

**DRAFT MINUTES**  
**19<sup>th</sup> meeting of LDAC Working Group 5**

**Cross-cutting Issues**

**Tuesday, 18<sup>th</sup> of October 2016, 10am to 4 pm**  
**Hotel Martin's Central Park Brussels EU**  
**Boulevard Charlemagne 80. Schuman, Brussels**

**Chairperson: María José Cornax**  
**Vice-chairperson: José Carlos Castro**

**1- Welcome and opening of the meeting**

The chairperson, Ms. M<sup>a</sup> José Cornax, welcomes the participants to the meeting.  
The full list of participants is enclosed with this report.

**2- Approval of the minutes of the last meeting of WG5 - Brussels, 10 March 2016**

The minutes of the last meeting of WG5 are approved, with no additional comments.

**3- Approval of the Agenda**

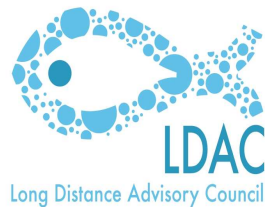
The agenda is approved with dynamic changes in how topics will be addressed, in agreement with the time availability of the European Commission representatives.

Ms. Beatrice Gorez, CFFA-CAPE, suggests that the following points should be added to the agenda for the next meeting of the working group.

- EC update about the debate of Member States on availability of grants/subsidies.
- EC update about the EU strategy with respect to China and its trade liberalisation policy, as well as questions about combating IUU fishing and international governance.

The Chairperson proposes adding events occurred at the South West Waters Advisory Council (SWWAC), regarding the decision of the NGOs to indefinitely suspend their activity in this organisation, in the Other Business point.

Mr. Alexandre Rodriguez, Secretary General, introduces the topic of international governance of the seas and oceans, saying that this process has been ongoing since 2015, and that the LDAC has already given an answer to the public consultation of the Commission, and it will continue to play an important role as an EU advisory body in terms of fisheries management in international waters. The content will supposedly be addressed at the coming Working Group meetings to be held during the first four months of 2017.



#### **4- Information about the “inter-session” coordination meeting between Chairpersons and Vice-Chairpersons of the Working Groups + Bureau (Madrid, 6 September 2016)**

The LDAC Chairperson and moderator of the Inter-sessions Group, Mr. Ivan Lopez, sums up the conclusions of the coordination meeting between chairpersons and vice-chairpersons of the Working Groups, which was held in Madrid on 6 September 2016.

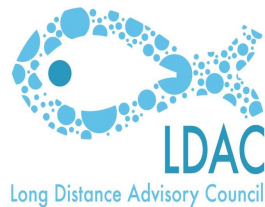
Regarding the organisation of future Working Group meetings, it was proposed that meetings of the five LDAC working groups should be held altogether once a year (in spring) in Brussels (lasting for 3-4 days). The aim of this is for representatives of the Member States, Commission, COREPER, European Parliament, etc. to be able to attend them. The possibility of reserving half a day to give greater visibility to the work of the LDAC was also suggested. This would be done through the presence of an authority or expert of prestige (keynote speaker) who would present a topical subject. International Governance of the Seas, the Discard Prohibition Policy, or the Application of the new Fishing Authorisation Regulation, were identified as examples. Inviting Commissioner Vella as first guest speaker was suggested.

In connection with governance, Ms. M<sup>a</sup> José Cornax informs that it was agreed that each working group would discuss this topic internally and would prepare a conceptual note, identifying the key aspects and reflecting the different opinions and sensibilities expressed. These notes will be used as a starting point for WG5 to compile the arguments and viewpoints received, for subsequent analysis and drawing up an opinion that will be presented to the Executive Committee. If drawing up the opinion were a very complicated process due to differing opinions, another coordination meeting could be held between Chairpersons and Vice-Chairpersons to unblock the dissenting issues. On the other hand, it is agreed to focus on common points where an agreement is possible (such as, for instance, strengthening the role of the RFMOs, improving the science in assessments of fishery resources, or promoting transparency and publicity of fisheries agreements...).

On the impact of Brexit on the work of the LDAC it was agreed, as a unanimous option, that the WG chairpersons should not accept any type of debate on this topic until the application of article 50 of the ECT has formally been invoked, or until the EC requests an opinion from the LDAC on the issue by means of consultation process. Discrimination on the grounds of nationality will not be tolerated under any circumstances in the LDAC, nor will British members be excluded from debates and/or decisions of the LDAC unless there are justified concerns of conflict of interests for this.

Regarding the work on the preparation of meetings at international forums and organisations (UN, FAO, BBNJ...) Mr. Michel Goujon, WG1 chairperson, suggested it would be important for the Commission to give a presentation with the calendar of preparatory meetings for the stakeholders for the United Nations General Assembly.

Ms. Despina Symons, EBCD, suggests that the application of international legal instruments, such as UN Sustainable Development Goals (SDG) 2 and 14, should be included for debate.



Ms. Symons informs that the UN will hold a meeting on this topic in New York in June 2017, and that the European Parliament intends to hold a similar event.

