations and technical meetings in terms of trade agreements.**
- **Once we have access to the document from the MAC ad hoc group on unfair competition issues, it will be reviewed and discussed within the LDAC.**

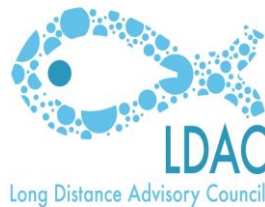
5- Labour and social issues related to fisheries

5.1. LDAC strategy: Action plan with the EU Social Dialogue Committee on the

Application of international regulations on safety at sea

Mr. Ment van der Zwan, Europêche, summarises the most important points in the ILO Convention No. 188 regarding labour aspects in the fisheries sector, indicating that it is a good time to promote the ratification of this instrument and that, to this end, the LDAC help is necessary. In addition, he proposes to identify the negative aspects regarding failure to comply with labour and social rights in fisheries.

He informs that the members of the EU Social Dialogue Committee (management and labour) have already held meetings with DG MARE in this forum about many aspects related to safety



at sea such as: ratification by EU countries of the Torremolinos and Cape Town Conventions, of the IMO Convention on Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), aspects regarding migrant workers, etc. Finally, he recalls that the Social Dialogue Committee participates in the project Pillars of the Sea.

Mr. Juan Manuel Trujillo, ETF, thanks Mr. van der Zwan for the summary and points out that ETF is fully involved with and committed to the work carried out in the EU Social Dialogue Committee.

Mr. Daniel Voces, Europêche, says that social and labour issues in fisheries are a priority for his organisation. He informs that at the end of October an IMO Conference will be held in Torremolinos (Spain) on the ratification of the Torremolinos Convention where the Social Dialogue Committee has planned to be present and to organise a workshop to promote the ratification of ILO C188.

The representative of the EC, Mr. Raymond Maes, is grateful that the Advisory Councils, and the LDAC in particular, show an interest in the social dimension of fisheries. He thinks that this is a very positive initiative, and encourages coordination of all efforts among the different representation bodies of the stakeholders for these messages to be strong and to make the social dimension of the CFP more visible. In addition, he commits to keeping his colleagues from DG EMPL informed.

Mr. Maes highlights the importance of ratifying IMO STCW-F and its entry into force. Regarding ILO C188, he recalls that, even if it has entered into force, only fourteen Member States have ratified it across the world and there are three that expect to do so very soon.

He also says that they are facing a very positive period of dialogue with the main EU social partners regarding fisheries

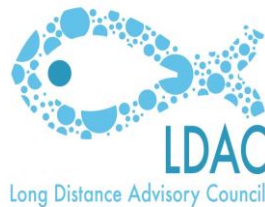
Mr. Ment van der Zwan, Europêche, congratulates DG MARE for the progress achieved in terms of regulations, including the Directive on the Agreement of Social Partners. However, he adds that the number of countries ratifying IMO and ILO conventions on average is very low.

Mr. Iván López, AGARBA/CEPESCA, highlights the importance of ratifying the STCW-F Convention in fisheries. He also considers it is very necessary to ensure the free movement of workers in a level playing field free of discrimination.

Mr. Alexandre Rodríguez, General Secretary, informs that in order to support this topic the LDAC is planning a workshop for 23 May, right after the Annual General Assembly, which is expected to be attended by ETF, IMO, ILO, EC and FAO as main speakers. At this event, the idea is to identify key working areas and to progress in a common roadmap with measurable objectives.

The following **action** is agreed:

- **To organise a workshop on the social and labour dimension of fisheries on 23 May after the General Assembly to be held in May in Sopot, Poland.**



5.2. FAO Consultation on Social Responsibility in the fisheries value chain

The General Secretary introduces this point saying that this consultation comes from a mandate of the FAO Committee on Fisheries (COFI) in June 2018, granting the Sub-Committee on Fish Trade (FT) a mandate to develop a guidance document on social responsibility in the fisheries value chain, similar to the OECD-FAO guidance for responsible agricultural supply chains.

