

**DRAFT MINUTES**  
**22<sup>nd</sup> meeting of LDAC Working Group 5**  
**HORIZONTAL ISSUES**

**Thursday, 8<sup>th</sup> of March 2018, 9 am to 5 pm**  
**Hotel NH EU Berlaymont - Bvd Charlemagne. Brussels**

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

The WG5 chair, Ms. M<sup>a</sup> José Cornax, welcomes and congratulates all the women present for their work in the world of fishing on the occasion of Women's Day. She recalls that this is one of the most equal Advisory Councils insofar as the presence of representatives and officials is concerned, complementing all for that reason.

José Manuel Trujillo, ETF, joins the best wishes to women working in the fisheries sector.

**2- Approval of the minutes of the last WG5 meeting - Brussels, 8 November 2017.**

The minutes of the previous meeting are unanimously approved, including the comments made by representatives of the European Commission on their own interventions.

**3- Approval of the Agenda.**

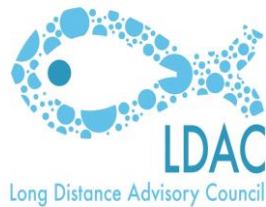
The agenda is approved, adding to other matters the debate on the draft letter of LDAC on the improvement of the long-distance fleet in the Annual Economic Report (AER) of the STEFC. Adding a point on the update of the SMEFF Regulation is also proposed, taking advantage of the presence of Mr. Emmanuel Berck.

**4- Updated Report on EU Trade Agreements with third countries:**

**State of affairs of the Interim Economic Partnership Agreements (EPAs) with the ACP countries; and of negotiations of Full EPAs.**

The representative of DG MARE B3, Mr. Joao Nunes, reports that, in Western Africa, the EPA is still not in force. There are differences in the negotiations between the different regions, which is why for West Africa it cannot be applied until the 16 countries sign it and two thirds ratify it. It is believed that Gambia could sign it soon, as well as Mauritania, although the latter may take a little longer, arguing that its association treaty to ECOWAS should be ratified by all its Members before signing the EPA. With respect to Nigeria, he indicates that the government is still discussing the proposal.

As regards the iEPAs, we are currently including the protocol on rules of origin for the iEPAs with Ghana and Côte d'Ivoire. There is an EPA Committee ongoing with Côte d'Ivoire this month.



#### **4.2. EU Negotiations with third countries (Indonesia, Japan,...) and international organisations (Mercosur...), and modernisation of already established trade agreements (Mexico and Chile)**

- Mercosur and Mexico: negotiations are both in the final stages but some differences remain, especially for Mercosur in products like agriculture and cars.
- Chile: The agreement modernisation process has begun, and it will continue with in-depth discussions in coming rounds.
- Australia and New Zealand: Although there is no opposition from Member States, the EU is waiting to receive an express mandate for the negotiation.
- Singapore, Vietnam and Japan: Agreements have been reached that are awaiting adoption, although this depends on several factors, such as the implementation of the ECJ ruling on investments and legal scrubbing.
- Tunisia: Negotiations will continue this year to update the agreement.
- Malaysia and India: The bilateral communication between the European Commission and these countries is ongoing, as it is for all countries with which the EU has trade flows. There is no formal negotiation ongoing.
- Indonesia: The 3<sup>rd</sup> round of negotiations began in February 2018, with a constructive spirit, although they are still far from reaching an agreement in terms of market access.

#### **4.3. Report published on compliance with criteria of the Generalised Scheme of Preferences (SGP+) in the Philippines and other countries with fishing products.**

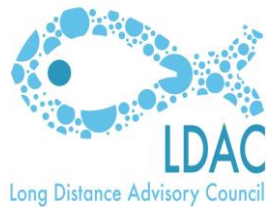
With respect to working rights, the EC representative indicates that they are taking this matter very seriously, including in the fisheries sector, as part of the GSP+ supervision process. They want to monitor the situation closely and visit Philippines. They hope to have a full report in summer, with an interim assessment carried out by an external consultant, including the involvement of civil society, for example, meeting with union representatives of the canning company workers in General Santos, etc. These results will be taken into account for the assessment of GSP+ and compliance with the 27 International Law Conventions.

The Chair thanks Mr. Nunes for his report and opens up the round of questions:

Ms. Marta Aymerich, ANFACO-CECOPESCA, underlines the concern about the relaunch of negotiations with Thailand following the general elections, scheduled now for October/November. She would like to have an update from the EC regarding the situation of dialogues with the Thai authorities for the different fishing products.