**ACTIONS:**

**The horizontal issues of common interest for several Working Groups (e.g., Governance, Discards, FAR or Brexit) could be briefly discussed in each one of them in order for them to pass on their conclusions or recommendations to WG5, which will have the final decision on their inclusion in a possible draft opinion.**

**It is proposed that the 5 Working Groups be held together during the same week (3 days) in spring 2017 (March/April), as well as an introductory session on an issue of common interest, such as for instance, international governance of the oceans and seas. A keynote speaker or high profile host will be invited to this session, suggesting Mr. Karmenu Vella, the Commissioner for Maritime Affairs and Fisheries, as first candidate.**

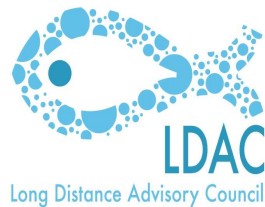
**A point will be included on International Governance of Seas and Oceans in the agenda of the coming LDAC working groups, in order to promote the debate and identification of key ideas by each Working Group that can then be included in a summary document to be drawn up and adopted by WG5.**

**Discussions on the application process of the UN Sustainable Development Goals (SDG) will be included in future meetings of the WG.**

**5- Updated report of the Commission on Negotiations of EU Trade Agreements with third countries: State of affairs of the Interim Economic Partnership Agreements with the ACP countries; and of negotiations of the Full Economic Partnership Agreements**

Mr. Alexandre Rodriguez, Secretary General, informs that, though the attendance of no representative from the European Commission has been possible, the following countries have sent us the following information in writing, which he then reads:

- United States: Negotiation of the TTIP is ongoing, without a final agreement related to the access to the market and customs duties, although the climate on both sides is ambitious. The reports of successive negotiating rounds are available on the EC website.
- Japan: Negotiations about the access to markets (including customs duties) are still in progress, with the latest exchange of counter-proposals. The following negotiation dates have been planned: Last week in October and middle of December.
- Philippines: The new negotiating round will take place in the middle of December 2016.



The report of the first round and summary of the industry consultation can be found at the following links:

<http://trade.ec.europa.eu/doclib/html/154621.htm>

[http://trade.ec.europa.eu/consultations/index.cfm?consul\\_id=201](http://trade.ec.europa.eu/consultations/index.cfm?consul_id=201)

- Tunisia: There was a negotiating round in spring 2016. With nothing new to add.

- Ecuador: The Adhesion Protocol of the Republic of Ecuador to the Trade Agreement with Colombia and Peru is planned to be approved and signed on 11 November, on the occasion of the Foreign Affairs Council (Trade). If everything goes well, the EP will then be ratified during December's plenary session. Provisional application is foreseen starting on 1/1/2017.

Nigeria, Ghana, Ivory Coast: Nothing new regarding access to markets.

- Thailand: There is no news; negotiations have been suspended due to the current climate of political instability that exists in the country. No round is foreseen in the near future.

- Russia: There is no news of progress.

- Economic Partnership Agreements (EPA)

The latest news can be found at the following link:

[http://trade.ec.europa.eu/doclib/docs/2006/december/tradoc\\_118238.pdf](http://trade.ec.europa.eu/doclib/docs/2006/december/tradoc_118238.pdf)

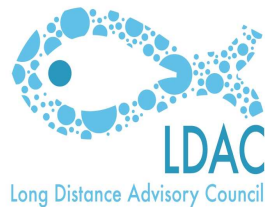
#### **ACTION:**

**The Secretariat will send the report on the state of negotiations of the EU Trade Agreements with third countries, which was read at the last meeting and will also be enclosed with the minutes, to all members by e-mail. Interested members will send a document to the Secretariat including questions in writing addressed to the Commission within two weeks at the latest.**

## **6- Fishing Authorisation Regulation (FAR)**

### **6.1-Update by the Commission on the state of the legislative procedures of the new Fishing Authorisation Regulation (FAR): News with respect to the Commission proposal from the Council and the Parliament**

Ms. Ana Olivert, representative of the Fisheries Agreement Unit of the European Commission, informs that the ongoing negotiations to adopt the new FAR Regulation have evolved a great deal since the Commission adopted its draft Regulation in December 2015. Since then, The Commission has worked comprehensively with the Council and Parliament to explain the scope and content of its draft regulation, aimed at simplifying the necessary burdensome red tape and administrative matters, and also at maintaining consistency with EC Regulations 1005/2008 on Combating IUU fishing; and 1224/2009, on Fishery Control.



Furthermore, she recalls that there is a FAR regulation in force which is the one intended to be replaced now. She informs that they have introduced a new chapter on the external dimensions, with new definitions, in order to extend its material scope or field, which also includes North Atlantic waters and agreements.

The aim of this regulation is to establish a harmonised fishing authorisation issuance and renewal system, both for public and private agreements on access to fishery resources in waters of third countries' EEZ, and in international waters where this procedure does not exist (example, high sea without RFMOs). The wish is to establish and harmonise the documentation for all the flagships of a Member State of the EU, seeking a level playing field for all.

