



MINUTES

29th Meeting of LDAC Working Group 1

Highly Migratory Stocks and Tuna RFMOs

Tuesday 22 March, 2022, 10:00-13:00h

Hybrid meeting / Hotel Puerta de América, Madrid - Web Conference - Zoom

Chair: Mr Michel Goujon

Vice-Chair: Ms Antonia Leroy

1. Welcome by the Chair.

The Chair of WG1, Mr. Michel Goujon, opened the meeting by thanking the representatives of the European Commission, the Member States, the invited experts from AZTI, IEO, ISSF and the members of Working Group 1 for their presence and participation in this hybrid meeting.

The list of participants as members and observers is provided in Annex I.

2. Approval of the final minutes of WG1, videoconference 27 September, 2021.

The minutes of 27 September, 2021 were approved without modification or comment.

3. Approval of the agenda.

The agenda was approved without any changes.

The Chair reiterated his wish to have discussions on current events in RFMOs on the one hand and on long-term strategies on the other.

4. ICCAT – Atlantic Ocean.

4.1- DG MARE report on the process and main priorities for ICCAT 2022 (14-21 Nov)

Ms. Agata Malczewska, Team Leader on ICCAT at DG Mare, reported on the latest results of the 2021 ICCAT plenary to outline the work programme for the 2022 plenary.

The good news from the last plenary concerns:

- the adoption of measures for the North Atlantic shortfin mako shark, after several years of lengthy discussions;
- the adoption of conservation and management measures for the North Atlantic albacore;
- the adoption of the recovery plan for Mediterranean albacore, on a proposal from the EU;
- a comprehensive review of control measures for bluefin tuna and the creation of a working group on bluefin tuna e-monitoring.

The least positive point concerns tropical tuna, as the format of the meeting did not allow progress to be made on such a complex subject, even if there were some developments.

For shortfin mako, the recommendation sets out a stock recovery plan, based on the objective of stopping overfishing to allow MSY to be reached by 2070 with a probability of between 60% and 70%. The first years of the plan foresee a moratorium on this species, with the objective for the SCRS to eventually establish acceptable catch levels. However, discards are possible within a limit



of 250t per year, according to the SCRS advice in 2019. In the long term, the objective is to allow for catch retention. Complementary measures have been established: catch and release measures, monthly reporting on catch and discard volumes. Lastly, the EU has implemented this recommendation from 1 January 2022. Therefore, the issue of catch retention for 2023 will be analysed during the year.

Tropical tuna is the crucial issue for this year. The EU had proposed an ambitious draft for the 2021 plenary, based on the progress of the discussions during the year and on the positive feedback from the SCRS. Indeed, the proposal included an increase in the TAC for bigeye tuna, a surplus intended for developing countries. Other measures were proposed: on the management of fishing capacity, on the management of FADs and for the improvement of control measures in the fishery. Unfortunately, despite the efforts made, it was only possible to obtain a roll-over of measures, as in the previous year, with two changes: an increase of 500t in the TAC to 62,000t, and a slight reduction in the period of prohibition to use FADs to 72 days from the beginning of 2022. DG MARE is currently considering proposing a new draft, the final details of which will depend on the advice of the SCRS and the intersessional discussions of Panel 1.

Regarding other EU priorities for ICCAT: the main one is the MSE for bluefin tuna. Several intersessional meetings are planned. Other priorities are: quota allocation for North Atlantic blue shark, quota allocation for Mediterranean albacore, protection for turtles, discussion on national measures that might benefit IUU activities. Finally, the EU will continue to advocate a strengthening of the compliance process with ICCAT recommendations.