Mr. Pierre Comerre, FIAC/AIPCE, asks for clarification on the interim agreement with Ghana and the Ivory Coast, indicating that they are going to meet to discuss the topic of the rules of origin. This is a very important issue for the tuna trade sector.

Mr. Edelmiro Ulloa, ANAPA/ANAMER/ACEMIX/AGARBA, asks about the contradictory information regarding the access to Chilean ports to unload swordfish, suggesting that this point must be taken into account, and its solution must be bound to the modernisation of the current trade agreement.



Ms. Anna Boulova, FRUCOM, asks about the steps to follow with Vietnam regarding the supply of tuna, which, in her opinion, is very high, as well as the current situation of the problem of Morocco with Western Sahara.

Mr. Juan Manuel Trujillo, ETF, asks the EC about the statements of Thailand's prime minister, who threatened to arrest thousands of irregular workers. In his opinion, these measures are not the most adequate, as the only parties affected are the workers, and that attitude does not change anything. He believes that the EC could send messages to the Thai government for this not to be the case and to force them to fulfil some minimum requirements in agreement with ILO and the IMO guidelines.

Ms. Béatrice Gorez, CFFA-CAPE, believes that the problem encountered in the GSP+ regarding the environmental and social standards in the control of imports must be set out. This matter is currently being discussed by the European Parliament.

The DG MARE representative, Mr. Joao Nunes, responds that in Chile the most recent information compiled indicates that Chilean authorities are not applying rates that are considered discriminatory as they do not only address the EC fleet but also all foreign and Chilean fleets, as well as all fleet segments, and not just swordfish.

Respect to the case of Western Sahara, there is nothing new and they are waiting to receive the legal service opinion of the ECJ ruling from the legal services of the European Commission. Morocco is currently in the process of consultation with the EU and the fishing agreement protocol is currently in force until the 14<sup>th</sup> of July 2018.

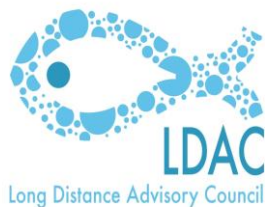
On the review of compliance with social, labour and environmental standards, he responds that the matters of human and labour rights are included both in GSP+ requirements and in the Sustainable Development Chapters of trade agreements and as such they are analysed as the contracting parties undertake to respect these minimum standards.

The representative of DG TRADE F3, Ms Clare Murphy, indicates that, regarding the blockage of unloading swordfish in the ports of Chile, it is essential to have the help of the European fleet affected, for them to pass on details of specific cases and problems in the practice to the European Commission. In this way the EC will be able to study the way to address this problem.

## **ACTION**

### **Trade agreements and social and labour issues linked to fishing and the GSP+:**

**Inviting officers from DG EMPLEO, DG HOME and DG TRADE to the next meeting of WG5 will be assessed, to get to know the specific situation in countries such as Thailand, Vietnam or Philippines.**



## **5- Monitoring the implementation of the Regulation on Sustainable Management of the External Distant Water Fishing Fleet (“SMEFF”): First results.**

### **5.1. Preparation of the CCTEP-STEFC Annual Economic Report – DWF Data review**

Mr. Alexandre Rodriguez, LDAC Secretary General, recalls that the presentation given by Mr. Michael Keatinge, during the course of the last LDAC Executive Committee, acted as grounds to prepare a draft letter in order to be able to have a more reliable and up-to-date snapshot of the long distance fleet categorised by regions/subregions. This draft was circulated and has not received any opposition or comments insofar as reservations are concerned. Likewise, he announces that the Commission has invited the LDAC Secretary to participate in the coming meeting of the AER Group of Experts of the STECF in Dublin in June.

#### **ACTION**

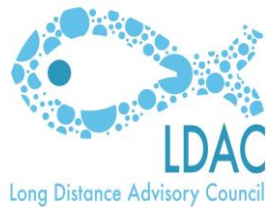
**Activity of the External Distant Water Fleet. LDAC proposal on the review of data and methodology in the Annual Economic Report OF the Scientific, Technical and Economic Committee (STEFC)**

**The Secretariat will once again send out the draft letter requesting improvement in the compilation and analysis of the economic data, as well as the review of the methodology to obtain a better description of the economic activity of the distant water fleet by fisheries and regions or subregions. An initial deadline of 2-3 weeks will be granted for WG5 members to formulate comments and then they will be taken before the Executive Committee for formal adoption, if appropriate, at the May meeting.**

### **5.2. Application of the Regulation on Sustainable Management of the External Fishing Fleet (SMEFF)**

The Deputy Head of DG MARE B3, Mr. Emmanuel Berck, spells out the practical questions and problems that the EC encounters regarding the application of the SMEFF Regulation. Although he thought that the adoption would take longer, it was finally published in the OJEU in January. As it is a legal instrument that contains a lot of new aspects, it requires coordination between different units of the Commission. In addition, member states must comply with their obligations, as there is responsibility by the state of the flag of the ship. Although the operators must comply with the regulation, member states must verify and report to the EC that the data received are reliable.