Ms. Olivert highlights that the Commission defends the maintenance of article 5 on eligibility criteria, which stipulates that the EU is responsible for controlling its vessels, so it must be confirmed that the vessels satisfy the regulation, even that of distant waters. This article is very important, too, in terms of governance of oceans, to ensure that they comply with international regulations and with regulations of the Coastal States.

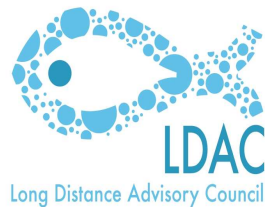
With respect to serious infringements, if a fishing operator has committed one over the last 12 months, they should not be authorised to have a fishing authorisation. This proposal has received a good deal of criticism both from the fishing operators and from the national administrations of Member States, but it seeks to enhance coordination and respect for the national sanction standards, in line with the Regulations on Control and combating IUU fishing.

With respect to the clause of art. 7.6 known as "claw back", it stipulates that Member States are responsible for undertaking actions to suspend a licence of a vessel that is causing damage if there is a lack of reaction by the flag State. Therefore, it must be understood that the EC only acts when there is omission by member states in cases of vessels that fish illegally. She indicates that it is justified in cases of breach of the FAR or IUU regulation. All of this is important in order to continue to be an example of compliance. The reason is for it to be effective in time, as the only alternative is for the Commission to open infringement proceedings against the flag State, which could last for 2 years.

With respect to the European Parliament, a first draft report was presented by the appointed speaker, Ms. Engstrom, on 8 September, after debates in April and June, with deadline for sending amendments on 22 September. These amendments (more than 300) can be found on the website of the EP-PECH. She indicates that there is a lot of interest among European members of parliament in articles 5, 7.6 and 18. The voting of the Committee on Fisheries is expected to take place on 9 November and that of the Plenary in December or January. .

Mr. Michel Goujon, ORTHONGEL suggests, in terms of the eligibility criteria, that the notion of "infringement recognised as such by the European Commission" should be added, so that no third country can use this in its benefit to put pressure on them or to pre-register them as illegal fishing vessels in RFMO lists.

The EC representative, Ms. Ana Olivert, responds that the infringement must be proportional to the damage caused and that it must be objectively recognised by the EU.



Mr. Juan Pablo Rodriguez, ANABAC, believes that, in his opinion, this regulation is unnecessary, and that it makes the operation of the European fleet very difficult, highlighting that they are on tenterhooks due to what it may entail. He also believes that this regulation is not going to be effectively applied in third countries, and that it is going to represent discrimination with extra-community flag fleets. In fact, he suggests that it should also be applied to imports.

Ms. Ana Olivert, EC representative, believes that this regulation is a fundamental pillar for the effective implementation of the Basic Regulation of the CFP, combined with the Regulation on Control, as an effective mechanism to watch over vessels that fish in waters outside the EU, ensuring that they fish in a sustainable manner. In fact, she highlights that this FAR proposal regulates new situations such as chartering vessels and private access agreements. She thinks that the European industry must set an example for Asian and non-European fleets.

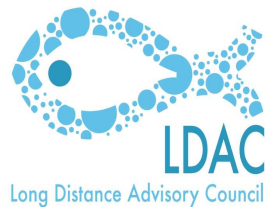
Mr. Juan Manuel Liria responds that, in general, European vessels are setting a good example as a fleet that complies with the regulation. He coincides in that the substance of the proposal must be extended for it to reach all the fields where the EU operates (not just for bilateral fisheries agreements). However, the scope of articles such as the one relating to eligibility criteria, must be tempered, as many Spanish and European fleets only have licences to fish outside EU waters. On the other hand, he believes that care must be taken with the sanction system, as, in addition to having already paid a considerable fine, the companies may even be forced to close, as they would be forbidden to fish in all the waters. This would entail a dual penalisation that cannot be admissible. Although he agrees about extending the scope of the Regulation, he does not agree with this specific aspect of the sanctioning system, as it is defined. On the other hand, he also expresses his disagreement with restricting access of a vessel to not being able to fish for a 12-month period. He thinks that vessels must be punished under the terms stipulated by the EU Regulation on Control.

The EC representative, Ms. Ana Olivert, responds that art. 5 is controversial, but that the EC is going to defend it. With respect to Art. 5 1.d) she indicates that it is of general application, not only in waters of a third country but also with a multilateral nature (RFMOs). This article already exists and they have maintained it in the new FAR, although she does acknowledge that, since 2008, there are more control mechanisms.

Ms. Beatrice Gorez, CFFA-CAPE, highlights the importance of the provision that stipulates that the European Commission can act quickly against the Member States in the last instance if they do not comply with their obligations.

Ms. M. José Cornax, OCEANA, clarifies that the FAR Regulation is not only applicable for long distance fleets that fish outside EU waters, but also for all fleets that fish in community waters.