For Mr Julio Morón, OPAGAC, the main issue is the two-speed application of the regulation and the lack of data from some third countries, such as Ghana and Senegal. Although the EU is very involved in the compliance committee, the process needs to be reviewed because the catches reported are not proportional to the capacity of their official fleets. The EU respects their quotas, even though its own quota is being progressively reduced and becomes insufficient for the profitability of the fleet. On the other hand, some Asian countries, such as Japan, do not fish their bigeye quota and transfer it. It would be necessary to distribute the quota according to the real needs of each country. He welcomed DG Mare's proposal for the year 2021 to increase the TAC based on scientific advice. He also hopes that this proposal could be submitted again at the next ICCAT plenary. The EC representative stated that the issue of quota allocation is difficult and long overdue. On the other hand, developing countries' requests for quotas cannot be made without compensation. The EC will continue to be vigilant on the issues of implementation and management of the TAC. These elements will be maintained in its proposal.

Mr Paulus Tak, PEW, highlighted the progress on the shortfin mako. On tropical tuna: he hopes that progress could be made on the allocation key for bigeye and yellowfin tuna. He recalled that although the SCRS gave a positive picture of the bigeye stock, this advice was also linked to uncertainties. Pew will also support the EC's efforts on compliance.

The EC representative clarified that regarding the allocation key for bigeye and yellowfin tuna, the aim is to use the June meeting to prepare the discussions.

Mr. Roy Bailey, IPNLF, considers that the bigeye stock is still overfished, compromising the stock's biomass and productivity. For this reason, IPNLF did not support the proposed increase in TAC which could have compromised the achievement of MSY. The EC representative indicated that the EU proposal was based on scientific advice which showed positive changes. The WG1 Chair recalled the references in the scientific advice of 2021 showing the possible room for manoeuvre regarding the TAC.

Mr. Raúl García, WWF, pointed out that it is becoming difficult to make progress in all RFMOs. Therefore, the results obtained last year by the EC should be highlighted, in particular the one on shortfin mako, which, although difficult, should allow positive results to be obtained. These measures should also have an impact on other shark species and improve the situation for surface longliners. Concerning tropical tunas, the subject is very complex and needs to be worked on throughout the year in order to find partnerships. He also hoped that the LDAC could move towards a recommendation on the allocation of fishing rights.

Mr. Michel Goujon, ORTHONGEL, confirmed the need to work on the difficult issue of rights allocation as this is the sticking point in many negotiations. A focus group could be organised to deal with this subject and to work on the notion of transition and to see how to help the development of coastal countries.

Regarding the compliance and evolution of the 2014 recommendation proposed by the EU against IUU fishing, Mr Ignacio Fresco, OCEANA, asked which CPCs would support it as China had firmly blocked its adoption on the grounds that a number of due reports had not been submitted.

Regarding the allocation of rights, Mr. Iván López, AGARBA, underlined the risk of some developed countries entering the discussion, such as Norway and Canada. They are currently trying to recover historical European rights in their waters. It would be interesting to already take into account unused quotas.

Mr. José Manuel Beltrán, OPP-LUGO, recalled that European fishermen could not be satisfied with the measure adopted last year on shortfin mako shark because it was neither logical nor appropriate to prevent catches of this species. Moreover, only European fishermen will apply the regulation.

The EC representative indicated that she was in contact with several CPCs regarding the recommendation against IUU fishing. Regarding shortfin mako, she stressed the importance of acquiring quality data for the process to be completed.

Mr. Julio Morón, OPAGAC, insisted on the need for reflection at the Community level on the question of the allocation of rights. At present, only the European fleet complies with the management measures. However, at this rate, and if fishing opportunities continue to decrease, the European fleet (seiners and pole-and-line vessels) will eventually be replaced by an Asian fleet in coastal countries.

4.2- Presentation on tropical tuna catch strategies (MSE and HCR)

Mr. Gorka Merino, from AZTI, presented the ongoing process for tropical tuna aimed at defining catch strategies (MSE, Management Strategy Evaluation). He recalled the concept of the MSE, which is a process designed to create a direct link between scientific advice on the state of the stocks and management measures. It is based on a feedback and dialogue mechanism between managers and scientists. So the first step is for managers to define a goal and the tools to achieve it. Then, the scientists evaluate the different possible ways to reach this goal (Management Procedure). The MSE is nothing but a process evaluation, one of the components of the fisheries management process. This process has three components : observation (data), analysis, decision (HCR). The aim is for decisions to be automatic, without lengthy discussions.



