

**DRAFT MINUTES**  
**21<sup>st</sup> meeting of LDAC Working Group 5**  
**HORIZONTAL ISSUES**

**Wednesday, 8 November 2017, 09:30 a.m. to 5:30 p.m.**  
**Hotel Leopold – Rue du Luxembourg 35, Ixelles / Brussels**

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

Ms Béatrice Gorez, substituting the Chair, María José Cornax, welcomes the participants to the meeting. She next presents Ms Cornax's apologies that she cannot attend because she is on temporary leave.

She also conveys the apologies received from Julio Morón (OPAGAC), Juan Manuel Liria (CEPESCA) and Björn Stockhausen (Seas at Risk).

The complete list of those attending is included as an annex to this report.

**2- Information on changes in the position of WG5 vice-chair.**

In the wake of Mr José Carlos Castro ending his employment relationship with ANFACO, a proposal is made to name Ms Marta Aymerich as his substitute and candidate to replace him as WG vice-chair representing the ANFACO organisation for the rest of the respective term (one and a half years). The members present have no objections and this is approved per the LDAC internal rules of procedure.

**3- Approval of the minutes of the last WG5 meeting – Brussels, 5 April 2017.**

The minutes of WG5 are approved, correcting a mistake about the date of the Executive Committee.

**4- Approval of the agenda.**

The agenda is approved, with the request by Ms Marta Aymerich (ANFACO) to include in other issues the problem of tuna in brine with respect to the histamines alert. She also indicates that she will send an additional document afterwards.

**- Action:**

**ANFACO (Marta Aymerich) will send a document to inform the WG5 members about the problem of the health alert regarding tuna in brine. If there is sufficient consensus the**



**possibility of producing an opinion will be assessed.**

**5- Updated report from the Commission on the negotiations of EU Trade Agreements with third countries: state of negotiations of the Interim Economic Partnership Agreements with the ACP countries, and of negotiations of the Full Economic Partnership Agreements.**

- Presentation by the European Commission

The European Commission representative, Mr Manuel Catalán, reports on negotiations for the different Trade Agreements:

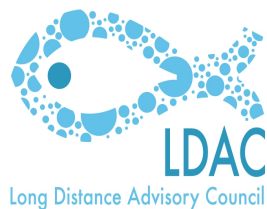
- Mexico: the agreement's modernisation is being finalised, with discussions under way;
- Chile: wants to modernise the existing FPA with new areas for services, investment and trade, etc. Negotiations to start that process as soon as possible have begun;
- Mercosur: negotiation is already under way and expected to finish this year. Both sides are deeply concerned about access to the market for agricultural products, sustainable development or services. Next week there will be a new round;
- Japan: before summer the agreement was practically reached at political level, though some significant questions must still be substantiated vis-à-vis tariff concessions and liberalisation of products. One more year is subsequently required for legal revision and adoption of the agreement;
- Vietnam: a judicial decision on partial investments is pending, whereby it remains stalled for the time being;
- Indonesia: negotiations have just begin but the context is not as urgent as in other countries. The next round will be in January/February 2018;
- Australia and New Zealand: they are negotiated separately. The first round was expected to be held before the end of 2017, but they don't know if they have time.

- Round of questions by the LDAC members:

Ms Anna Boulova (FRUCOM) expresses concern about the entry into force of the agreement with Vietnam, as it may cause major disruptions in the market. She wants to know where we stand and what steps must still be taken.

Ms Marta Aymerich (ANFACO) asks about the state of negotiations with the Philippines and Thailand, highlighting that those countries are a threat, in so far as they do not comply with environmental measures, the effective fight against illegal fishing or respect for human rights. She asks whether they will be negotiated jointly in the ASEAN framework.

Ms Rocío Béjar (CEPESCA) brings up the question already dealt with in Working Group 1, and which was explained by OPAGAC. She wants to express the concern of the freezer fishing fleet regarding exemption from rules of origin for Seychelles and Mauritius. Also, with the rules adopted in the IOTC the Spanish fleet has had to stop and those countries are requesting more



exemptions at origin, for more than 3,000 tons. The impact of that stoppage on price will be adversely affected by cheap imports from other countries.

The EC representative, Mr Manuel Catalán, responds regarding Vietnam that they do not know the precise date the agreement will take force; he believes it is possibly in the middle of next year but will nevertheless ask about it.

Regarding the Philippines and Thailand, negotiations are stalled. They apparently want to make an agreement that serves for the whole ASEAN region, but that desire is thought to be more political than real.

Regarding the question concerning Seychelles and Mauritius from CEPESCA and OPAGAC, the EC has requested that this situation be unblocked, but the quantities those countries request to produce processed tuna amount to around 50,000 tons of tuna per year; to ask for 5,000 tons per year is equivalent to about one month's production.

Mauritius is more advanced. Seychelles would like to produce a distinctive tuna that can only be achieved with certification of the pole-and-liners, but apparently they will take up to 2 years.

