

DRAFT MINUTES

13th meeting of LDAC Working Group 3 Rest of RFMOs and high seas waters not covered by RFMOs

**Tuesday, 17th of April 2018, 9 am to 11 am
NH Berlaymont – Schuman Hotel, Brussels, Belgium**

1. Welcome and apologies made by the Chair.

The Chair, Mr. José Antonio Suárez-Llanos, welcomes and apologises for the absence at the meeting of Mr. Ivan Lopez, LDAC Chair and representative of AGARBA, and of Mr. Javier Garat, member of the Executive Committee and representative of CEPESCA.

The list of those attending is enclosed as Annex I.

2. Approval of the minutes of the 12th WG3 meeting (Brussels, 4 April 2017).

The minutes of the last meeting held on the 4th of April 2017 are approved.

3. Approval of the agenda.

The agenda is approved.

4. Report of the European Commission on new aspects of the RFMOs that fall within the WG3 scope of action.

4.1. Antarctic Resources – CCAMLR.

The EC representative, Mr. Seppo Nurmi, reports that the last annual meeting was held in October 2017, focussing mainly on application measures of designated Protected Marine Areas (PMA), although there was not much progress in this regard. On the possibility of designating a new PMA in the Eastern Antarctic, discussed in 2016 but without having reached an agreement, he reports that a new proposal has been presented for this year. He indicates that Norway has presented a proposal on reducing the area to the east of Zero Meridian by one third, also arguing that the data presented are insufficient.

On the other hand, he highlights the need to review the compliance assessment procedure. Many discussions on the topic took place last year and some proposals were made internally to China, but no answer has yet been received from them.

Further, they are studying the possibility of reviewing the regulation to fight against IUU fishing of other RFMOs, with a possible cross-check or automatic crossed verification of lists of IUU fishing vessels in different RFMOs, awaiting news from the United States on a possible proposal regarding transshipments, as occurred in previous years with Australia. It should be recalled that transshipments are not just forbidden in the area of the Convention but also in adjacent external areas.

With respect to the EU attached shark fin policy, they are trying to rally the support of the United States to relaunch the topic, as there are other contracting parties that are also interested in addressing this topic, which is opposed by China and Japan.

Ms. Vanya Vulperhorst, OCEANA, asks if it would be possible to prepare a combined or crossed list of vessels among the different RFMOs for vessels that have engaged in illegal fishing. Mr. Nurmi answers that many parties do not consider CCAMLR as a RFMO per se, so this complicates the coordination. Further, if a RFMO considers that a vessel should be included in its list, this must be examined, making the appropriate verifications, but not necessarily having to pass this on to other RFMOs.

4.2. South and North Pacific – SPRFMO and NPFC

SPRFMO

Mr. Seppo Nurmi, EC representative, explains that the annual meeting was held in January, summing it up as follows:

- Horse mackerel was recovered with a 50% increase in TAC, so EU catches amount to 35,000 tons.
- The implementation standards for the vessel tracking system by satellite (VMS) have been adopted, as well as a framework to develop a regional observer programme.
- A budget formula was agreed that will provide greater stability in terms of the monitoring and development of the work.
- On an EU initiative, it was decided to review the functioning of this RFMO in summer.
- The adoption of measures for bottom fisheries was blocked by Australia and New Zealand.
- The proposal for a high-seas inspection regime was blocked by China.
- A new Executive Secretary was appointed – Mr. Sebastián Rodríguez.

With sights placed on the next annual meeting planned to be held from the 19th to the 27th of January 2019 in Holland, the Commission representative asks LDAC to pass on any problem, suggestion or opinion they may have regarding SPRFMO as soon as possible. For example, the review of the interannual quota and transfer exchanges (banking and borrowing) between contracting parties will be proposed.