Respect to the SFPAs, the fishing agreement authorisations, having set a deadline seems to be working. Regarding private licences or direct authorisations, member states of the flag of the ship are under the obligation to inform the EC about them, for, for instance, fishing vessels that fish outside the agreements (Angola, Mozambique, Republic of Guinea Conakry,...). 30 days are granted to report and 10 days to object.



Although there are some very accurate articles relating to the protocol on sending this information, it is true that there are some problems derived from IT issues, which is why the authorisations are being processed manually until the IT tools with databases work adequately.

During this transition period, fishing operators are expected to increase their contacts with member states and conduct scientific analyses. He also indicates that they will organise themselves internally to guarantee sustainable fishing. With the private licence they will conduct a risk analysis, which must be backed up by the scientists. In cases such as that of Angola it is simpler, although there are other more sensitive cases such as the cephalopod species in Guinea. They estimate that there are 100-150 private licences, depending on the workload, a difficult topic in the sense that they have few staff resources. In addition to the authorisations, there is also the transmission of lists to RFMOs, in which case member states must report and the EC will conduct an analysis. There is also an obligation for MS to report about transshipments, which in turn will be discussed in the control unit.

The Chair thanks those intervening and then starts the round of questions from members/associates:

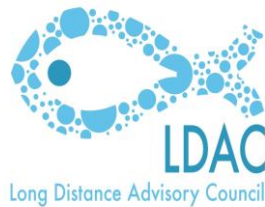
Rocio Bejar, CEPESCA, expresses that members are generally concerned about the delay in the digitalisation of the reporting systems and in the IT system, which they hope will not hinder the fleet activities due to the economic losses that this could generate, as well as the measures that will be quickly executed on the prohibition of discards and control measures. She also asks about the level of compliance by member states, since, as indicated by Mr. Edelmiro Ulloa, Anapa/Anamer/Acemix/Agarba, Spain is applying it strictly and they want to know if the other countries also do so.

The EC representative, Mr. Emmanuel Berck, indicates that, during the transitory period, some flexibility has already been foreseen in the Regulation, allowing 18 months to adapt. He highlights that the cooperation between the different DG MARE units works well, which is an essential aspect. He points out that harmonisation is the objective of the SMEFF Regulation, for all states to respect it. Finally, he states that it is not the role of the Commission to delay an administrative authorisation or fishing licence, that this is the competence of Member States of the flag. If there is no answer or no clarifications are requested within the assigned 10 working day period, he understands that this silence by the Commission is positive, and that the licence will be issued or renewed.

#### **ACTION**

**Application of the Regulation on Sustainable Management of the External Fishing Fleet – SMEFF:**

**Inviting representatives of B3 unit to offer an update on this point and analyse the degree of application of the Regulation, at the next meeting of WG5 will be considered**



## 6- Combating illegal, unreported and unregulated fishing (IUU)

### 6.1. Report from the Commission about the “yellow” and “red” card process

The EC representative, Mr. Pawel Swiderek, DG MARE, informs about the latest news in the different countries where a collaboration process is ongoing:

- Vietnam: The country has been pre-identified (yellow card) only in October 2017, therefore we are at an early stage of the dialogue. The situation did not change much since October 2017. While many political declarations announcing changes have been announced at a political level, this is not reflected in practice. Vietnam will be visited in May to take stock of the possible advances made. A new amended fisheries law should enter into force the coming year and implementing provisions still need to be produced. The intention is to maintain a regular interaction with the authorities of this country. The process is expected to be long as challenges ahead of the national administration are of important nature (e.g. there is a very large fleet with more than 100,000 fishing vessels).

- Thailand: Yellow card. They are in the third year of institutional dialogue and in constant cooperation with them, which produces substantial results. The progress made regarding legislative reforms is acknowledged, now the focus is on the effective application of the new policies that will take more time. Thailand is currently in the process of renewing many fishing licences.