Regarding tropical tuna, the objective is to evaluate a management procedure and HCR for the joint management of tropical tuna stocks in the Atlantic. The procedure started in 2018 and is set out in the SCRS work plan for the coming years.

For the Chair of WG1, Mr. Michel Goujon, this work is important because it concerns all RFMOs and allows management to be separated from politics. He stressed that while science is uncertain, as stated in the presentation, it is not an opinion either.

Mr. Alberto Martín, MSC, recalls how important for the MSC this procedure is and wonders whether the timetable could be respected. Mr Gorka Merino recalled that the MSE process never stops. However, at the technical level, the elements should be available by the end of 2024.

Mr. Hilario Murúa, AZTI, considers that the delay in the tropical tuna process was due to the fact that priority had been given to bluefin tuna. The LDAC should suggest that the process for tropical tuna be sped up.

The EC representative confirmed that the priority is to complete the HCR for bluefin tuna this year before starting discussions on tropical tuna.

4.3- Identification of the main priorities to draft the LDAC advice.

This item was not discussed. But it was agreed that the Secretariat will prepare a draft advice for the next ICCAT Plenary and the October WG1 meeting.

Action : Draft advice for ICCAT 2022: WG1 agreed to prepare a draft advice with comments and observations from members.

5. IOTC - Indian Ocean

5.1- Report by DG MARE on the main IOTC meetings and priorities for the 26th session (16-20 May, 2022)

Mr. Marco Valletta, EC representative, presented the objectives for the next IOTC plenary. The meeting will be in a hybrid format and only two representatives per delegation will be admitted in person. He then presented the state of play of the reflection on the different priorities :

- Review of the FAD resolution : The EC is considering submitting a draft, awaiting the conclusions of the FAD WG and the Scientific Committee. The proposal could focus on improving three specific points : number of FADs, biodegradability (the main sticking point of the Kenyan proposal was its demand for immediate implementation when this was not practically feasible), traceability and control. The EC's position is to allow for some stability in the legal framework and a level playing field. Finally, anchored FADs should not be forgotten either.
- Management of the yellowfin tuna stock: Resolution 21/01 is the result of a long discussion. It included that the reduction of catches should apply to all fisheries. The EU paid a significant part of the reduction to lead the way. But the main problem that may question the effectiveness of the plan is the number of objections (6) : about one-third of catches are not subject to the plan. In this context, it is not surprising that the latest scientific advice confirms the poor situation of the stock and proposes a 20% reduction in catches compared to 2020. The scientific committee is calling for an in-depth review of the assessment in 2023. However, this cannot be completed quickly. For the time being, the EU's position is to ensure that all CPCs comply with Resolution 21/01 and participate

- in the reduction of catches, at least the most fishing countries among the six countries that objected.
- Skipjack management: in 2021 the EU had proposed a resolution which was rejected in favour of the Maldives proposal for a " rendez-vous " for decisions to be made in 2022. The situation has improved slightly but there is still a need to reduce catches to meet the HCR. The EC has a principled position on two points : the reduction of catches must be fair and applied by all.
 - Other issues :
 - o Review of the rules of procedure of the Compliance Committee with the aim of improving compliance by CPCs, grading the different infringements, having a follow-up and allowing responses to non-compliances.
 - o Observers : Resolution 11/04 is not implemented. Consideration should be given to the use of EMS (Electronic Monitoring System) to solve the problem of observer coverage of fishing operations.
 - o Framework for high seas controls : resume the work started in 2016 and use what is done in other RFMOs to establish a framework for such inspections. The issue is difficult with some CPCs, notably China.