ACTION: The LDAC will request the European Commission to send a proposal to the Scientific Committee of this RFMO to study the possibility (as the CIEM does) of quota exchanges between CPCs and transfers from one year to another by the contracting parties. The quota banking proposal would be for a 5-year agreement, respecting the distribution criteria and keys, in a similar way to what occurs with the small pelagic species in NEAFC.

NPFC (North Pacific Fisheries Commission):

ACTION: At future WG3 meetings, the LDAC will address the proposal of the pelagic industry whereby the EU is requested to accept their membership as contracting party in the North Pacific Fisheries Commission (NPFC). To this end, the EU Council must give the Commission a mandate authorising them to start the membership application proceedings.

4.3. South Indian Ocean - SIOFA.

Mr. Stamatis Varsamos, EC representative, informs that the most recent annual meeting was held from the 25th to the 29th of June in Thailand, preceded by a meeting of the Compliance Committee. He highlights that the reports and support information on the different meetings are available on their website: <https://www.apsoi.org/meeting-reports>

Below, he sums up the results of the annual meeting in 3 points:

1. Lack of data making it impossible to carry out analytical assessments for key commercial interest stocks.
2. Lack of data to make a bottom fishing impact assessment. Although a methodology was adopted to carry out the research, the Scientific Committee still has not been able to validate it.
3. The debate to designate protected marine areas.

The EC representative invites LDAC to propose work priorities to the European Commission for this RFMO.

4.4. South-East Atlantic – SEAFO..

The EC representative, Mr. Luis Molledo, informs that the most outstanding point discussed at the annual meeting held last year was the possibility of extending the SEAFO area to zone FAO 41. For the moment, until Argentina and other countries or contracting parties give their opinion, the EU remains neutral with respect to this proposal. At the last SEAFO meeting, the opinion of the countries was quite consistent, so it seems unlikely that the spatial environment of the RFMO will be extended to this zone.

He underscores that the only EU proposal that was approved was related to a protocol of exceptional circumstances for harvest control rules (HCR).

He also points out that, respect to shark fishing, the line maintained by Japan was followed, and no advances were made regarding the EU attached fin policy proposal.

With respect to the activity in the SEAFO convention area, he indicates that there is very little fishing activity, so there is not much scientific research in the area, except for isolated campaigns of the Firdof Nansen oceanographic vessel. In 2017, he informs that 2 Japanese and 2 Namibian vessels, which seemingly had had no activity since 2010, operated.

On the other hand, he informs that the Bolivian vessel “Cape Flower”, which was included in the illegal, unreported and unregulated fishing list, operated in this zone and most probably in the CCMLAR zone, too. He indicates that, after contacting Bolivia, the authorities told them that as this country was not a contracting party of SEAFO or of CCMLAR, in their opinion, they could freely operate on the high seas, as the vessel has a valid fishing licence in force, despite there being an obligation in CONVEMAR for the cooperating Flag States in terms of sustainability of fishing resources on the high seas.

Finally, he informs that another issue discussed was the possibility of SEAFO meetings being held every two years instead of every year, as they are now, due especially to budgets. However, no concrete decision was taken in that regard.

The EC representative concludes his intervention, indicating that, in his opinion, the most important topic is the debate on how to improve scientific assessments and on the extension of the protected marine area.

The round of comments and questions then follows:

Ms. Vanya Vulperhost asks if there is a similar legislative provision to CCMLAR in SEAFO regarding the persecution of nationals of a CPC in vessels registered in IUU fishing lists. Mr. Molledo responds that, as far as he knows, no such provision exists in this RFMO.

Mr. Juan Manuel Liria, FEOPE/CEPESCA, asks about the possible extension of SEAFO waters. He considers there is little interest by current member countries of SEAFO, but he would like to know if the possible extension proposal has been specified, as the coverage of this RFMO goes from the equator to parallel 50, so, depending on the actual extension, some countries or others would intervene.