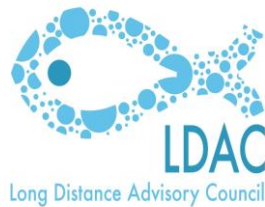
- Taiwan: Yellow card. There will be a visit to the country delegation next week. Dialogue is positive, reforms to the legal framework are in force and focus now is on effective implementation. Taiwan has an important long distant fleet, and issues have been identified in relation to nationals operating fishing vessels under third countries' flags.

- St. Kitts and Nevis: Yellow card. There is a problem of control of the long distance fleet. They have frozen its registration leading to possible dismantlement of the long distance fleet but there are still uncertainties regarding reflagging.

- Trinidad & Tobago: Yellow card. Although there has been progress regarding the technical provisions being developed under the current legal framework, there is still a problem regarding the low compliance and support at political level. They are trying to create a fisheries monitoring, surveillance and control centre as well as an inspection plan for port controls.

- St Vincent and the Grenadines: Red card and listing. There is a problem of control of the long distance fleet. They have announced that some of their long distance fishing vessels wish to change the flag to other countries. the EC is trying to show them how important it is for them to control their fleet, insofar as they must satisfy their international flag state responsibilities. The country requested funds under EU development fund however, to do this, the country must cooperate as define its policy objectives (EU not in position to finance unsustainable policies).

- Liberia and Sierra Leone: Yellow cards. Due to the recent (Liberia) and upcoming (Sierra Leone) presidential elections in both countries, there have not been many changes to be reported. A lot still needs to be improved. The EC visited Liberia in February. There is a new fisheries minister



and for the first time they noticed a certain degree of interest to cooperate, hopefully leading to increased control over fishing and fishing related vessel operating under national flag..

- Mauritius: The EC is planning to visit Mauritius this year as follow up tpo previous cooperation missions. They will focus on catch certification and port controls, bearing in mind the importance of the geographical situation of these islands related to long-distance fleet fishing activities.

- Comoros: Red card and listing. Nothing new. The country is politically in a weak situation insofar as it risks losing financial support from neighbouring countries and international organisations such as the World Bank. The EC will once again try to get some reaction with commitments by this country. The fisheries agreement is to be denounced soon.

- Malaysia: An evaluation mission has been carried out, looking into aspects such as control measures in port and verifying catch certificates.

- Kiribati and Tuvalu: Both countries have worked well to review their fisheries regulation, amending legal frameworks. In terms of control, the Kiribati fleet has increased, although they must adapt and improve the development of fisheries control and demonstrate cooperation with flag states responsible for fishing vessels operating in national waters.

- Cambodia: Red card, listing. The fisheries minister visited Brussels in 2017 expressing interest in improving, and in development projects. However the political situation is complicated and no substantial progress is recorded until now. Close cooperation with EU development policy is ensured as this country is beneficiary of substantial financial support for fisheries and aquaculture. This is believed to be a long-term challenge.

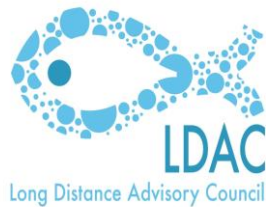
- South Korea: They have introduced their own catch certification system for species targeted by long-distance fleets that operates mainly in the North Pacific and in West Africa.

- China: They collaborate with the EU through the working group on IUU fishing. More specifically, they are working towards reinforcement of catch certificate verifications and controls. In their blue initiative they have a 5-year horizon action plan to control the capacity and effort of their long-distance fleet. Enforcement in relation to infringements is growing.

- Norway: They are cooperating with the EU on issues related to the fight against IUU fishing at international level. The dialogue also develops in the framework of the implementation of FAO Port State measures.

The WG5 Chair thanks Mr. Swiderek for his comprehensive summary and opens the round of questions from members:

Several members underscore the worrying situation of Thailand regarding job insecurity and human rights violations. Furthermore, attention is once more drawn to the fact that although DG MARE has no competence in labour rights issues, within the European Commission there should be close coordination as it has been seen that IUU fishing is often linked to the traffic of people and inhuman conditions on-board fishing vessels.



Industry expresses its great concern in this regard, as they compete with this type of products that also enter the European market. To this end, they insist on the need for these same standards to be requested for imports from third countries as from the European fleet. Furthermore, the traceability of operators in the market should be improved as well as information to consumers.