Mr. Rodríguez recalls that the LDAC has been invited to participate in the consultation process, as well as to take part in multiple regional conversations to be held throughout 2019. He reminds attendees that the LDAC sent a letter together with Europêche and ETF in February requesting to include ILO and IMO in the consultation and to quote the international legal instruments in terms of safety at sea and for the fisheries sector. In addition, he says that FAO expects to launch a written consultation on the draft guide by means of an online digital platform in the summer. The final aim is to adopt a document at the COFI 2021.

Ms. Béatrice Gorez, CFFA-CAPE, highlights that both social problems and labour conditions in the fisheries sector as a whole across the world have still wide room for improvement and go beyond the effective implementation of the international Conventions appointed in the previous point. She points out the importance of covering all of the value chain from a gender-based perspective, including the role of women in fisheries or in training aspects in hygiene, safety and social protection.

Mr. Ment van der Zwan, Europêche, welcomes FAO's initiative, but highlights that ILO has to be included as competent body in this matter with tripartite membership (employers, unions and governments) In addition, he insists that, although there are a series of minimum standards for fishers, the situation is different in the processing sector and aquaculture. The whole value chain shall have a series of minimum standards regarding labour conditions. He points out that FAO guidelines for securing sustainable small-scale fisheries devote a specific chapter to social conditions.

5.3. Work schedule and actions to carry out

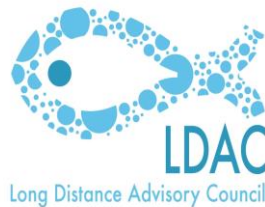
The following **action** is agreed:

- **To send the information on the FAO Platform to all members as soon as it is available, as well as to study the possibility of organising a side event in the COFI and FAO framework in 2020.**

6- International Ocean Governance.

Mr. Ramón van Barneveld, EC, makes a presentation on the Communication Progress Report recently published by the Commission under the title *"Improving international ocean governance: two years of progress"*

He highlights that the agenda for the future of our oceans led by the EU External Action Service (EEAS) and the Commission (EC) includes improvement of the international regulatory



framework in terms of governance, measures to achieve a sustainable blue economy and improvement of international research and data regarding the oceans.

He points out that currently there are 50 actions being successfully developed, some of which are in progress and others have already been completed.

The complete presentation is available on the following link on the LDAC website:

https://ldac.eu/images/EC_Presentation_on_Progress_report_International_Oceans_Governance.pdf

Ms. Stefanie Schmidt, EC, informs about the creation of a forum or platform of EU stakeholder experts to analyse and discuss issues to be developed in terms of governance from a multi-sector and multidisciplinary perspective. In addition, he says that the agenda on blue growth includes a proposal about seabed mining in the high seas. Moreover, he explains that, regarding the EU agreement with Korea on the fight against IUU fishing, the EU took the initiative to set areas of Vulnerable Marine Ecosystems mapped across Spain, where Korea commits not to fish.

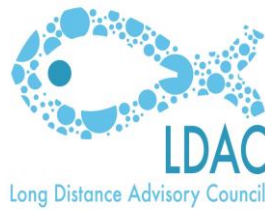
Ms. Vanya Vulperhorst, OCEANA, requests the global record of fishing vessels to be strengthened and improved and highlights that many fields are not covered by the EU. Regarding the implementation of the SMEFF Regulation, she points out that the public database of vessels authorised to fish in non-EU waters is expected to be available soon.

Ms. Béatrice Gorez, CFFA-CAPE, explains that South Korea was able to sell fisheries products originating from IUU fishing in their domestic market, so she would like to know what the EU is doing to ensure that committed countries meet their commitments.

The representative of the EC, Mr. Van der Baneveld, replies that the EC is in the process of assessing how effective the application of Vulnerable Marine Ecosystems (VMEs) is regarding Korea, and that they will soon meet in Seoul.

As for the global record of fishing vessels, they are in the operational application stage to integrate all the necessary information and contribute to the implementation of the FAO Agreement on Port State Control Measures (PSMA)

Regarding underwater mining, he recalls that the European Commission has observer status at the International Seabed Authority (ISA), with EU Member States being contracting parties. He acknowledges the efforts made by this organisation to improve transparency and to set open and public consultation processes to adopt a Mining Code with a future Exploitation Regulation. He insists that it is essential to find a balance between the benefit for society or the common good of humanity and the protection of the environment. In this regard, the Commission notes that the European Parliament has adopted a resolution requesting a moratorium on underwater mining in international waters based on the precautionary approach. As for the conclusions of the Council, no reference was made to them.