Mr. Ivan Lopez, AGARBA, coincides with Mr. Juan Manuel Liria in that if a vessel, for example, has a conflict in NAFO applying the FAR Regulation, that vessel could not fish in any other fishing ground. This aspect is the one that concerns industry. On the other hand, he expresses his wishes for the same sanctioning system to be applied to everyone, so the EC must study the formulas to implement this legislation. Likewise, he suggests the possibility of the EC giving a more specific and clear definition of what it considers to be serious infringement.



The EC representative, Ms. Ana Olivert, thanks the LDAC for the invitation and for having been able to attend this meeting to listen to the existing concerns of all stakeholders. She acknowledges that the fisheries activity of the community fleet is highly regulated, so she understands that sometimes there are discrepancies with the scope and application of the standards. She underscores that control is a competence that the EU shares with the Member States, so the Commission can only act when the Member State of the flag of the ship does not act and after notification between the EC and the Member State.

Mr. Alexandre Rodriguez asks about the LDAC's proposal to reduce the administrative load by coordinating the reported data better and by creating a centralised online database.

The EC representative informs that they wish to create a specific tool for the fishing authorisations, with a standard set by the UN to exchange fishing information in real time. This project is called "Licence Project" and its launch is scheduled for spring 2017. It will also permit enclosing photos or scanning documents requested by any State of the flag or coastal state. It will be an automatic system that will detect errors through cross-checking. The initial cost for Member States will be minimal at the start, and it may even be covered by the EU later on. In the mid-term, time will be saved and it will relieve the administrative load.

Madam Chairperson gives thanks for the full report and the willingness of the Commission representative to dialogue, as well as for the initiatives presented, indicating that WG5 will continue to address this issue at future meetings.

## **6.2-LDAC Opinion and Commission's response to Draft Regulation. FAR**

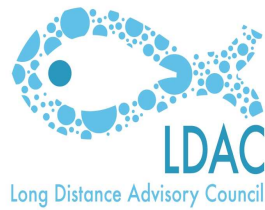
Mr. Juan Manuel Liria, FEOPE/CEPESA, sums up the work carried out by the LDAC this year, indicating that there have been two differentiated approaches in the analysis of the Commission's proposal: One, related to the objectives, and another about the topic of application and practical aspects. Finally, a first opinion was adopted on 31 May, with general type recommendations, and the summary, reflecting the position of industry, giving a detailed analysis, article by article, was attached to it, for information purposes.

The Secretariat informs those present that an answer has been received by the EC.

The Secretariat points out that it was always clear that the EU objectives to modify the regulation were shared, extending its field of application, that the control capacity of the EU should be reinforced, and that the issuance of permits should continue to be the responsibility of Member States, but that the EU should have a procedure to control their validity.

## **6.3-Discussion about drawing up an LDAC opinion: NGO group document**

Ms. Vanya Vulperhorst, OCEANA, informs about the new draft opinion proposal on FAR, which is presented at the meeting for discussion.



Mr. Liria and a good number of members of the fisheries sector consider that, in their opinion, the document presented by the NGOs does not bring anything new to the debate process. On the other hand, he informs that the European Economic and Social Committee approved an opinion, on 25 May, reflecting the concerns of industry (for example, the eligibility criteria of article 5, mentioning the duplicity of sanctions; art 7.5 whereby powers are granted to the Commission to revoke or suspend an authorisation, and minor issues, such as the exclusion of Countries that do not belong to the RFOs, as is the case of Guinea Bissau).

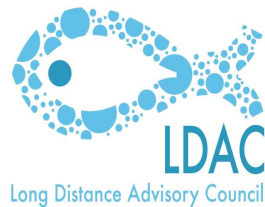
Madam Chairperson asks about the consensus points.

The Chairperson of the LDAC, Mr. Ivan Lopez, suggests that it is a very important Regulation, so another opinion on this issue should be taken. Bearing in mind that the objectives are common, he suggests calling a small meeting of a drafting group, made up of members of the sector and of the NGOs, assisted by the Secretariat, setting a deadline before 9 November, which is the voting date proposed by the Committee for Fisheries of the EP. He proposes that this should be a follow-up opinion to the EC response and the presentation of Ms. Olivert, EC representative. The members of WG5 express their agreement with the proposal made by the Chairperson.

#### **ACTION**

**A small Drafting Group will be established, made up of the Chairperson and Vice-chairperson (NGO) of the LDAC, Ivan Lopez and Beatrice Gorez, as well as the authors of the NGOs' proposal, with the attendance and coordination of the Secretary General. A new draft opinion on the new Fishing Authorisation Regulation (FAR), currently under discussion at the European Parliament and Council, will be simplified and sent. Once agreed, it will be distributed for fast track consultation among WG5 members in order for it to be available prior to the voting of the Committee on Fisheries of the European Parliament, scheduled for 9 November in Brussels.**





## **7. Application of the new Union Community Code (UCC) in the field of transfers in third countries: Substitution of the “T2M” document**