The EC representative, Mr. Pawel Swiderek, thanks for all the interventions. He responds that the regulation on the fight against IUU fishing does not address human rights or labour issues, focusing exclusively on fishing questions on the basis of article 20.1.g of the GATT. Although he understands that this issue might lead to frustration, DG MARE ensure close cooperation and coordination with other services of the Commission to ensure credibility and coherence of EU policies. He also points out that the new Thai regulation has incorporated social and labour issues and that there are several actions taken by the Thai administration in this area. Regular dialogue on social issues takes place with Thailand and is led by DG EMPL and EEAS.

#### **ACTION**

##### **Labour and social rights in Thailand**

**Mr. Juan Manuel Trujillo and Ms. Béatrice Gorez undertake to prepare a draft letter identifying the existing problems in Thailand regarding the criminalisation of illegal immigrants on board fishing vessels, and other issues involving the violation of labour and/or social rights.**

#### **6.2. Study of the proposal of the Market Advisory Council (MAC).**

Ms. Eszter Hidas, WWF, presents the reflection of the MAC on how to improve the effectiveness and application of the non-cooperative country carding process in the field of the IUU regulation, based on a study conducted by the NGO group.

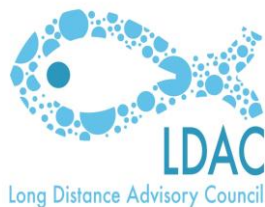
#### **ACTION**

##### **Joint LDAC-MAC decision on Regulation on fight against IUU Fishing:**

**The Secretariat will send the WG2 document of the MAC, in the three working languages, which contains a series of recommendations on how to improve the Application of the IUU regulation in terms of the card process. A 3-week deadline will be given to LDAC WG5 members for them to send their comments and show their position regarding their interest in collaborating with the MAC in this document and about the possibility of setting up a specific task force to monitor this issue.**

**The Secretariat will send the formal ETF position presented at the MAC along the line of demanding the same level of compliance or a level playing field between community and non-community operators for their access to the EU market.**





## **7- Revision of the EU control systems**

### **7.1 Update of the EC proposal**

### **7.2 Coherence with the IUU Regulation and others**

Mr. Alexandre Rodriguez, Executive Secretary, apologises for the presence of the European Commission and then reads the document with the information provided on this point by Ms. Francesca Arena on behalf of the DG MARE Control Unit (NB: Original in English and translation into Spanish reflected):

#### **English**

*The revision of the Fisheries Control System, is a major legislative proposal for 2018, under the REFIT programme. We take this opportunity to thank the LDAC once again for its valuable contribution, the discussions held and the written comments sent in October 2017.*

*We can already anticipate that the overall intention of the revision exercise is to amend the Control, the IUU and the EFCA Founding Regulations touching upon the following four areas: enforcement; data availability, quality and sharing; increased synergies with other policies; EFCA founding regulation.*

*We are currently in the process of finalising the legal drafting and we expect publication of the new proposal in May.*

#### **Traducción al Español**

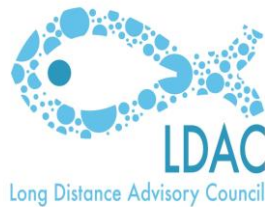
La revisión del sistema de control de pesca es una propuesta legislativa fundamental para 2018, en el marco del programa REFIT. Aprovechamos esta oportunidad para agradecer de nuevo al LDAC su valiosa contribución, los debates y los comentarios enviados por escrito en Octubre de 2017. Podemos anticipar que el objetivo principal de este ejercicio de revisión es enmendar los Reglamentos de Control, de Pesca INDNR-IUU y el Reglamento Fundacional de la Agencia Europea de Control de Pesca (EFCA) en base a cuatro áreas: aplicación del cumplimiento; disponibilidad, calidad e intercambio de datos; aumento de las sinergias con otras políticas sectoriales; reglamento fundacional de EFCA. Actualmente, estamos en proceso de finalizar el borrador de texto legislativo y esperamos que la nueva propuesta se publique a lo largo del mes de mayo.

#### **ACTION**

#### **Revision of the fishing control systems in the EU:**

**The publication of the draft Commission Regulation will be awaited before analysing the new aspects presented. Where fitting and if appropriate a specific coordination meeting of LDAC Chairs and/or Technical Focus Group will be organised, including this issue for discussion at future meetings.**

## **8- International governance of the oceans and seas and Blue Growth.**



### **8.1. Draft LDAC position paper on the application of the external dimension of the CFP (RFMOs, fishing agreements, transparency of fishing activities in international waters,...)**

Ms. Mireille Thom, independent consultant, presents the draft document on governance that she has prepared based on the reflections of the study published by WWF.