Questions :

Mr. Julio Morón, OPAGAC, confirmed that the main problems in IOTC are the objections and the governance of the high seas. It is therefore necessary to solve this problem of objections which jeopardises the efforts made by others. Concerning the proposed resolutions, it seemed to him to be a strategic error to start discussions on skipjack without having resolved the issue of yellowfin tuna. At the very least, the discussion on reducing catches should be separated from those on control rules. Concerning FADs, why take new measures when there are no new scientific recommendations or assessment of the impact of existing measures on yellowfin tuna? Furthermore, in relation to marine pollution, we should also talk about driftnets. He expressed concern that some LDAC members were working with coastal countries.

Mr. Raúl García, WWF, shared the concerns about the application of the resolutions, but considered that there was room for manoeuvre to improve the management of FADs, particularly with regard to catches of juvenile yellowfin tuna, where the European fleet has a role to play. On the other hand, it is not acceptable to see one-third of the parties not respecting the measures. For WWF, the priority is sharks and skates in the oceans. Progress has been possible at ICCAT, the EU must also play its part at IOTC level and add it to the agenda of the next plenary.

Mr. Paulus Tak, PEW, said that Australia will propose management measures for bigeye tuna and wondered if the EU could support this resolution. Regarding skipjack and yellowfin tuna, progress should be made on the issue of allocations.

Mr. Tom Pickerell, GTA, asked whether the EU would propose a recovery plan for yellowfin tuna at the next plenary. Furthermore, GTA is also concerned about objections. Would it not be time for the EU and other CPCs to push for changes to the procedures within the IOTC to avoid this type of situation and avoid the collapse of stocks? He also highlighted the risk of skipjack being fished outside the HCR.

The EC representative said that the EU's position on objections was very clear : in the case of a stock in poor condition, it was everyone's responsibility to take and implement management measures. On the other hand, for the time being, there are no plans to propose a change in the procedures because it is necessary to maintain the possibility of objecting, particularly when it is absolutely impossible for a CPC to implement the measure. Concerning the yellowfin tuna

situation, the EU will only propose a resolution if it is possible to solve the problem of objections and reach a stable situation for this stock.

With regard to FADs, the EC representative indicated that the debate is not specific to the IOTC. However, what is specific is the pressure exerted because a majority of countries do not use FADs. They want to intervene on the number of FADs and on some other points. The resolution on FADs needs to be improved and clarified in order to obtain a stable framework. Therefore, an agreement should be found to allow this by being part of the discussion.

As far as skipjack is concerned, on the one hand we have a stock that is doing well and on the other hand we have a clear HCR, showing that the current catches exceed the recommendations. So we need to find a way to make everyone respect the rules.

Concerning sharks, the subject is important but will not be addressed this year due to lack of time. Regarding bigeye tuna, if a proposal is put forward, the EU will assess whether it can support it or not.

Regarding allocation criteria, the EC can only agree with the need for clear criteria and will do everything to achieve this. But in the end, it will be necessary to put concrete figures on the table and make decisions.

Mr. Julio Morón, OPAGAC, was more pessimistic as some wanted to eliminate the European purse seine fleet from the Indian Ocean. The only CPC that has applied the reduction on yellowfin tuna is the EU. The same situation is to be feared for skipjack. Everything is being done to see the European purse seine fleet leave, while forgetting the history of this fleet, which has enabled collaboration and unique work, and that four countries benefit from the processing industry to create value from the catches of the European fleet. Fair and equitable measures are needed.

5.2- Identification of the main priorities to draft the LDAC advice.

This item was not addressed.

6. IATTC - Inter-American Tropical Tuna Commission.

6.1. Report from DG MARE on the main priorities of the 99th annual meeting of the IATTC.

The EC representative recalled that the IATTC adopted measures on tropical tuna at its last meeting concerning control, number of FADs, additional days of fishery closures for bigeye tuna. The next meeting will take place at the end of August. Priorities have not yet been set at EC level. However, some issues are already on the table : next steps for the resolution on port state measures, discussion on enforcement.