The EC representative, Mr. Luis Molledo, responds that there are two possible scenarios in this extension: one including the Falkland Islands and another without them. Although he underscores that neither of the two scenarios are satisfactory for all contracting parties. He informs that the extension of the Convention area would be zone FAO 41, although this is not accepted by Argentina. In terms of activity, he highlights that there have not been any recent incidents of third country fleets very close to the border of the Exclusive Economic Zone. However, Argentina is still in contact with the EU and has mentioned the possibility of having cooperation agreements via United Nations (UNFSA). Although no progress has been made yet, they will contact the Argentinean Administration again.

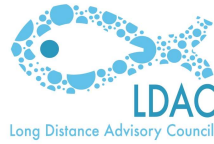
Mr. José Antonio Suárez-Llanos, ANAMER/AGARBA/ANAPA, highlights that they are concerned about the growth of the Asiatic fleet, which has around 600 vessels already, and is increasing without any apparent type of control. This topic is very important for the activity of the Vigo fleet in the Falkland Islands that mainly live off squid and cuttlefish fishing.

Mr. Alexandre Rodriguez, Executive Secretary, confirms that there are problems of scientific knowledge and stock assessment along the line indicated by the EC representative. He indicates that the H2020 FARFISH project, of which the LDAC is a partner, includes a case study, precisely on SEAFO and zone FAO 47, so it would be beneficial for the EC to send us information about where the data gaps exist to try to conduct an analysis in that case.

ACTION:

The Secretariat will send Luis Molledo information relating to the FARFISH case study on SEAFO. DG MARE will also send LDAC available data of these fisheries by means of the respective reports, for their consideration in the project.

5. News about commercial agreement and access to Chilean ports (DG MARE)



The EC representative, Mr. Luis Molledo, informs that based on the latest information he has received, there is no formal administrative or legal impediment to European vessels making landings or transhipments of swordfish in Chilean ports, although he clarifies that, to do so, they need to satisfy the regulation in force as well as Chilean RD 120 in force since 2004.

To this end, the request to enter port must be sent to the pertinent authorities with a 72-hour pre-notification period, and it must be accompanied by the relative valid fishing licence as well as by the registration or report, via Excel spreadsheet, of the complete track of the last trip, or by means of direct transmission of the vessel's VMS data on activity to the Chilean authorities by means of a second "blue box".

Mr. José Antonio Suárez-Llanos, ANAMER/AGARBA/ANAPA, indicates that having a clear document would be very positive, specifically indicating the conditions that vessels must satisfy to access the ports of Chile. He also asks if it would be possible to deliver the VMS information in another way other than installing a second blue box or giving a complete report of the trip to the Chilean authorities with their activity outside EEZ waters, and in IATTC management waters as this is sensitive commercial information.

Mr. Luis Molledo, EC, indicates that for them the problem has been solved, and that the sector has to comply with Chilean Ministerial R.D. 123. He indicates that the Chilean administration has insisted that they will not accept special conditions for the longliners, so as not to incur in discriminatory treatment respect to other foreign fleets that land there, such as the pelagic trawler fleet, and as this regulation is coherent with the FAO Port State Measures Agreement (PSMA).

On the other hand, he indicates that if the LDAC transfers these issues in writing to the EC, they will be delighted to answer them in writing, too.

ACTION:

The LDAC Secretariat will urgently send a letter to the European Commission requesting clarification on the requirements for access to the ports of Chile for the landing and/or transhipment of swordfish and other tuna species (including sharks) by the surface-set longliner fleet. This is a mere formulation of explanatory type questions that were already answered orally at the meeting, seeking written confirmation to grant legal certainty to the operations of the fishing fleet that operates in international waters outside the 200 miles adjacent to the EEZ of Chile.