#### **ACTION**

##### **International governance of oceans and fishing**

**WG5 will carry on working to develop the conceptual note prepared by Ms. Mireille Thom and which is mainly based on the study published by WWF at the end of last year with a series of recommendations to promote the leadership of the EU in the field of international governance of the seas. The comments made by members of WG5 and the DG MARE representative, with respect to issues such as Agenda 21, the UN sustainable development goals (especially 1, 2 and 14), decent employment conditions, the role of industrial and small-scale fishing in third countries, and others such as the European strategy against plastic and marine litter, will be included in the revised draft for consultation.**

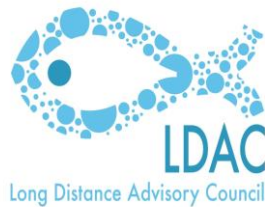
**They will also seek to associate some of these questions with other sectoral policies such as the trade policy.**

**Finally, the possibility of helping the Commission organise seminars, in the format of dialogues, in third countries in the Atlantic and Indian Oceans will be assessed. On the proposal of Ms. Béatrice Gorez, specific examples of good practices of the European fleet in terms of employment standards, development cooperation, etc. will be included in these dialogues.**

### **8.2. Debate on seabed mining in international waters**

Mr. Björn Stockhausen, Seas at Risk, urges the EC to take measures aimed at requesting the prohibition of this activity, considered as non-sustainable from an environmental viewpoint. He recalls that this is one of the development priorities in the EU Blue Growth Strategy that was published in 2012 and assessed in 2015, despite the concerns expressed by different scientific and economic investigators. He requests the adoption of a precautionary approach because of the lack of awareness of the environmental impact that these activities are going to cause, and concentrate efforts on the energy transition towards more sustainable consumption models.

To this end, the reduction in consumption of raw materials must be promoted, fostering renewable energies and the reinforcement of the circular economy in terms of recycling and the use of materials.



Mr. Stockhausen recalls that the European Parliament adopted a Resolution in the month of January requesting an international moratorium for the commercial exploitation activities of seabed mining in international waters. The International Seabed Authority is asked not to grant commercial licences or exploitation permits.

He proposes preparing a draft decision on this issue, requesting the European Commission to support the prohibition of this activity.

Mr. Ivan Lopez, acknowledges and supports this motion, expressing his concern about the serious environmental impact that this activity may generate and its effect on high-sea fishing activities. He highlights that, depending on the activity carried out in the sea, there are different standards in terms of management and audit measures, giving the example of closing zones to fishing due to the existence of vulnerable marine ecosystems, but not to other extraction activities.

Mr. Edelmiro Ulloa agrees with Mr. Lopez regarding the concern for closing areas due to VMEs and gives the example of the NAFO regulatory zone and prospecting for hydrocarbons (gas and oil) in areas closed to fishing.

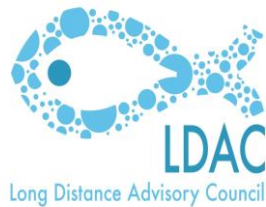
Béatrice Gorez, CFFA; María José Cornax, OCEANA; Eszter Hidas, WWF; and Juan Manuel Trujillo, ETF, support this initiative for LDAC WG5 to continue working on a decision on this point.

The EC representative, Mr. John Brincat, highlights the importance of the LDAC being able to contribute, with its viewpoint, to this issue. He advises that the legal framework as established by UNCLOS poses the obligation on States to protect and preserve the marine environment, including rare and fragile ecosystems as well as obligation to take measures to prevent, reduce and control pollution from activities under the jurisdiction and control of States. He recalls that the EU as such has limited competence at the International Seabed Authority (ISA). Finally, he indicates that as at today 27-28 contracts for prospecting have already been awarded, with 4 to China.

#### **ACTION**

##### **Prohibition of seabed mining in international waters:**

**Messr.: Ivan Lopez and Bjorn Stockhausen will present a joint proposal in writing, requesting the prohibition of seabed mining at high sea based on the uncertainty and risk of causing serious environmental impacts. The draft will be distributed by the LDAC Secretariat, once available, among members, for consultation and presentation of comments. References will be included therein to the legislative framework and to the applicable International Law instruments (CONVEMAR, WTO,...),**



### **8.3. Harmful fishing activity subsidies.**

The Executive Secretary, Mr. Alexandre Rodriguez, gives a summary of the draft decision on subsidies that the Secretariat sent for consultation in the month of December prior to the Intergovernmental Conference of the WTO in Buenos Aires. Due to the urgency and lack of time available and to discrepancies in aspects of the decision such as the fuel aid policy, they decided to postpone this debate to future meetings.