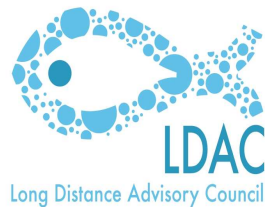
Mr. J.A. Suarez-Llanos, Chairperson of WG3, spells out the problems drafted in the letter sent by the LDAC in April, as well as the answer from the Commission, dated 25 May. In its answer, the EC accepted the presentation of just the sheet of the logbook that includes the information relating to customs and corresponding to the transfer in port. He believes this is positive, with a view to maintaining confidentiality regarding the other data contained in the fishing logbook. Seemingly, the EC will prepare some guidelines so that the customs of the different Coastal States (both community and extra-community) know how to act when they receive the complete logbook. However, as this logbook is not harmonised in the different EU Member States, the problem with the certification models of third countries still exists and DG TAXUD has not provided a specific model as a guide. In their opinion, everything will be solved when the format of the electronic logbook format is harmonised, and the EU uses the same software or even some clear guidelines for all Member States.

Mr. Joaquin Cadilla, ORPAGU, highlights that the form or certificate model proposed by the EC must be similar to the T2M. He points out that it is important for the countries of origin not to have difficulties in signing it, also insisting on the importance of the approval of the e-logbook.

The DG TAXUD representative, indicates that the Commission could develop some guidelines. However, for this to be the case, the administrations of the different EU Member States must be active. He encourages the LDAC to contact the competent customs authorities in Spain, as he is surprised about the possibility of problems arising in the application of the regulation as extensive consultations on this issue had taken place between them and the DG MARE. Regarding the certificates, he highlights that they prefer to use the ones that already exist, although he specifies that there is no reason why third countries would sign them unless they are forced to do so. Finally, he suggests following up this topic at future meetings, and he thanks LDAC for the invitation to participate in WG5.

### **ACTION**

**The evolution in terms of the implementation of the modifications in the presentation of documentation relating to port transfers, resulting from the provisions of the new Customs Code, which replaces the former document “T2M”, will be monitored. If necessary, additional clarification will be requested from the Commission (DG MARE and DG TAXUD) on the validity and approval of the electronic Logbook (E-Logbook).**



## 8. Fisheries Transparency Initiative (FiTI)

The Chairperson, Ms. María José Cornax, sums up the fourth meeting of the Advisory Group held in Madrid in June, when a detailed proposal was presented with the information to be included in the standards that are going to be used by the signatory countries to publish the annual reports. A final meeting will be held in Sweden in November 2016 in order to formally adopt the methodology, the principles and the data that will underpin the standards, and move on to the implementation phase of the project in its third year of existence, with the setting-up of a Board of Directors and an International Board acting as Steering Committee.

The Secretary General, Alexandre Rodriguez, provides a summary of the actions and agreements of the Advisory Group meeting held in Madrid, as well as the draft opinion on the yearly-based catch data, with 4 open options to be decided at the November meeting.

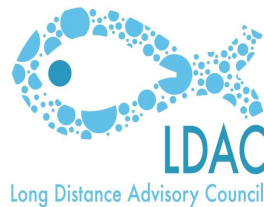
*“For large-scale fisheries, FiTI reports must include annual catch data for all licensed fishing vessels. Information should be presented on retained targeted species, retained bycatch and discards, although where coastal states are unable to provide complete data on bycatch and discards, the reasons for this must be clearly articulated and information must be provided on what measures will be taken to improve the availability of catch data. FiTI reports should provide catch data aggregated per flag state, fishing gear and target species. The publication of catch data on a per vessel basis for all or selected fisheries can be approved by the National Multi-Stakeholder Group. Vessels that do not comply with catch reporting provisions according to the country’s rules on fisheries tenure arrangement must be indicated in the FiTI Reporting”.*

Ms. Béatrice Gorez, CFFA-CAPE, believes that the EU position has not been very constructive with respect to FiTI. She believes that LDAC should draft an opinion, requesting EC to clearly support this initiative, and to defend the transparency of the fishing activities and a level playing field between the Community fleet and the foreign fleets that operate in third country waters.

The Chairperson suggests identifying the consensus points and key messages to provide the Secretariat with a clear mandate so that they can be passed on at the next FiTI meeting.

Mr. Michel Goujon, ORTHONGEL, believes, with respect to the yearly-based fleet catch data, that it is necessary to reflect upon who is the recipient of the information, and also the potential use that may be made of these data. In his opinion, this is a topic of concern, both for the sector and for the EU; he also asks about the purpose of this. He highlights that the main constraint for the sector is that only the vessels or legal operators that provide those data are scrutinised. Therefore, he requests a change in the paragraph of the report on the industrial catch data in order to clarify that it is the riparian/coastal countries that must compile information about what is fished in their waters. They must also provide data about the catches by all the fleets and not just the European fleet in waters of the different countries.

Mr. Ivan Lopez, AGARBA, agrees with Mr. Goujon’s arguments. He highlights that the part of industry that provides data is the one with the most problems; in contrast, nothing happens to



those that do not provide data. Another of the concerns of industry is that, for example, in the FAO, they presented a global catch database.