Ms Béatrice Gorez (CFFA-CAPE) believes that the chapter devoted in FTAs to sustainable development should ensure that imports really do meet social and environmental standards. As it stands, these commitments enshrined in FTAs have no teeth

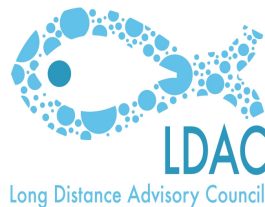
Ms Marta Aymerich (ANFACO) gives the example of the Philippines, indicating that it was granted the system of generalised preferences.

Mr Alexandre Rodríguez, Secretary General, comments that last year the LDAC sent a specific opinion on introduction of the GSP+ in the Philippines, underscoring the conflicts occurring in fish processing plants or breaches of rules of international law regarding social and labour rights. At the last WG5 meeting, the EC's response was that they were in the process of finalising their monitoring mission and issuing the report on application of the GSP+ in that country. He therefore asks whether the EC has already issued that report and, if not, when it will be available.

The EC representative, Mr Manuel Catalán, replies that a draft report is being prepared on the extent of GSP application by countries, which is expected to be published in December. Depending on the result of those reports, in the beginning of the year they will debate what to do in the wake of the report. In that regard, Cabo Verde, Vietnam and Sri Lanka are very interesting.

Mr Juan Manuel Trujillo (ETF) urges the EC to reflect, in so far as Thailand has requested that the Commission undertake the service missions to evaluate its progresses in matters of social and labour rights, the fight against illegal fishing and the ability to track fishing products. He believes that they are on the right path, whereby it could perhaps also be applied to countries like the Philippines and others. In his opinion, it is fundamental to have a multi-sector agreement on social issues of fishing from the Social Dialogue Committee.

Regarding Vietnam, Ms Béatrice Gorez (CFFA-CAPE) is interested in the fact that it was pre-designated a non-cooperating country in the fight against IUU fishing, whereby it was given the 'yellow card'. She asks about the extent to which this affects the trade negotiations.



The EC representative, Mr Manuel Catalán, indicates that it is written in the community rules that disputes stemming from the fight against IUU fishing are discussed separately and affect neither market negotiations nor health activities. Art. 20 of the GATT permits taking measures against countries that do not comply with environmental and health standards, etc, but those are different instruments.

**- Action: Generalised System of Preferences (GSP)**

**As soon as it becomes available the Secretariat will distribute the EC report on the level of GSP compliance by third countries, among them the Philippines. Also, the possibility of preparing a draft opinion or proposal that can be debated at the next WG5 meeting (March 2018) will be weighed.**

**6. International governance of seas and oceans.**

**6.1. Conclusions and commitments obtained at the International Conference on Our Oceans (Malta, 5-6 October 2017): future actions.**

- Presentation by the European Commission

The DG Mare representative, Ms Reka Rozsavolgyi, reports that the Malta conference was a high-level event attended by nearly 1000 representatives from more than 100 countries. As for results, more than 400 political and economic commitments were achieved; she highlights that the EU contributed with 36 commitments worth 550 million euros.

On the other hand, she notes that the first such conferences dealt more with commitments between states, with only one business and companies commitment produced. However, at this conference more than 100 private commitments were reached. She also stresses another achievement, which was surprising the participants with the immersive ambience technology used at the event. In short, she points out that the entire DG MARE team and the organisers from the European Commission are very proud of their organisation and of this forum's success. Finally, she indicates that in December they will meet with the representatives of Indonesia to explain to them organisational and logistics aspects and questions regarding the transfer of powers/functions.

- Round of questions by the LDAC members

Ms Mireille Thon (WWF) indicates that the commitments were reviewed and that not many specifically dedicated to fishery governance were found.

The EC representative, Ms Reka Rozsavolgyi, responds that numerous commitments focus on combating marine contamination, though she acknowledges that not very many specifically concern fishery governance, hoping that there can be more in the future. She believes that the reason was that they did not have enough time to prepare specific and realistic commitments. She then reports that the next annual Our Oceans conferences will be held in Bali (2018), Norway (2019) and Palau (2020), respectively.



Ms Béatrice Gorez (CFFA-CAPE) asks what the EC can do to track the extent of fulfilment of the commitments obtained at past conferences and also of the new ones. It would be good to have information about the amount of progress, beneficiaries, etc, and to make an effort to disseminate the results in order to increase transparency and credibility.

The EC representative, Ms Rozsavolgyi, indicates that the European Commission contacted those who made commitments at previous conferences and asked them specific questions about the degree of the commitments' implementation, obtaining responses in 80% of the cases. Furthermore, information can be viewed by country and region by means of a digital map posted on the Our Ocean 2017 website at <http://ourocean2017.org>. The keynote speakers' presentations can also be viewed.