Mr. Brincat, EC representative, acknowledges the summary given by the Secretary as well as the different positions set out in the document, which he considers very illustrative. He refers to the fact that references to the need to eliminate harmful subsidies that contribute to illegal, unreported and unregulated fishing and overcapacity, have been included for many years in the Sustainable Fisheries resolution that the UN General Assembly (UNGA) adopts on a yearly basis, highlighting that this issue is a priority for the Commission to achieve greater transparency. He indicates that the Sustainable Fisheries resolution was submitted to vote for the first time at the UNGA, due to the references to the WTO to tackle such subsidies and which were opposed by one major delegation.

#### **ACTION**

##### **Harmful fishing subsidies:.**

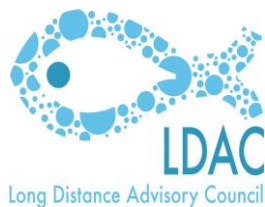
**The LDAC Secretariat once again distributes the draft decision on harmful fishing subsidies that was sent in the month of December, incorporating the inputs made by some members at the time and during the course of this debate. An initial 3-week period will be granted to receive comments, in order to include this subject in future meetings.**

### **8.4. Update of the European Commission on the process of Biological Diversity Beyond Areas of National Jurisdiction (BBNJ)**

The EC representative, Mr. John Brincat, thanks the LDAC for its collaboration and for the invitation to this working group to sum up this point.

With respect to the BBNJ process, he indicates that four meetings of the Preparatory Committee were held in 2017 and 18, the last one in September 2017, when they adopted recommendations by consensus to advance in the work to an Intergovernmental Conference to negotiate a new legally-binding agreement. He also referred to the four elements of the package of issues which would constitute the scope of the agreement: marine genetic resources, including questions on the sharing of benefits;; area-based management tools including marine protected areas; environmental impact assessments and capacity building and marine technology transfer. He observed that States which were sceptical to the process including Russia, the US and Iceland still joined in the consensus.

Regarding the work calendar, it was agreed to convene the First Substantive Session of the Intergovernmental Conference in September 2018 with a preparatory meeting already



confirmed for the 16<sup>th</sup> to the 18<sup>th</sup> of April when procedural and administrative aspects will be discussed.

Finally, he highlights the importance of the participation of NGOs and civil society in debates when environmental aspects are included, following the spirit of Rio +20, promoting greater transparency and participation of stakeholders. This process will last for several years and it is hoped that it will end in the adoption of an international legally-binding treaty.

## **ACTION**

### **Management in High Seas and international waters – United Nations:**

**The LDAC will continue to work seamlessly and closely with unit B1 on Ocean Governance and Law of the Sea of DG MARE, and will provide the view of the stakeholders in key aspects such as Sustainable Fisheries resolutions, Sustainable Development Goals (UN SDG), the process of Biodiversity Beyond the Areas of National Jurisdiction (BBNJ) of the UN, as well as consultations of the World Trade Organisation.**

#### **8.5 Proposal of the LDAC on the BBNJ process – Governance of the scientific assessment and quality organisations of the scientific reports.**

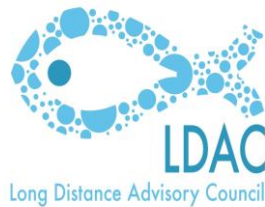
Mr. Alexandre Rodriguez, Executive Secretary, transmits to the Commission representative that a proposal, promoted by Mr. Marc Ghiglia, was discussed in LDAC at the time, asking if there has been a debate on the need to have governance structures around the scientific decisions that will underpin future proposals and management tools in a framework of an ecosystem-based approach and biodiversity protection. Finally, greater coordination between RFMOs, CBD, United Nations is defended in the proposal to seek a common solution.

The EC representative, Mr. John Brincat, indicates that, indeed, this issue about possible structures and scientific bodies has been discussed on several occasions in the context of the BBNJ discussions, although an agreement in this regard has still not been reached, as there are several options. He points out that some countries believe that there must be ad hoc Scientific Committee, and in contrast, others prefer using an existing body.

Mr. Brincat highlights that there are other commercial activities in the sea other than fishing, so any scientific committee should be made up of experts in different disciplines and economic activities.