Mr López believes that having several different and uncoordinated initiatives could be counterproductive, insofar as the same data can be shown in different manners. The idea would be to integrate all the information and make efforts to improve the presentation of data earlier.

Ms. María José Cornax, OCEANA, comments that her perception is that in FiTI the aim is not to prepare a database, but to use the existing available information supplied by the participating countries. On the improvement of compliance (level playing field), she thinks that the objective of the FiTI is to showcase the information of all fleets that fish in the EEZ of a third country.

Ms. Beatrice Gorez, CFFA-CAPE, explains to Mr. Goujon that the disaggregated information transferred to FiTI is not public and that access is limited to a reduced group of stakeholders appointed in agreement with a pre-established mandate and procedure. However, she understands the concerns of industry, highlighting that fleets such as the Russian fleet in Mauritania or Senegal do not provide any data. The most important thing would be to reach a common commitment in which they would be included in the annual country reports. On the interpretation of data, she indicates that in the MultiStakeholder Group of FiTI there will be 3 differentiated categories: NGO, Fishing Sector and National Administrations. The data provided will be those that the Group agrees upon by consensus in Plenary Session.

Mr. Juan Pablo Rodriguez, ANABAC, shares his experience as participant in meetings of the FiTI Advisory Group and expresses his disagreement with Ms. Gorez regarding the position of the EU, insofar as the EU justified the non-disclosure of yearly catch data for commercial confidentiality reasons. He highlights that those who carry out illegal fishing do not present anything. In his opinion, the controls of coastal states should be reinforced by improving the monitoring, control and surveillance means.

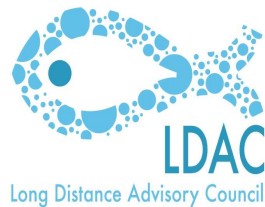
Mr. Michel Goujon, ORTHONGEL, emphasises the importance of having national observers at high seas in order to ascertain in detail what the sectoral support funds are earmarked for.

Ms. Gorez, CFFA-CAPE, clarifies that the data requested from the European fleet are the data that are already sent to the EU in a general manner, and that this is an opportunity to lead by example for other countries.

The Chairperson asks for the comments made to be sent to the LDAC Secretariat in order to prepare a LDAC opinion. Ms. Gorez volunteers to send a first draft.

#### **ACTION**

**The LDAC Secretariat will distribute a LDAC draft opinion on the Fishing Transparency Initiative (FiTI) for fast track consultation, in order for it to be presented, if there is consensus, at the next meeting of the FiTI Expert Advisory Group, which will be held in Gothenburg on 9 November 2016.**



## 9. Combating illegal, unreported and unregulated fishing (IUU)

### 9.1. Updated report from the Commission about the “yellow” and “red” card process

#### Report from the European Commission about the yellow and red card process

The EC representative, Mr. Pawel Swiderek, informs about the state of the yellow and red cards. There are currently 11 countries with yellow cards that do not cooperate in the fight against IUU fishing. Tobago, Kiribati, Sierra Leone and Curacao were added to the list and pre-identified as non-cooperating countries in April.

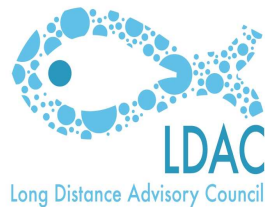
The Solomon Islands have modified their regulatory framework to effectively combat illegal fishing. In fact, they have created a fisheries management plan, identifying areas, and they have even signed a MoU with the EU to share information about control and capacity.

In Asia:

- Thailand: with the death of their King, an indefinite mourning period has been established, slowing down the dialogue of the EC with this country. News is expected soon. Respect to procedures: they have modified the fisheries regulatory framework and they are expected to send a report on activities.
- Taiwan. Long process, still not concluded. The EC plans to send a mission to verify capacity control aspects for the long-distance fleet.

Caribbean:

- Curacao: Improvements and greater cooperation are perceived, and they have adopted the new legal framework that was lacking in their action plan.
- Trinidad & Tobago: They have modified their legislation this year but deficiencies are detected in their control systems, above all with respect to imports. They have been tasked to review their regulation on the fisheries and sea transport sector. If the EC receives no signs of any progress, they may be nominated for a card.
- Sierra Leone: Dialogue started in April. It looks as if it will be constructive, in principle. They are coordinated with the World Bank. Before the end of the year, the EC will go to check the progress made on site, and also to coordinate possible improvement programmes with the DG DEVCO with respect to the fishing impact on fishing communities.
- Guinea Conakry: It was removed from the list of non-cooperating countries on 10 October last. It is a country that has improved a great deal in all aspects, not just in terms of control but also in the issuance of fishing licences and resource management. It is a success case and it proves that the cooperation efforts with the EU pay off.
- Liberia: Although they made a lot of promises, no changes have been perceived.



- Cambodia: After three years' silence, the authorities have been contacted again. They must reflect upon the dialogue that the country wishes to have with the Commission on this process.