Ms Mireille Thon (WWF) suggests that the LDAC should reflect or contribute ideas about how to achieve more commitments for sustainable fishing at international level.

Mr Alexandre Rodríguez, Secretary General, highlights that he himself as well as numerous LDAC members were present in Malta and actively participated. He congratulated the European Commission's organising team for the professional organisation and content, and the LDAC members who made commitments on behalf of their respective organisations.

Mr Julio Morón (OPAGAC) next read the commitment they made and asks for it to be included in the minutes:

*"The Organization of Associated Producers of Large Tuna Freezers (OPAGAC) announced that it will apply the standard for responsible tuna fishing (AENOR standard) and apply social conditions on board fishing vessels in line with the 2007 Work in Fishing Convention of the International Labour Organisation. These standards are to apply on board all of its vessels before the end of 2017. OPAGAC also announced that it has allied with the World Wildlife Fund on the Global Tuna Fisheries Improvement Project in order to achieve certification under the Marine Stewardship Council for all OPAGAC catches by 2021. OPAGAC will work to join both initiatives, in order to achieve a fisheries certification that includes environmental and social sustainability of the tuna fisheries as a Global standard."*

Ms Vanya Vulperhorst (OCEANA) indicates her organisation's commitment and asks for it to be included in the minutes:

*"Oceana announced a major insurance industry commitment contributing to the international fight against illegal, unreported, and unregulated (IUU) fishing. Global insurance industry leaders including Allianz AGCS, AXA, Hanseatic Underwriters, Generali, and The Shipowners' Club have signed a statement committing to not insure or facilitate the insuring of IUU fishing vessels. Signatories have also agreed to encourage the adoption of other measures to help eliminate IUU fishing. The Statement has been developed in collaboration with the Principles for Sustainable Insurance, a global sustainability initiative of the United Nations Environment Programme Finance Initiative. The Statement remains open for signatures and can be viewed online at <http://eu.oceana.org/en/assisting-ocean-stewardship-through-marine-insurance>."*



Ms Béatrice Gorez (CFFA-CAPE) announced her organisation support for its partner, The African Confederation of Artisanal Fisheries Professional Organizations (CAOPA)'s commitment which is *to develop, in a participatory, transparent and gender-sensitive manner, one national - or where appropriate, regional - Plan of Action per year, for the implementation of the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication. This commitment is undertaken in preparation of the International Year of Artisanal Fisheries and Aquaculture, to be held in 2022.*

This strategy will encompass legislative instruments already adopted and political measures such as implementation of the FAO Agreement on Port State Measures, use of sector support in sustainable fisheries agreements (SFPAs) or gender equity.

## **6.2. Presentation of the WWF report “*Is Europe Ready to Lead on International Fisheries Governance?*” – Summary of conclusions and recommendations.**

- [WWF presentation](#)

Ms Mireille Thon (WWF) summarises the content of the study they produced and its key recommendations, which are available for consultation on the LDAC website:

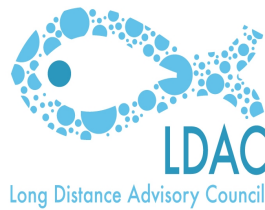
- Recommendations:  
<http://ldac.ldac.eu/attachment/6d731192-c232-4159-9848-a9d72375e41f>
- Study (full version):  
<http://ldac.ldac.eu/attachment/80165e9c-747f-4b3d-b9b9-22453ad8fcdc>

This study's main aim is to answer the question of whether the EU is ready to lead in the area of international fisheries governance, including aspects of sustainable fishing, overexploitation of natural marine resources, food safety, labour conditions, conflict prevention or acidification of oceans.

She recalls that the EU has a large fishing footprint of vessels and fishing grounds and is the world's biggest importer of fishery products, as well as one of the top fish consumers. It has shown itself to be a leader in the fight against IUU fishing, whereby it could also lead on issues concerning governance in the international agenda.

The study examines the implementation of the first three years of the current Common Fisheries Policy, from 2015 to 2017, focusing mainly on the EU's work in the RFMOs, using as reference the IOTC and WCPFC, as well as the fisheries agreements with third countries, specifically reviewing Guinea-Bissau and Mauritius.

Regarding the fisheries agreements, she highlights the need to obtain more timely information about the components and the respective link to the aims of the CFP (e.g. contribution to MSY) and also the extent of their application. The mutual benefit for fishery operators and civil society in both the EU and the third country should also be considered in the success of their application. The goal of sustainable development and the need to count on more transparency must continually be borne in mind. Regarding sector support, she believes that more of what has been done with these items should be shown, and how they result in improved social



conditions of coastal communities and among the general population. She identifies as another aspect with room for improvement the labour conditions and the sometimes vague reports or accounts of catches by fleets fishing there. More detailed information should be provided in the agreements' ex-post reports, and transparency and civil society participation promoted.