6.2. Open discussion and questions

Mr. Julio Morón, OPAGAC, shares the EC's satisfaction with the resolution on tropical tuna. Now the enforcement needs to be improved. The issue of observations at sea should be a priority, including the use of electronic observers for fleets that are not required to have 100% observer coverage on board. Asian countries are opposed to improved observer coverage and the installation of EMS on the fleet engaged in transshipment at sea.

Mr. Paulus Tak, PEW, raised three points regarding the IATTC:

- The possibility of moving forward on the transshipment issue, reusing the 2019 EU proposal. IATTC could move forward.
- Management procedure for North Pacific albacore: first MSE by testing a management procedure. This could also lead to the WCPFC moving forward on this process.

- Port inspection : need to work with other CPCs to designate ports.

The EC representative indicated that they will take these comments into account in their thinking.

7. WCPFC – Western and Central Pacific Fisheries Commission.

7.1. DG MARE outcomes of the WCPFC regular session (29 Nov-7 Dec)

The EC representative, Stamatis Varsamos, gave a quick summary of the latest measures adopted. Few changes have been implemented for tropical tuna, other than the adoption of measures requiring non-entangling FADs by 2024. However, there are still gaps in the resolution regarding exemptions. Nevertheless, the resolution seems to be working as tropical tunas are in a good situation.

7.2. Work plan for 2022.

Regarding the priorities for 2022, there will be the Australian proposal to amend the South Pacific swordfish resolution. Although the stock is doing well, Australia seems to want an ambitious proposal on certain points to be improved. The EC will be watching this work closely to ensure that it moves towards a fair position. In addition, there will be an assessment of the South Pacific blue shark stock as well as the South Pacific shortfin mako. Other technical issues will also be discussed.

Mr. Paulus Tak, PEW, hopes that progress can be made on harvest strategies for skipjack and southern albacore, which are on the agenda. Reference points for bigeye and yellowfin tuna should also be defined.

ACTION : The item on this RFMO will be at the beginning of the next WG1 agenda to allow more time for discussion.

9. Chair’s proposal on coordination between tuna RFMOs on IOG

Mr. Michel Goujon, Chair of WG1, wished to address this point, which would probably also be discussed in WG5, based on a document from a presentation at the “Our Ocean” conference in Brest, where he had to defend the role of RFMOs in ocean governance. Indeed, the United Nations BBNJ process is reviewing the Montego Bay agreement with an emphasis on the management of biodiversity on the high seas. In this presentation, he recalled that RFMOs have the merit of existing and are in some ways effective. Some parties wish to create a new organisation to manage biodiversity as a whole and therefore fisheries. It would be more effective to have an organisation that manages what is not yet managed and complements the work of RFMOs. Furthermore, the texts on the table refer to RFMOs, without questioning their mandate. RFMOs have their place within the UN and tuna RFMOs in particular are based on the Straddling Stocks Agreement. RFMOs have experience of working with scientific and compliance committees. They are an example in terms of global management. They also have over 20 years of experience.

ACTION : This work will eventually be carried out by WG 5. A draft advice will be prepared.

9. Update of COMHAFAT-ATLAFCO :

9.1. Management of FADs in the Atlantic and Indian Oceans.

Mr. Naji Laamrich, representative of COMHAFAT-ATLAFCO, gave an update on the FAD study with IRD. The objective was, on the one hand, to gather information and on the other, to examine the impacts on our area, on marine biodiversity and pelagic habitats and on the local economy. The



last item concerned management options for floating FADs. The study is published on the COMHAFAT-ATLAFCO website and was presented widely.

The main conclusions are: strengthening FAD management measures, improving FAD monitoring and traceability, implementing FAD recovery, strengthening FAD impact monitoring.

The project partners suggested: transferring to the ICCAT scientific committee the research priorities identified on the sustainability of FADs used, identifying recommendations that could be supported by COMHAFAT-ATLAFCO, extending the study to anchored FADs, improving the collection of data on FADs by strengthening the capacity of the states.