Ms. Ann Dom, Seas at Risk, says that the communication on oceans has a part devoted to seabed mining and that the Deep Sea Conservation Coalition (DSCC) supports an international moratorium on the exploitation of underwater mining in the high seas.

Mr. Iván López, AGARBA/CEPESCA, clarifies that the EU-Korea joint statement is limited to illegal fishing. He points out that the EU continues to support and make an effort so that no fishing takes place in specific areas, but it would also be useful to restrict other activities that also affect the seabed, so that big mining companies do not carrying out their activities in the Arctic or in other areas in the high seas. He knows that this will take long conversations throughout time, so the EC should say something about it. In his opinion, mining will have a very big impact on the seabed, and he hopes that the LDAC prepares a draft proposal in this regard.

The representative of the EC, Mr. Ramón van Barneveld, says that the Agreement with the Arctic does not include the seabed, it is an area that has not been studied in depth. Although there are no fisheries in the Arctic for the time being, there could be in the future. Besides, he says that there are currently no mining activities being carried out in the area. A precautionary approach has been adopted until knowledge about the area is improved.

Then, the representative of the EC informs about DG DEVCO projects. He highlights that there will be a programme for ACP countries about the fisheries value chain, with a budget of EUR 14 million, starting on January 2020. It focuses on the analysis of specific value chain cases covering imports to improve sustainability from social, environmental and economic points of view, which are the most important ones. A call for proposals will be launched for ACP countries to submit theirs. In addition, he says that a side event will take place in connection with this programme within the framework of Our Ocean Conference to be held on 23 and 24 October in Oslo.

Regarding the PESCAO programme, he says that the activities are being developed as planned with the participation of EFCA. The ECOFISH programme is also being implemented in the Indian Ocean ("SMARTFISH 2").

Agreed **action:**

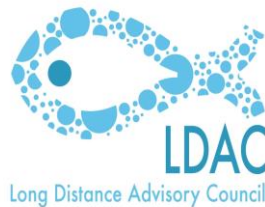
- **The presentation on international governance will be uploaded onto the LDAC website.**

6.1. Comments on the EC reply to the LDAC opinion on International Fisheries Governance (December 2018).

Mr. Alexandre Rodríguez, General Secretary, informs that the EC reply to the LDAC opinion on international governance received in January has been distributed, and gives a summary of it. Link on the LDAC website:

[https://ldac.eu/images/Reply_to_LDAC_Recommendations_on_EU_Role_on_International Fisheries Governance Jan2019.pdf](https://ldac.eu/images/Reply_to_LDAC_Recommendations_on_EU_Role_on_International_Fisheries_Governance_Jan2019.pdf)

6.2. Draft opinion on prohibition of harmful subsidies to fishing activities.



Mr. Frédéric Le Manach, Bloom, declares that they have been working on a draft opinion on this matter for some time. In November 2018, the EC reopened the issue of State aid for outermost regions, including direct aid for building of vessels of more than 20 metres in length, going against the WTO mandate, in his opinion, as the main aim was to put an end to any type of subsidy directly contributing to overcapacity and overfishing.

Regarding the EMFF, he informs that right now the new fund is being negotiated, which will have a temporary horizon from 2021 to 2027. The European Parliament's Committee on Fisheries has already proposed several amendments to the Commission text, and the plenary vote is expected to take place on 3 April.

In virtue of the above and the changes made, he explains that the draft opinion ought to be reviewed and some points modified in order for the document to be more robust and to send a clear message to the EU.

Mr. Alexandre Rodríguez, General Secretary, points out that this discussion has been going on for a long time with no progress or new texts proposed, so he expects a new draft be presented at the next Working Group 5 meeting. In his opinion, a focus group shall be set up to prepare the new version of the document including representatives of the fisheries sector and other stakeholders to improve the document. Mr. Daniel Voces, Europêche, shows interest in being part of this focus group together with Mr. Le Manach and Ms. Gorez.