#### **9- Update of the FARFISH H2020 Project.**

The Executive Secretary, Mr. Alexandre Rodriguez, explains that six case studies have been included in the project: Mauritania, Senegal, Cape Verde, Seychelles, South-West Atlantic (SWA FAO 41) and South-East Atlantic (SEAFO FAO 47). An internal coordination meeting between partners and project leaders was held to prepare the seminar to launch the case studies planned for the month of June in Vigo. The main problem verified at the meeting was the lack of data.



Currently, the management objectives for each case study are being defined, so he encourages members to make inputs or comments.

Then, he indicates that there are two milestones on the meeting calendar: the annual project meeting in Southampton in May, which will be attended by representatives appointed from the project consortium; and the launch workshop of the case studies in Vigo in June, which all the members and stakeholders will be invited to.

With respect to the procedure to select a coordinator for the project, the Executive Secretary, Mr. Alexandre Rodriguez, informs that, after publishing the job offer, more than 20 CVs were received, so he hopes that the Selection Committee can meet as soon as possible to decide on the candidate selected for the post.

#### **ACTION**

##### **Participation of the LDAC in the FarFish H2020 Project:**

**The Secretary will inform about the progress in the work in the different work packages and deliverables that the LDAC will be involved in, and will distribute the “zero” management plans of the fisheries addressed in the case studies in order to obtain comments. The calendar of meetings open to participation of stakeholders will also be announced, with an invitation to members wishing to participate. Finally, members will be brought up to speed regarding the selection process to hire a scientific coordinator for this project.**

#### **10- Other matters of interest:**

Ms. Irene Vidal, EJF, proposes that the LDAC should prepare a decision on the report of the European Member of Parliament, Ms. Linnéa Engström on the control of imports. She could even be invited to the next meeting.

Ms. Béatrice Gorez, CFFA-CAPE, suggests waiting for the report to be published..

#### **ACTION**

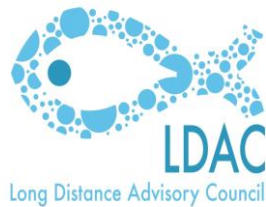
##### **Report of the European Parliament on import control:**

**It is proposed to evaluate the inclusion of this topic in the agenda for the next WG5 meeting, seeking to make a draft decision based on the analysis of the report by the speaker, Linnéa Enström, once it has been adopted by the Committee on Fisheries.**

#### **11- Date and place of next meeting.**

It is announced that it will be held in October in Brussels. Confirmation will be sent about the exact date and place later on.

**The meeting is adjourned at 4.15 pm.**



## **ANNEX I. LIST OF THOSE ATTENDING WG5 Brussels, 8 March 2018**

### **WORKING GROUP MEMBERS**

1. María José Cornax. OCEANA
2. Beatrice Gorez. CFFA-CAPE
3. Anna Boulova. FRUCOM
4. Rob Banning. PFA
5. Edelmiro Ulloa. Anapa / Anamer / Acemix / Agarba
6. Julio Morón. OPAGAC
7. Jessica Demblon. EBCD
8. Orestis Karghotis. EBCD
9. Alexandra Maufroy. ORTHONGEL
10. Iván López. AGARBA/CEPESCA
11. Rocío Béjar. CEPESCA
12. Juan Manuel Liria. CEPESCA
13. Marta Aymerich. ANFACO-CECOPESCA
14. Irene Vidal. EIJ
15. Sergio López. OPP-Lugo
16. Luis Vicente. ADAPI
17. Frédéric Le Manach. BLOOM
18. Despina Symons. EBCD
19. Juana Parada. ORPAGU
20. Claudia Vinci. AIPCE
21. Pierre Commère. FIAC/AIPCE
22. Bjorn Stockhausen. Seas at Risk
23. Juan Manuel Trujillo. ETF
24. Katarina Sipic. CONXEMAR
25. Jane Sandell. NFFO/FPO
26. Eszter Hidas. WWF

### **OBSERVERS**

27. Joao Nunes. DG MARE B3 (Trade Agreements)
28. Clare Murphy. DG TRADE F3 (Trade Agreements)
29. Emmanuel Berck. DG MARE B3 (SMEFF Regulation)
30. Pawel Swiderek. DG MARE B4 (Fight against IUU fishing)
31. John Brincat. DG MARE B1 (International Governance)
32. Mireille Thom. Independent consultant
33. Alexandre Rodríguez. LDAC Secretariat
34. Manuela Iglesias. LDAC Secretariat
35. Marta de Lucas. LDAC