Regarding the EU's action in the RFMOs, the EU identifies itself as a very active contracting party, though at times it could improve or be more efficient or strategic in its actions by means of smooth communication and prior negotiation with other CPs to make progress on proposals such the ban on high-sea transshipments, for example.

- Round of questions by the LDAC members

Ms Anna Boulova (FRUCOM) comments that the problems the EU has encountered in multilateral negotiations in the RFMOs within WG4 have already been identified. She does not know to what point those organisations have much room for improvement because it largely depends on the unilateral strategies and policies of the contracting parties or countries that comprise them.

Ms Mireille Thon (WWF) believes that we should offer them our help and think about what we can contribute as stakeholders to help the Commission improve. She believes that advantage should be taken of opportunities for EU-financed projects, for example those of DG DEVCO.

Regarding Ms Boulova's question, Ms Béatrice Gorez (CFFA-CAPE) responds that in her view what is most important is to know what the sector support funds are investing in, underscoring positive actions and initiatives that the fleet is undertaking and showing possible paths of cooperation.

Regarding the question of what can be done, Ms Vanya Vulperhorst (OCEANA) indicates that the new EU rules and regulations should be more transparent and sustainable. For example, the Comoros has the red card and has invested a great deal in them, whereby coherence vis-à-vis policies is very important. She then asks Ms Thon if the SFPAs can be oriented to improve coherence of policies.

Ms Mireille Thon (WWF) replies that from her standpoint the EU should make more efforts involving dialogue and prior negotiation with third countries, contacting the different RFMO member countries.

Ms Despina Symons (EBCD) reports an initiative that began 2 years ago on global dialogue within the CBD, and that it is moving forward with a group of experts, among which the Commission's Directorate-Generals of Environment (ENV) and Fisheries (MARE) are present. Next year they will meet in Korea, with most of the RFMOs also attending.

**- Action on International Ocean Governance and the 2018 Our Oceans Conference (Bali)**  
**The LDAC will gather available information and commitments obtained by its members and others highlighted during the 2017 Our Oceans Conference in Malta. The possibility of working on proposals and commitments for the next Conference, to be held in Indonesia, or**



**of supporting existing commitments, will be weighed.**

### **6.3. Future actions and specific proposals of the LDAC.**

Ms Béatrice Gorez (CFFA), summarises the possibility of producing two opinions: one on the promotion of sustainable activities and enhancing the profile of fishing in the scope of the blue growth economy, and the other on the EU's leadership in the framework of international fisheries governance.

**Action: The formation of a small working group (CFFA-CAPE, CEPESCA, AGARBA, OCEANA and BLOOM) is approved in order to develop ideas for enhancing the profile of fishing in the blue growth policy.**

## **7. New Regulation on Sustainable Management for the EU External Fleet**

### **7.1. Presentation by the Commission of the content and status of the legislative procedure regarding the new Regulation on Sustainable Management of External Fishing Fleets (SMEFF), replacing the current Fishing Authorisation Regulation (FAR).**

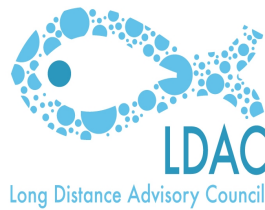
The EC representative and assistant to the head of the unit on fisheries agreements with third countries, Mr Emmanuel Berck, summarises the legislative calendar and explains the state of the negotiations after 10 trilogue meetings held this year by the European Parliament, the Council and the European Commission. On 20 June a political agreement was signed by the Council and on 17 October a common position was adopted by the Council and forwarded to the European Parliament. It is now the EP's turn to examine this position in the plenary session scheduled for mid-December with a view to its formal adoption. If that happens, then the signing and publication in the OJEU is expected in mid-January, to take force in mid-February, although there will be a transition period for full application of the new Regulation and derogation of the current FAR Regulation.

Adoption of the SMEFF Regulation will therefore mean the end of the legislative package on CFP reform since it began in 2010, ensuring coherence regarding control, tracking and monitoring of the European fleet's activities in internal and external waters.

The key ideas set out in this new Regulation are: improved transparency of fishing activities of the EU external fleet; contribution to international fisheries governance; responsibility of the flag state; equal treatment for non-community vessels fishing in EU waters; simpler and more harmonised procedures; clarification of assignment of roles by the Commission, member states and fishing operators; electronic communications to exchange information on fishing data; improved scientific knowledge of stocks in third countries and international waters; public access to basic information on fishing areas, vessel name, IMO number and directed commercial species.

Regarding the content of the SMEFF Regulation, coherence between the Regulations on Fisheries Control and the Fight Against IUU Fishing is strengthened, and as a novelty it is





applied to both public and private agreements (direct authorisations), as well as the chartering of fishing activities, fishing in unregulated high-sea areas or abusive reflagging.

Ultimately, this is a Regulation with very precise and strict rules regarding the definition of fishing activities, eligibility criteria or provision of information about catches and transshipments, etc.