The following **action** is agreed:

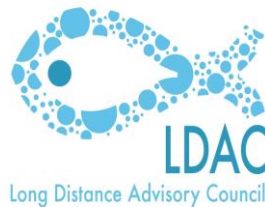
- **To set up a focus group to prepare a draft opinion on the prohibition of harmful subsidies to fishing activities with representatives of the sector and of other stakeholders. Mr. Voces, Mr. Le Manach and Ms. Gorez wish to be part of this group.**

6.3. Position draft on the prohibition of underwater mining in the high seas.

Presentation of the problem by the invited expert

Mr. Matthew Gianni, Deep Sea Conservation Coalition, informs that there is a new draft of the ISA mining code that will be discussed in two Council and Assembly sessions to be held in March and July this year. A royalty awarding system is also being discussed to allocate the money obtained with the permits in the common benefit of humanity. However, it does not seem a very large amount, in a range from EUR one hundred thousand to EUR one million to distribute among each beneficiary State. In addition, he explains that in March two companies with licence for mining activities, Global Sea Resources and Deep Green, have shown an interest in performing exploratory drilling projects and developing machinery for extraction. He highlights that the ISA Secretary-General, Mr. Lodge, recently voiced his advocacy in support of the need for deep seabed mining extraction in public fora, and insisted that there are many countries supporting them, such as China, India, Russia or the USA, among other.

In the case of the EU, there are several countries, such as Belgium, Poland, Italy, Germany or France, that are active within ISA. Their representatives are usually diplomats or civil servants from the ministries of industry, science or development that are not familiar with fisheries or environmental issues.



Exploration licences have already been awarded in areas where there are also fishing grounds, as it is the case of the Indian Ocean. Some companies are sure that in the Clarion Clipperton zone they could start commercial underwater mining activities as of 2023.

The positive note is that the UN Declaration regarding SDG14 includes the need for an international moratorium of a minimum of 10 years on underwater mining, based on the precautionary approach on the grounds of the lack of studies and scientific data. Furthermore, the UN Special Envoy for the Ocean and SDG14, Mr. Peter Thompson, has requested a moratorium of ten years to be consistent with the UN Decade for Ocean Sciences.

Moreover, the representatives of the submarine cable industry, that participate in ISA as observers, also expressed their concern for the recent regulatory developments, as they have millions of euros at stake due to their cable network, which is thousands of kilometres long. In this sense, they have signed an MoU to minimise conflicts of use between both sectors and carry out a risk assessment and analyse how responsibilities are shared.

In addition, he says that even though the EU cannot influence the position of the EU Member States regarding underwater mining, it does finance some research projects for underwater mining techniques, and mentions as an example the BLUE KNOWLEDGE project with tests being conducted in the coast of Málaga to extract polymetallic iron and manganese nodules 300-400 metres deep. He recalls that this issue does not fall under DG MARE's competence only, but under many other DGs', such as DG Enterprise and Industry.

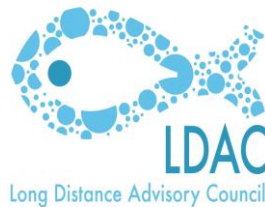
Finally, he says that a coalition of over 50 environmental NGOs have submitted views against this process for a Regulation on Exploitation and the adoption of a Mining Code by ISA in the future. A benefit for humanity that can go against healthy deep-sea habitats or ecosystems cannot be conceived.

Questions and comments voiced by the members on the LDAC draft opinion

Mr. Edelmiro Ulloa, Anapa/Anamer/Acemix/Agarba, agrees with the content and demands of the LDAC draft opinion. He says that he is surprised to see how some EU Member States and some third countries, such as Norway or the United States, in some cases deprecate the impact of bottom trawler fishing but not that of seabed mining activities extracting mineral resources.

Mr. Iván López, AGARBA/CEPESCA, thinks that it is important to inform and raise awareness about these issues among the representatives in charge of these matters in international negotiations, engaging the competent DGs of the European Commission as well. He also believes that it is very important to coordinate the work with RFMOs and to make the most of the studies and knowledge on VMEs and ecosystem management that they have (e.g. NAFO or NEAF-OSPAR).