Questions from members:

Mr. Juan Pablo Rodriguez, ANABAC, asks about the situation of Comoros. In his opinion, it could be classified with red card very shortly, which would mean that the European fleet that has been fishing there for many years could not continue to do so. He asks if the EC does not believe that this type of country needs support or reinforcement, for example, through fisheries agreements, for them to manage to do things well.

Ms. Beatrice Gorez, CFFA-CAPE, on the topic of countries with yellow card, highlights that they are making positive advances through specific projects. However, on the possibility of some countries being punished with red card and not being able to export to the EU, she highlights that, in certain cases, this does not frighten them so they do nothing either. She asks the EC what capacity the EU has to achieve noticeable changes in these countries.

Mr. José Carlos Castro, ANFACO, thanks them for the information and asks about the improvement of the illegal fishing control systems. He asks if there has been progress in the working group made up of the EC and 6 member states to share data about catch certificates, as he believes that this aspect, in particular, is very important.

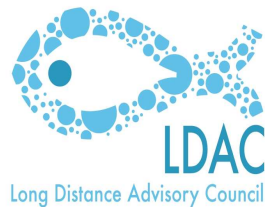
The Commission representative, Mr. Pawel Swiderek, responds about the red card awarding process, that for the Commission it means that they have failed in their policy, as they want them to make changes but at times, the countries are not willing to collaborate.

With respect to Comoros, the EC is aware of the interaction of its policy in the fisheries agreements (SFPA), however, he highlights that it takes time to encourage the country on how to review its fisheries policy. In fact, they had a lot of problems with the Comoros fleet due to its national legislation. There was an initial cooperation protocol, but it is difficult to maintain if no changes are made. They have hopes that they will begin to modify aspects relating to control issues. The inclusion process in the red card list is regulated and takes time, although the EC makes the proposal, it is the Council that takes the decision (art. 38 of IUU Regulation).

With respect to the Pacific, he indicates that there are economic partnership agreements (EPAs) with 8 countries. Two of them export to the EU, so the yellow card had an effect on them, due to the impact that this prohibition could have on trade.

- The Solomon Islands continue with the yellow card, so they can export.
- Tuvalu: Although they appear to have improved their control tools, they must also improve their legislation. The EC believes there is a lack of transparency.
- Korea: They still have the capacity to influence many other countries.

With respect to the group of Member States, he highlights that this is a Project of DG MARE carried out jointly with DG TAXUD and SANCO, using the TRACES system.



Finally, he informs that the EC has held bilateral contacts with: USA, Japan, Korea, Ghana, China and Canada. In fact, they have been selected by the EC due to the influence and specific weight they have at an international level.

## **9.2. LDAC proposals to improve the application of the IUU Regulation (ANFACO)**

Ms. Victoria Mundy, EJF, gives a presentation on a study conducted by the NGO coalition about the effective application of controls on the import of fishing products in the community market, by virtue of the IUU Regulation requirements. This presentation is available on the LDAC website, at the following link:

<http://ldac.ldac.eu/attachment/5746a9d2-623d-4947-8220-a30d22df1b0f>

The Chairperson and the members congratulate Ms. Mundy on the quality of the study and the figures provided in the presentation.

Mr. Jose Carlos Castro, ANFACO, gives a detailed explanation of the draft opinion on IUU fishing, which has circulated among the members in a thorough manner, and is presented now for adoption.

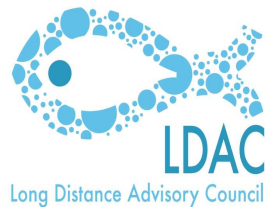
### **ACTIONS**

- **The presentation on control of imports and verification of products originating from IUU fishing will be given out to all those present. This presentation was drafted by Ms. Victoria Mundy (EJF – NGO Coalition on Fight against Illegal Fishing).**
- **The opinion of the LDAC on proposals to improve the application of Regulation 1005/2008 on IUU will be sent to WG5 members for fast track consultation. This opinion was drafted by Mr. Castro (ANFACO).**

## **10. Ban on shark trading by sea transport companies**

### **10.1. Report of the European Industry meeting (Europêche) with DG MARE**

Mr. Jose Antonio Suarez-Llanos, ANAMER/AGARBA/ANAPA/ACEMIX, reports that a meeting has just been held among affected representatives from the European fishing sector, representatives from WWF Europe, a representative from the European association of shipping companies and the Director General for Fisheries, Mr. Aguiar Machado, and his cabinet. He informs that the conclusion was reached to firmly pass on this concern for the ban on sharks to the WWF delegation in Hong Kong, who were the instigators of this proposal. An offer will be made to unload shark fins in appointed European ports, because it is there where the regulation is stricter and to be able to ensure traceability. They are waiting to hear the opinion of WWF Asia in this regard through the mediation of WWF Spain.