Regarding the database and public access to information on infractions, after lengthy debate and negotiations the European Parliament will finally include the name of the vessel and the flag state.

Mr Berck concludes his presentation by acknowledging that the entry into force of this Regulation is a challenge because it implies many changes, for example regarding the reporting obligations or information on fleets fishing in international waters or under private agreements, or regarding use of the IT application to make available the documentation needed to issue/renew a fishing permit.

## **7.2.Round of questions by the members and identification of future LDAC actions.**

Ms Béatrice Gorez (CFFA-CAPE) and Ms Vanya Vulperhorst (OCEANA) acknowledge the initiative and mediation in the trialogue of the Commission and the commitments reached by the EU in that scope. They ask whether the database can be ready in 2018 or 2019.

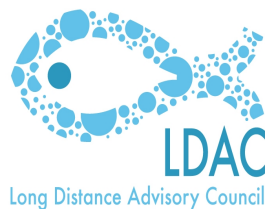
The EC representative, Emmanuel Berck, replies that they want it done as soon as possible, but there are technical, IT architecture and data integration limitations, whereby the process is expected to last at least a year.

Mr Iván López (AGARBA) wants what is happening with the so-called dormant public agreements to be made clear along with their possible compatibility with new private agreements.

The EC representative, Mr Berck, replies that the SMEFF Regulation does not have the remit to know in this area and that everything is still the same; they cannot sign private agreements in countries with dormant agreements because they are obliged by the exclusivity clause. He believes that the current dormant agreements should be examined so they can be resolved or reactivated in the future.

Ms Mireille Thon (WWF) congratulates the EC and asks whether they have thought about the work burden that this Regulation mandates regarding new obligations on documentation and control of private agreements and high sea, etc.

The EC representative, Mr Emmanuel Berck, indicates that the Commission has already carried out an internal reflection process, and that they estimate they need 2 or 3 more people on the team fulltime and that they will have to deal with a certain number of licences that will waver between 120 and 150 per year. Regarding reflagging cases, there will be around 20-30 annually. For the RFMOs they will need someone fulltime to verify the legislation and compilation of data and scientific evidence. He highlights that they will produce samplings and statistics, and that it is very important to study and analyse the scientific opinions.



Regarding the recovery clause, Ms Mireille Thon (WWF) indicates that she was surprised that it is the EU's responsibility to ensure compliance with the obligations in the event of inaction by the member states.

The EC representative, Mr Berck, replies that the legal services interpreted that the Commission should begin a due diligence process in the event that flag states do not comply with their obligations and it is therefore the EU's responsibility to authorise or revoke fishing authorisations if the countries do not do so or do not send the appropriate justification documentation per their obligation.

Ms Béatrice Gorez (CFFA-CAPE) asks, regarding that same clause, what can happen to vessels that do not comply with their obligations.

The EC representative, Mr Emmanuel Berck, indicates that they can withdraw licences or force them to stop their activity. They must still determine what measures can be taken with noncompliant vessels. Even in doubtful cases in the private agreements licence renewal could be blocked.

Regarding possible future LDAC actions, Ms Béatrice Gorez (CFFA-CAPE) indicates that we await publication of the new Regulation and its application in order to identify those more complex aspects in practice.

The EC representative, Mr Emmanuel Berck, believes that counting the collaboration of bodies such as the LDAC in Europe and COMHAFAT in Africa may be very positive in order to help better understand the new features and obligations included in the Regulation.

**Action:**

**The SMEFF Regulation will be placed at the disposal of all LDAC members once it is adopted by the co-decision procedure (envisaged for early 2018) and when it is published in the OJEU. The European Commission will be assisted in disseminating the Regulation's content and making clear implementation aspects to the coastal third countries. The collaboration of ATLAFCO-COMHAFAT will be sought and a side event organised in an African country at some meeting of common interest (one possible event would be at the COMHAFAT Ministerial Conference in Abidjan, pending confirmation).**



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

### 8.1. Commission report on the cards process.

The EC representative and head of the IUU unit of DG Mare, Mr Roberto Cesari, gives a comprehensive presentation on the external part of the fight against IUU fishing, the dialogue process and situation with countries identified as uncooperative and with those that have received the 'yellow card' and 'red card'.

- Vietnam: the dialogue began in 2002, but it has the yellow card. There was a field mission in May, verifying difficulties and problems that still exist on the ground. The EC maintains a debate on improvement of the legal framework, in so far as it is not up to date, and numerous shortcomings were detected. For example, there is a lack of sufficient legal basis and it is not in line with international standards or legislation regarding port state control measures.

Regarding fisheries management, there is a structural problem of increasing overcapacity. They noted during the port visits that there is a lack of effective control systems at sea and in port, with documented illegal fishing cases involving vessels from adjacent countries and small islands. This is worrisome, given the large capacities and volume of fish processing in the country.