Mr. Raúl García, WWF, recommends the adoption of a holistic approach and the analysis of the case of mining together with fisheries and other uses of the high seas in the negotiation framework of the BBNJ Treaty. In his opinion as LDAC member, both the fisheries sector and the NGOs agree on this issue where they request a moratorium and robust impact assessment



studies, and he highlights the importance of participating in international and multilateral fora where these matters are addressed insofar as possible.

Mr. Matthew Gianni, Deep Sea Conservation Coalition, points out that Norway will chair the panel on oceans at the International Conference Our Ocean to be held in Oslo in October, and that it is a good opportunity to demand greater accountability and consistency in the sustainable use of oceans by means of good governance.

The following **actions** are then agreed:

- **WG5 members unanimously approve the LDAC draft opinion with no objections but with small modifications to be sent to the ExCom to be adopted at the plenary session in May.**
- **The LDAC and DSCC shall prepare press releases to be sent to the written media contact network.**

6.4. Preparation of an LDAC position paper on performance reviews of RFMOs: participation at UN Conference (New York, 2-3 May 2019)

Ms. M^a José Cornax, OCEANA, informs that the EU has invited the LDAC General Secretary to participate in the UN Intergovernmental Conference of the Parties on 2-3 May in New York. If the members grant him their mandate, the Secretary will participate in a panel of experts to comment on the LDAC experience in the consultation structure and process carried out regarding the performance review of RFMOs.

After some ideas and comments are voiced by the members about some points to be included in the presentation, the General Secretary's participation in this Conference is approved. To this end, he will prepare a draft concept note and a visual presentation that will be shared and distributed for members to review it and send their observations. Based on this presentation, a draft opinion will be issued including the conclusions of the United Nations panel.

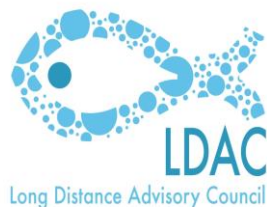
The following **actions** are agreed:

- **The General Secretary will participate in the United Nations Conference in New York on 2-3 May 2019.**
- **Preparation of a draft concept note and a presentation that will be sent to the members for them to review it and make comments.**
- **A draft opinion will be prepared based on the presentation and the conclusions of the United Nations panel.**

7- Review of EU fisheries control systems and application of the EU Regulation on Sustainable Management of the External Fishing Fleet (SMEFF).

7.1. Report of the Commission on the review of the Fisheries Control Regulation

WG5 Chair, Ms. M^a José Cornax, explains that the representative of the EC, Ms. Francesca Arena, who was going to inform in detail about this point has just notified her absence to the meeting.



In her absence, her colleague Ms. Laurence Cordier, recalls that the EC reviewed and sent its proposal of Regulation at the beginning of 2018 and at the moment it is being reviewed by the European Parliament within the co-decision ordinary legislative procedure.

Mr. Pierre Comerre, FIAC/AIPCE, explains that the MAC sent its position on this matter and, in its response, the EC informed them that a specific seminar on fisheries products traceability would be held.

Ms. Laurence Cordier, EC, confirms that they will hold this seminar in order to examine existing practices and tools. It is planned to be held in October 2019.

The following **action** is then agreed:

- **To invite the EC again to offer an update on the state of play of negotiations and the review process of the Control Regulation at the next WG5 meeting to be held in October/November.**

7.2. Presentation of the LDAC letter on the application of the SMEFF Regulation

Ms. Vanya Vulperhorst, OCEANA, summarises the content of the draft letter she has written together with Mr. Daniel Voces, Europêche, requesting the EC to present a public database, which is a compulsory requirement of this regulation in force.

The draft letter about SMEFF was approved by the group, so it will be sent to the ExCom members for them to approve it and send it.

Finally, Ms. Béatrice Gorez, CFFA-CAPE, informs that the EC will prepare an internal report specifying the capacities of Member States, as well as the deficiencies and gaps of the SMEFF Regulation.