6. Cross-cutting issues proposed by members:

6.1. Community capital fishing companies with investments in third countries

Mr. José Antonio Suárez-Llanos believes that it would be highly positive to reflect upon the public-private cooperation initiatives of fishing companies with investments abroad. He underscores that it is also necessary to reflect, doing self-criticism, on the Report of the European Court of Auditors on this topic. He expresses his concern about the proliferation of investments of other countries such as China, that are taking advantage to increase their fleet throughout the world, and without any control. In his opinion, this type of investment should once again enjoy legal recognition within the framework of the CFP.

The Executive Secretary, Mr. Alexandre Rodriguez, explains that this proposal has also been made by CEPESCA, taking up again one of the conclusions of the International Seminar of the LDAC held in Las Palmas de Gran Canaria (September 2015), so he suggests that this Working Group should produce a conceptual note for later debate.

Ms. Béatrice Gorez, CFFA-CAPE, expresses her agreement and acknowledges that producing this conceptual note would be positive, to study the possibility of developing a specific framework for this type of mixed societies, studying, among others, the perspective of environmental and socio-economic sustainability.

Ms. Carmen Paz, European Parliament, indicates that this topic is very important, highlighting that there are a lot of EU investments of this type and a total lack of knowledge of public-private partnership initiatives that are carried out. She believes that it is an excellent topic to be developed within the LDAC.

ACTIONS

- Under mandate from the Chair and WG3 members, the LDAC Secretariat will prepare a first draft conceptual note, reflecting international governance aspects and giving examples and elements of transparency. This will give more prominence to the role that mixed societies play in the international dimension of the CPF, as well as its social and economic impact on the third countries where they operate, in aspects such as, for instance, its repercussion on the socioeconomic fabric, the creation of jobs, or returns in local communities. Likewise, the benefit they report to the European countries themselves, regarding supply of quality fish to the community market, generation of wealth in the ports of origin of the investing companies, etc., will be shown.

- An “ad hoc” drafting committee will be appointed to review the draft and formulate comments to outline a document that will be discussed at the next WG3 meeting. The initial volunteers of this drafting committee are José Antonio Suárez-Llanos, Beatrice Gorez, Javier Garat and Juan Manuel Liria, with the assistance and coordination of the Secretariat.

6.2. Role of the EU in the international governance of the oceans

Mr. Alexandre Rodriguez, Executive Secretary, sums up the draft document on governance prepared within LDAC WG5 for its discussion.

ACTION

WG3 members will be asked to send their comments on the WG5 position paper on improvement of the EU role in the framework of international oceanic governance.

7. Other issues

No new issues are added.

8.- Date and place of next meeting.

It is agreed to hold the next meeting in Brussels in March or April 2019.

BORRADOR



**ANNEX. LIST OF THOSE ATTENDING WORKING GROUP 3 MEETING
Brussels, 17 April 2018**

MEMBERS

1. José Antonio Suárez-Llanos. ANAMER/AGARBA/ANAPA.
2. Beatrice Gorez. CFFA-CAPE
3. Juan Manuel Liria. FEOPE/CEPESCA
4. Aivaras Labanauskas. Atlantic Fishery Company
5. Despina Symons. EBCD
6. Jessica Demblon. EBCD
7. Vanya Vulperhorst. OCEANA
8. Luis Vicente. ADAPI
9. Gerard van Balsfoort. DPFTA
10. Juan Manuel Trujillo. ETF

OBSERVERS

11. Luis Molledo. DG MARE - CE (SEAFO and Chile)
12. Seppo Nurmi. DG MARE - CE (CCAMLR and SPRFMO)
13. Stamatis Varsamos. DG MARE - CE (SIOFA)
14. Carmen Paz. European Parliament Think Tank
15. Martin Pastoors. DPFTA
16. Margarita Mancebo. General Secretariat of Fisheries - Spain
17. Sarah Jones. DEFRA
18. Sigita Meskeleviute. Permanent representation of Lithuania
19. Alexandre Rodríguez. LDAC Secretariat
20. Manuela Iglesias. LDAC Secretariat
21. Marta de Lucas. LDAC Secretariat