## 10.2. Debate and reflection on actions to be monitored by LDAC

Mr. Raul Garcia, WWF, indicates that apart from WWF Asia and Hong Kong, there are more NGOs involved, emphasising that they are the actual shipping companies that decide their policies. He undertakes to pass on the explanatory document of the industry's operating system and to intercede wherever possible. He will inform about the results and progress at future meetings.

Ms. M. José Cornax explains the visit made to a cold-storage plant in Vigo where the fin cutting operation is carried out, thanking ARVI for coordinating it. LDAC has published a video that is available at the following link on its website:

[https://www.youtube.com/watch?v=rrS99p\\_1YNI&feature=youtu.be](https://www.youtube.com/watch?v=rrS99p_1YNI&feature=youtu.be)

### ACTION

**Pursuant to that agreed at the “ad hoc” meeting between the stakeholders and DG Aguiar Machado, representatives from LDAC member organisations involved (WWF, ARVI, CEPESCA and ORPAGU), will collaborate in developing a joint proposal that will seek to unblock and eliminate the ban on the transport of legal shark species authorised by international shipping companies. Anything new that may come about at future meetings of WG5 will be reported.**

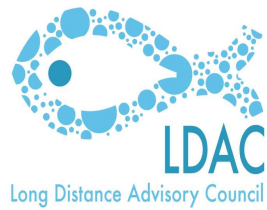
### AOB

#### Suspension of activities of NGO group in the South Western Waters Advisory Council

Mr. Alexandre Rodriguez, Secretary General, explains the problems related to the classification of hybrid organisations that have been named as members of the Executive Committee of the SWWAC under “other interest groups” (40%): BLUEFISH, FREMSS and AGLIA. He points out that this question can be extrapolated to other Advisory Councils (in fact a similar situation has occurred in the North Sea and North Western Waters ACs) that must be discussed at the next Inter-AC coordination meeting with the Commission on 5 December 2016. He suggests that the European Commission, as responsible author of the Delegated Regulation on the Functioning of the Advisory Councils, where such categories are defined, should provide objective indicators or guidelines for the assessment of the nature of these organisations by members of the Advisory Council. There is a need for guidance on how to assess incoming applications objectively.

Mr. Ivan Lopez, AGARBA, suggests introducing this topic into a point on the agenda for the coming Executive Committee, due to its complexity.

Mr. Björn Stockhausen, Seas At Risk, highlights that procedural issues within the SWW AC were the initial problem. As the Advisory Councils are bodies created by the European Commission, the legal basis for ACs are Commission rules. He offers to draft a mandate for the LDAC delegation for the upcoming Inter-AC meeting, to be agreed to at the next LDAC Executive Committee meeting, which is accepted by this Working Group.



**ACTION**

The issue of suspension of activities of the NGO group in the SWWAC will be included as a point on the agenda for the next Executive Committee of the LDAC (Madrid, 23 November), in preparation for the Inter AC coordination meeting to be held on 5 December

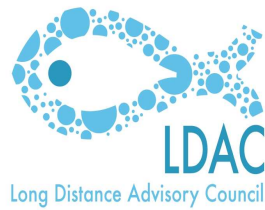
**11.Date and place of next meeting of WG5.**

It will be held in Brussels, in the month of March or April, awaiting confirmation of the date.

**The meeting is adjourned at 4.40 pm.**

BORRADOR





## **ANNEX. LIST OF PARTICIPANTS**

### **WORKING GROUP MEMBERS**

1. María José Cornax.OCEANA
2. José Antonio Suárez-Llanos ANAMER/AGARBA/ANAPA/ACEMIX
3. José Carlos Castro.ANFACO-CECOPECA
4. Beatrice Gorez. CFFA-CAPE
5. Iván López.AGARBA
6. Helene Bours. CFFA-CAPE
7. Michel Goujon.ORTHONGEL
8. Björn Stockhausen.Seas at Risk
9. Irene Vidal.EJF
10. Victoria Mundy.EJF
11. Juan Manuel Liria.FEOPE/CEPESCA
12. Rocio Bejar.CEPESCA/FEOPE
13. Joaquín Cadilla.ORPAGU
14. José Manuel Fernández. OPP Lugo
15. Katarina Sipic.CONXEMAR
16. Marta Llopis.CONXEMAR
17. Raúl García.WWF
18. Erik Olsen.Living Sea
19. Caroline Mangalo.CNPMEM
20. Despyna Symons.EBCD
21. Sandra Sanmartin.EBCD
22. Aurora Vicente.AIPCE
23. Marco Baldoli.AIPCE
24. Jane Sandell.NFFO
25. Vanya Vulperhorst.OCEANA
26. Juan Pablo Rodríguez.ANABAC

### **OBSERVERS**

1. Pawel Swiderek.EC Monitoring, Control and Surveillance Outside EU waters and Fight against IUU Fishing
2. Ana Olivert.FAR
3. Kosntantinos Kalamantis.EP
4. Anna Boulova.FRUCOM
5. Jesús Iborra.EP
6. Alexandre Rodríguez.LDAC
7. Manuela Iglesias.LDAC
8. Marta de Lucas. LDAC