The following **actions** are then agreed:

- **To send the LDAC letter on the SMEFF Regulation to the ExCom members for them to approve it and subsequently send it.**
- **The LDAC Secretariat will be awaiting the publication of the internal report on the capacities of Member States, deficiencies and gaps of the SMEFF Regulation by the EC, to distribute it among the members as soon as it is available.**

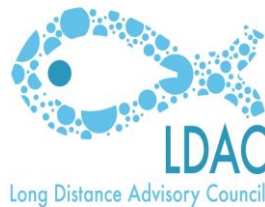
8- Fight against illegal, unreported and unregulated fishing (IUU)

8.1. Report of the Commission on the yellow and red carding process

8.2. Follow-up of opinions on improvement of the application of the IUU Regulation

8.3. Issues related to the review of the EU Fisheries Control System

Electronic catch certification system CATCH



The representative of the EC, Mr. Pawel Swiderek, informs that the Commission Proposal to review the EU Control Regulation included changes in Chapter III of the Regulation against IUU fishing 1005/2008, regarding the introduction of an electronic system to manage catch certificates (*electronic catch certificate system*).

The first electronic version, CATCH 1.0, is expected to be officially launched on 7 May, during the Seafood Expo in Brussels, with the participation of Commissioner Vella. The operational phase of this electronic system will start in May, opening a pilot phase. The idea is that fishing companies and operators gradually take this technology in.

Mr. Swiderek clarifies that in the current regulation there is no legal obligation to adhere to the electronic system. It is still in a voluntary phase until the Regulation is amended with the relevant legal provisions. In addition, he confirms that in the future this system will continue to be developed in new improved versions.

Questions asked by the members

Ms. Anna Boulova, FRUCOM, enquires about South-East Asian countries. Moreover, regarding the electronic catch certificates, she points out that letters of credit are used in international trade, where hard copies with documentation are requested to be sent to the banks. Therefore, she highlights the importance of it being possible to additionally have printed documents and not get rid of all paper documents.

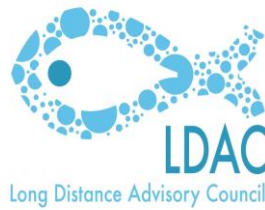
Ms. Vanya Vulperhorst, OCEANA, asks whether DG MARE considers that third countries may directly provide the system with information.

The representative of DG MARE, Mr. Swiderek, replies that paper documents are not going to disappear, that it will be a progressive and voluntary process. To have a digitised system would mean to have digital signatures, but they are lagging behind in this regard. They wish to achieve this aim in the short term.

They will be in contact with pre-identified countries on a regular basis. He says that there are countries like Panama or the Philippines that are important suppliers for them. Even though using an electronic system involves risks in terms of verification, they have collaborated with RFMOs to fight against IUU fishing activities.

Another important aspect of the electronic catch certification system is the legal framework, since it should be borne in mind that forcing its use could bring about commercial problems with the WTO. It is essential to ensure that the data introduced are correctly stored in the database.

He says that they wish to promote the use of this system in third countries exporting products to the EU market before the summer. It has been built on the basis of the TRACES system technology of DG SANTE, so many states are already familiar with the software, and they are receiving positive comments from third countries wishing to actively participate by providing data.



Mr. Alexandre Rodríguez, General Secretary, asks about the joint opinion drafted by the LDAC with MAC and MEDAC regarding the effective implementation of the Regulation against IUU fishing, and delves into the catch documentation system and catch certificate models. He would like to know whether CATCH 1.0 has integrated or at least there are plans in the medium term for it to have an automatic verification system for catch certificates rejected in other countries in real time with alerts to help out the Member States competent authorities. In addition, he says that one of the recommendations in this opinion was the mutual assistance system for Member States, but there are concerns as some Member States do not seem to be making use of it.

The representative of the EC, Mr. Pawel Swiderek, explains that the development of this CATCH 1.0 system has been carried out with a group of competent authorities of Member States and operators to test it and provide some feedback. The inclusion in the future of an automatic verification and alert system is under consideration. The idea is to have a system at European level, so that verifications are ensured in order to avoid fraudulent double entry of products from IUU fishing in the EU market.

Regarding the risk analysis methodology, he informs that Member States have the authority to establish their own criteria based on EU definitions and to grant different priorities depending on risk levels. The EFCA methodology is there to help those who need it.