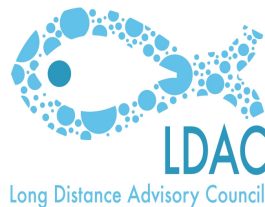
The Commission tried to establish an action plan with the competent Vietnamese authorities, but the deadline was reached in September and they do not seem to have reacted. The EC is prepared to help them revise their short-term fishing regulations.

- Comoros: they were labelled with the red card after long negotiations since 2011. They have not reacted to numerous alarm warnings from the EC regarding IUU fishing activities and the proliferation of flags of convenience. There is minimal control of fishing vessels and their legal framework is incomplete; they are trying to get the work going via the EU delegation in the Indian Ocean, but for the time being they can do nothing more.

- St Vincent and the Grenadines: they have the red card, repeating practically the same situation as the Comoros. When they had the yellow card they did not react, and are unable to improve. St Vincent has a large fleet; its control capacity is practically nil. Although in July it seemed like they were going to react, in subsequent months they have made no notable progress.

- Liberia: they have had the yellow card since May of this year. The main problems are their flag of convenience and vessel registration policy and their scant control capacity. They are undergoing a phase of administrative changes and presidential elections will soon be held, whereby it is in a standby situation.

- Thailand: they had two missions this year. The issues of respect for labour conditions and rights is a major challenge for the fishing sector, though they have improved in legal questions and are cooperating, whereby they are slowly making progress. They have also manifested on several occasions that they want to improve in matters of illegal fishing. They are aware of the points they should improve, are investing in port control measures and have prohibited high-sea transshipments. They should put into effect various proposed laws included in a legislative package adopted by their National Assembly in the month of July.



They have worked hard to get a clear picture of their fleet, about which they previously had no kind of control; they had neither registration nor licences.

Although the government is asking how much time they should continue carrying out the control, for the time being they agree with the action plan. It is nevertheless rumoured that elections will be held soon and that this aspect will be reflected on. They will also debate the labour questions in the fishing sector, although this is independent of the legislation against illegal fishing. The EC hopes they continue to improve as they have been doing, although there is some uncertainty or political risk that this changes.

- Taiwan: this is the country that has best progressed among all those holding the yellow card. They have already revised their legal framework and 8 countries are cooperating with a view to achieving better control of the long-distance fleet. All long-distance vessels are now equipped with VMS and fishing e-logbook. They have a fishing control centre with 150 employees and are present in other neighbouring countries such as PNG or Mauritius. They basically want effective cross-referencing of data to be done between flag states in their EEZ. An agreement on control (also applicable to small artisanal vessels), landings and high-sea transshipments of the fleet has to be developed. They are improving in coverage of physical observers and are implementing pilot projects to introduce an electronic observer in their longline vessels. New fishing control legislation has been in force since January.

- Mauritius: there is a notable lack of effective control of landings and transshipments; the EC underscores its concern given that they have even ratified the FAO's Port State Measures Agreement (PSMA).

- Philippines, Vanuatu and Panama: these countries have been designated as having a high risk of non-cooperation and are currently undergoing the process of review or ex-post evaluation of the cards system, with a focus on evaluating risks.

- Guinea and Ghana: they continue to work with them; the new PESCAO project on regional government improvement in the Gulf of Guinea, financed by DG DEVCO with an allocation of 50 million euros, is mentioned.

- Round of questions by the LDAC members:

Ms Irene Vidal (EJF) suggests that the LDAC examine the situation in Thailand and try to contribute to the debate on improving labour conditions in the country's fishing sector, inviting if necessary the Commission's DG EMPLEO to attend future meetings.

Ms Mireille Thon (WWF) indicates that she is worried that some countries are doing nothing about the Port State Measures Agreement (PSMA) of the FAO, whereby she asks whether the EC could do something. She believes that Mauritius is not the only country in that situation.

The EC representative, Mr Roberto Cesari, replies that there are many activities concerning PSM. His impression is that they need to have a broad debate on IUU fishing issues.

**Action: Labour conditions in the fisheries sector:**

**DG EMPLEO will be contacted to convey to it the LDAC's concerns about these questions (Application of ILO C188, Convention on Migrant Workers...).**



### **8.2. Oceana proposal on updating lists of IUU vessels in the RFMOs.**

Ms Vanya Vulperhorst (OCEANA) says she has received no information about progress on this initiative and asks the Commission if it plans to request integration or harmonisation of the lists of IUU vessels in the different RFMOs.

The EC representative, Mr Roberto Cesari, indicates that he doesn't know if there are initiatives in that direction and will therefore pass the message on to his colleagues.

### **8.3. Follow-up of the Commission's response to the Opinion of LDAC-MAC-MEDAC on Application of the Regulation on the Fight Against IUU Fishing.**

Ms Estzter Hidas, Vice-Chair of MAC WG2 and promoter of this initiative on behalf of the WWF, indicates that the MAC and the LDAC have successfully issued a joint opinion with recommendations to the EC on application of the Regulation Against IUU Fishing.