9.2. Regional observer programmes at sea and regional port control inspection.

Mr. Naji Laamrich, representative of COMHAFAT-ATLAFCO, then gave an update on the work carried out on board vessels, as foreseen by the 2014 Ministerial Conference Declaration and the 2015 meeting on MCS. Two programmes had been carried out: one on the implementation of a regional at-sea observer programme and another on the harmonisation of port inspections.

With the help of REFMA (Réseau des Établissements de Formation Maritime Africains), two training sessions were held in Abidjan and Morocco for a French-speaking audience. Other sessions are planned for English-speaking countries. They were intended for observers and inspectors. They helped to improve capacity in terms of governance of control measures.

10. Closing - Summary of actions and recommendations.

Mr. Michel Goujon, Chair of WG1, thanked the Secretariat team for its work in coordinating and preparing the working documents and the logistics of the meetings, the members for their presence and active participation, the representatives of the European Commission (DG MARE) for their willingness to inform us of new developments, and the interpreters for their technical work.

There being no further business, the meeting was closed.



Annex I: Attendance list

LDAC Working Group 1 22 March, 2022

WORKING GROUP MEMBERS (in person)

1. Michel Goujon. ORTHONGEL
2. Iván López. AGARBA/CEPESCA
3. Julio Morón. OPAGAC
4. Edelmiro Ulloa. OPNAPA
5. Ángela Cortina. OPNAPA
6. Javier Garat. CEPESCA
7. Daniel Voces. Europêche
8. Julien Daudu. EJF
9. Erik Olsen. The Danish Society for a Living Sea
10. Béatrice Gorez. CFFA-CAPE
11. Juana Parada. ORPAGU
12. David Troncoso. ANASCO
13. Ignacio Fresco Vanzini. OCEANA

OBSERVERS (in person)

14. Hilario Murua. International Seafood Sustainability Foundation (ISSF)
15. Alberto Martín. MSC
16. Lucía Sarricolea. Secretariat General for Fisheries, Spain
17. Ilenia Bonaccorso. Secretariat General for Fisheries, Spain
18. Alexandre Rodríguez. LDAC
19. Manuela Iglesias. LDAC

MEMBERS OF THE WORKING GROUP (present via ZOOM)

20. Rocío Béjar. CEPESCA
21. Raúl García. WWF
22. Juan Manuel Trujillo. ETF
23. José Beltrán. OPP-Lugo
24. Anertz Muniategui. ANABAC
25. Xavier Leduc. UAPF
26. Alexandra Philippe. EBCD
27. Aivaras Labanauskas. LLDFA
28. Rob Banning. DPFA
29. Antonia Leroy. WWF
30. Rosalie Crespín. CNPMEM
31. Despina Symons. EBCD
32. Emilia Dyer. International Pole and Line Foundation
33. Roy Bealey. International Pole & Line Foundation
34. Jeanne Delor. Earthworm Foundation
35. Tom Pickerell. Global Tuna Alliance
36. Paulus Tak. PEW
37. Anaïd Panossian. CFFA-CAPE

OBSERVERS (present via Zoom)

38. Agata Malczewska. DG MARE (ICCAT)
39. Marco VALLETTA. DG MARE (IOTC, IATTC)
40. Laura Marot. DG MARE
41. Benoit Marcoux. DG MARE
42. Paulien Depickere. DG MARE
43. Stamatis Varsamos (WCPFC)
44. Carmen Paz. Secretariat General for Fisheries, Spain
45. Héctor Martín. Bolton Food
46. Josu Santiago. AZTI
47. Gorka Merino. AZTI
48. José Carlos Baez. IEO
49. Vanessa Rojo. IEO
50. Annina Bürgin Piñeiro. Fundación MarInnLeg
51. Abdelouahed Benabbou. ATLAFCO-COMHAFAT
52. M. Laamrich. ATLAFCO-COMHAFAT
53. Teresa Molina. Secretariat General for Fisheries, Spain