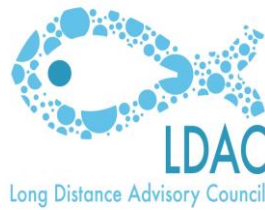
In terms of mutual assistance regarding the rejection of lots or batches, the EC has no authority to initiate research processes, adopting a coordinating or facilitating role. Therefore, the CATCH system will not perform that task, but simple verification.

Questions relating to the yellow and red carding process

Ms. Antonia Leroy, WWF, enquires about the state of play of negotiations with South Korea and asks whether there has been interaction with the negotiation of any of the countries with which the EU has signed an SFPAs, such as Madagascar. She also asks about conversations with Malaysia, Philippines and Indonesia.

Regarding Korea, the representative of the EC, Mr. Pawel Swiderek, informs that in 2015 the yellow card was removed and became green. They meet with them once a year, in fact, he points out that last year they signed a joint declaration against illegal fishing. The working group on the fight against IUU fishing reviews the legal framework for deep-sea fishing. However, even if it is necessary for them to implement regulatory adaptations, they trust the Korean authorities will continue to collaborate with them in the future. They believe the review will allow solving the problems detected in the identification phase of fishing vessels in long distance waters.

Regarding Madagascar, he says that the unit in charge of SFPAs has a high level of work and does not get involved in all SFPAs countries in the region. At this moment in time, they have no contact with the Madagascar authorities, since it is a question of priorities and political will. Nevertheless, he informs that they will soon travel to South-East Asia to encourage debate and bilateral cooperation with the Thai authorities.



Regarding Thailand, he highlights the government's willingness to meet the commitments acquired. They will meet up to talk about technical aspects and improve communication aspects.

As for Cambodia, he points out that since 2014 they work in coordination with the authorities and they try to heighten their interest in fisheries, in fact, DG DEVCO has important financial resources for the fisheries sector, so they hope that they carry out the necessary reforms and continue reviewing their legal framework.

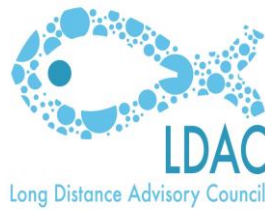
Ms. Béatrice Gorez, CFFA-CAPE, enquires about the situation in Liberia and Sierra Leone.

Ms. M^a José Cornax, OCEANA, asks whether DG MARE has followed up on the Operation Tarantelo against illegal trade of bluefin tuna in the Mediterranean. Mr. Juan Manuel Liria, CEPESCA, informs that CEPESCA has appeared as private plaintiff in this legal procedure open in Spain.

Mr. Björn Stockhausen, advisor to the Green Party at the European Parliament, enquires about activities in China and whether they are controlled by third countries and whether the EU has held formal meetings with Chinese representatives.

The representative of the EC, Mr. Pawel Swiderek, answers the questions asked:

- Regarding Sierra Leone and Liberia, he says that the DG DEVCO regional project PESCAO is going to provide training to inspectors in these countries through the EFCA. He highlights that both Liberia and Sierra Leone are cooperating, although there are factors, such as corruption or political instability that ought to be taken into account. Commissioners Vella and Juncker have agreed to cooperate with both countries regarding the fight against IUU fishing by means of a political commitment.
- He highlights that countries in the Pacific Ocean, like Kiribati and Taiwan, are cooperating.
- Regarding the Operation Tarantelo, he refers us to Ms. Francesca Arena, head of the DG MARE control unit, who is the person in charge of informing us on this relevant issue.
- There have been no developments in Comoros (red card); messages have been sent on a regular basis, but no response has been received in the last two years regarding the identification of vessels in their registration. They are cooperating with FAO, the World Bank.
- Regarding China, he informs that they have a working group on illegal fisheries with workshops to improve catch certificate data and models. He comments that the Chinese authorities ask and discuss with the EC issues related to sanctions and IUU fishing. They are compiling information sent by the countries and they have been sanctioning and withdrawing fishing licences from non-complying vessels for nearly



two years, they have even suspended companies for fishing illegally. They insist that the fight against IUU fishing is present in the ocean partnership initiative.