Now that the MAC is fully operational, she advocates following up joint actions between NGOs and industry in order to support the negotiations with third countries to improve the fight against IUU fishing and make proposals to improve its effectiveness.

Mr Alexandre Rodríguez, Secretary General, comments on the EC's response to the joint opinion, urging the members to follow up the pending questions at future meetings. The EC's response is available on the LDAC's website: <http://ldac.eu/download-doc/149924>

**- Action: A joint task force or group of experts will be set up, comprising members of the LDAC and the MAC with a view to preparing a new draft opinion on IUU fishing, in the wake of the last Commission response on the Joint LDAC-MAC-MEDAC Opinion on Improving Application of the IUU Regulation. This task force will be responsible for drawing up a report to improve transparency and coherence in the process and the criteria for assigning yellow and red cards (carding system) to countries (pre)identified as not cooperating pursuant to this Regulation.**

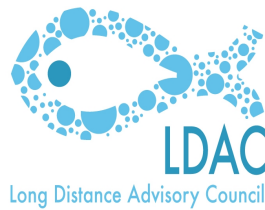
### **8.4. Presentation of the opinion of an expert contracted by the Coalition of NGOs Against IUU Fishing on compatibility with WTO rules of the mandatory IMO number for vessels exporting to the community market.**

The legal opinion can be found at the following link:

[http://www.iuuwatch.eu/wp-content/uploads/2015/07/Expert-Opinion\\_IMO\\_IUUwatch.pdf](http://www.iuuwatch.eu/wp-content/uploads/2015/07/Expert-Opinion_IMO_IUUwatch.pdf)

The pros and cons of possible incompatibilities with environmental and international trade rules according to the WTO, particularly articles 3 and 1 of the GATT, are analysed. The invited jurist concludes that this measure could be justified under article XX of the GATT for environmental stock conservation reasons, without its application being discriminatory. In any case, she is aware that there may be different interpretations by jurists from WTO countries such as Argentina.

## **9. Revising the control system and the EFCA's role in the external aspect of the CFP**



### **9.1. Presentation by the Commission: consultation on revising the fisheries control system.**

The EC representative, Ms Francesca Arena, summarises the EU's public consultation process on revision of the EU's control systems, acknowledging the contribution received by the LDAC regarding the EFCA's role in the external aspect of the CFP. Access to the consultation document and the contributions received is available at the following link: <http://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-4808152>

Regarding the international aspect, she indicates that the Commission is very ambitious and wants to lead this process, and that there is already good cooperation with numerous regional organisations (GFCM in the Mediterranean, etc). The European Fisheries Control Agency (EFCA) plays a key role, as it develops joint deployment plans (JDPs) in third countries and helps apply the IUU Regulation with guidelines and risk management strategies, etc. She recalls that the EFCA has expanded its remit by joining with the European Maritime Safety Agency (EMSA) and the European agency for control of migration and external borders (FRONTEX) in the recently created European Coastal Guard.

The EFCA Administrative Board promoted a reflection about the EFCA's increased role in the international aspect of the CFP; this also appears reflected in the LDAC opinion, which the Commission is currently evaluating.

Also, the PESCAO project is mentioned as a new challenge and opportunity to work in the fight against illegal fishing and for improvement of regional governance.

**The Commission's presentation can be found on the LDAC website:**

**PENDING RECEPTION**

Finally, Ms Arena announced that a stakeholders workshop would be held on 16 November to analyse the contributions received and gather comments and evaluations from stakeholders about a number of key questions that will be included in a work document for an in-depth reflection about prior warnings, control in ports, technological developments for control tools and the impact on artisanal fishing, etc.

The LDAC members are urged to attend and actively participate in it.



- Round of questions

Ms Eszter Hidas (WWF) highlights this regulation's importance for controlling the EU's fishing. In her opinion, the consultation was too hurried. The NGOs nevertheless provided their comments and the EC is therefore expected to revise the consultation calendar.

The EC representative, Ms Francesca Arena, acknowledged the contributions, indicating that the specific proposals will be debated, although they should respect the set deadlines, and that this is a process that began more than 2 years ago with the consultation on revision of the functioning of the Control Regulation. They know that it is an ambitious proposal to maintain its actions and commitments acquired in the international aspect of the CFP. The idea is for the Commission's proposed Regulation to be ready before the end of the first four-month period of 2018.

## **9.2. Proposed LDAC opinion on the EFCA's international role**

Mr Pedro Galache, head of the EFCA International Unit, acknowledged the efforts of the LDAC and its support for the EFCA's international activities. He hopes to continue with his input and collaboration. He announces that there has been an internal organisational change in the EFCA in order to take into account the challenges of the Commission's new mandate and the inclusion of projects like PESCAO, as well as creation of the European Coast Guard, in this new unit that he directs.