9- Update on the H2020 FarFish Project: Work priorities and schedule.

Ms. Sonia Doblado, LDAC coordinator of the FarFish project, makes a presentation giving updated information about the case studies and the project:

She informs that, since the last meeting held in March, the FarFish team has made a lot of progress. The main milestones achieved are:

- First version of the Management Recommendations finished for each case study.
- Launching the course on Marine Management and Innovation. From the LDAC, we have developed the modules on legislation for this course, with Mr. Alexandre Rodríguez appointed as teacher.
- Organising the international workshop “Taking fisheries sustainability to the high seas: the case of the Atlantic, South-East - FAO41”.

Future actions and results will be presented and discussed (such as an International Conference on management of area FAO41).

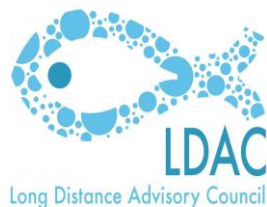
Attention should be drawn to the fact that the LDAC has sent representatives to the WKSCINDI workshop organised by ICES, the report of which has been made publicly available, and it can be checked on the LDAC website, on the section focusing on the next WG5 meeting.

The presentation is available on the following link:

https://ldac.eu/images/Presentaci%C3%B3n_Farfish_GT5_Bruselas.pdf

10- AOB.

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

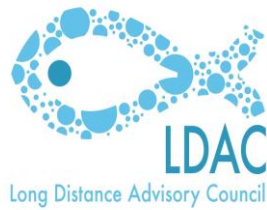


ANNEX I. LIST OF ATTENDEES AT WG5 MEETING

Brussels, 28 March 2019

WORKING GROUP MEMBERS

1. María José Cornax. OCEANA
2. Béatrice Gorez. CFFA-CAPE
3. Anna Boulova. FRUCOM
4. Edelmiro Ulloa. Anapa / Anamer / Acemix / Agarba
5. Katarina Sipic. CONXEMAR
6. Haydeé Fernández. CONXEMAR
7. Juan Manuel Liria. CEPESCA
8. Raúl García. WWF
9. Antonia Leroy. WWF
10. Katrin Vilhelm. WWF
11. Sophie Nodzenski. EJF
12. Erik Olsen. Danish Society for a Living Sea
13. Julio Morón OPAGAC
14. Anertz Muniategi. ANABAC
15. Orestis Kargotis. EBCD
16. Marc Ghillia. UAPF
17. Caroline Mangalo. CNPMEM
18. Iván López. AGARBA/CEPESCA
19. Javier Garat. CEPESCA
20. Miriam Costas Pérez. ANFACO-CECOPECA
21. Sergio López. OPP-Lugo
22. Pierre Comerre. FIAC/AIPCE
23. Luis Vicente. ADAPI
24. Frédéric Le Manach. BLOOM
25. Daniel Voces. Europêche
26. Rosalie Tukker. Europêche
27. Ment van der Zwan. Europêche
28. Juan Manuel Trujillo. ETF
29. Vanya Vulperhorst. OCEANA
30. Ann Dom. Seas at Risk
31. Juana Parada. ORPAGU



OBSERVERS

MEMBER STATES - NATIONAL ADMINISTRATIONS

- 32. Carlos Ossorio. MAPAMA Spain.

DG MARE – EUROPEAN COMMISSION

- 33. Raymond Maes
- 34. Ramón van Barneveld
- 35. Gundula Broich
- 36. Stefanie Schmidt
- 37. Pawel Swiderek.

OTHER STAKEHOLDERS

- 38. Matthew Gianni. Deep Sea Conservation Coalition
- 39. Björn Stockhausen. Greens/EFA Group
- 40. Joana Díaz. DG MARE
- 41. Yaiza Dronkers. International Pole & Line Foundation
- 42. Irene Kingma. NSAC Vice Chair
- 43. Alberto Martín. MSC

LDAC STAFF

- 44. Sonia Doblado. FARFISH Project Technical Coordinator
- 45. Alexandre Rodríguez. General Secretary
- 46. Manuela Iglesias. Fisheries Policy and Communications
- 47. Marta de Lucas. Administration and Finances