### **-Action on revision of the EU Control Systems**

**The Secretariat will follow up the document that the EC will publish on revision of the consultation on the control system and will attend the EC's seminar on this aspect on Thursday, 16 November, informing the members of the considerations and agreements reached. The LDAC's opinion will be defended, whereby a greater role is advocated for the European Fisheries Control Agency (EFCA) in the international aspect of the CFP.**

## **10. Open debate on the Blue Economy and impacts:**

### **10.1. Extractive activities with noticeable impact on the seabed and in deep waters.**

### **10.2. Subsidies harmful to fishing activity.**

The LDAC Chair, Mr Iván López, proposes including in the LDAC agenda an in-depth debate on the impact of extractive activities on the seabed, particularly in international deep waters, given the growing expansion of mineral and hydrocarbon prospecting. He highlights that not all activities are treated equally. Although this matter has been discussed in the United Nations, the EU should deal with this issue.

Regarding the subsidies, he believes they should be studied and debated, whereby he asks the members present if it seems appropriate to include those issues.



**There are no objections and the insertion of both issues as points to deal with at the next WG5 meeting is approved.**

**Actions:**

**- Fishing and Blue Growth: Interactions and impact of extractive industrial activities.**

**Information will be gathered in the scope of the EU Blue Growth Strategy and International Ocean Governance with a view to drawing up an LDAC proposal on the promotion of sustainable activities and the limitation of harmful activities such as mining or extraction of mineral resources and hydrocarbons on the seabed. The SAR and the Secretariat are mandated to work jointly with the chairs of WG5 and the LDAC to produce a position paper for subsequent debate in future WG5 meetings.**

**- Subsidies harmful to fishing**

**A point for debate at the next WG5 meeting will be included, and an invitation to a speaker/expert on this subject from the WTO and/or the European Commission will be weighed, to give a presentation on results achieved at the conference to be held in Buenos Aires in December.**

**The BLOOM member organisation will jointly produce with the LDAC Secretariat a preliminary draft position paper on this issue.**

## **11. United Nations and International Organisations**

### **11.1. Report on technical meetings to prepare for the UNGA Resolution on Sustainable Fisheries (Brussels, 11 September and 24 October).**

Mr Alexandre Rodríguez, Secretary General, apologises for the non-attendance of Mr Brincat (EC), for scheduling reasons. He next summarises the work done in the LDAC since the last WG5 meeting.

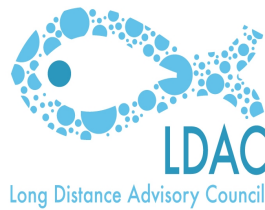
An LDAC delegation participated in two coordination meetings with John Brincat and his team in the months of September and October, for the purpose of debating drafts zero and one of the UNGA Sustainable Fisheries Resolution.

As on prior occasions, the established dialogue was considered very positive and fruitful; the Commission thanked the LDAC for its efforts in participating in this consultation process.

Regarding the Resolution's last draft, Mr Brincat presented the proposed amendments to the first draft from the EU, USA, Japan, Argentina, Peru, New Zealand and Mexico (as well as from the coordinator, who is Norwegian).

Positive aspects: The EU included in its proposals the texts provided by the LDAC (OP120 with mention of the Inter-RFMO WG on FADs of Madrid) and EUROPECHE (OP159 with mention of the Tripartite Meeting on Immigrant Workers in Geneva). Regarding labour clauses and decent working conditions at sea, a new reference to the Protocol adopted in 2014, of the Convention on Forced Labour, along with ILO C188, was included





Negative aspects: Mexico presented a flood of amendments regarding the condemnation of FADs (PP50bis, ter and quater) as gear harmful for conservation of ecosystems, as well as specific market access restrictions (PP27bis and OP25).

Argentina formulated a proposal anticipating the result of the debate on subsidies harmful to fishing activity. Also, five OPs were eliminated (former 179-183), concerning more control and compliance with the Vulnerable Marine Ecosystem obligations, which the EU and the LDAC had successfully fought to have included in previous resolutions and which required major negotiation efforts regarding the agreed texts. The LDAC specifically asked to eliminate mention of the FADs in OP183 as the only example of gear abandoned or lost at sea which causes damage to the ecosystem, as other gear also lost or abandoned is not reflected in the text, such as drift nets.

All these points were conveyed to the Commission, which will include them in the negotiations.

**Action:**

**The LDAC will send to John Brincat a set of arguments for the negotiation, as examples of the European fleet's efforts to achieve better management and regulation of FADs, changing the focus of the debate to be good practices rather than condemnation or designation of the gear or auxiliary device per se. Among other aspects, information will be sent about ICCAT Resolution 16/01 with the moratorium, the existing limit on the number of FADs in WPFC as well as OPAGAC's campaign with NGOs from Seychelles to collect FADs in coastal areas and on beaches.**

### **11.2. Information on the process of Biodiversity Beyond National Jurisdiction (BBNJ)**

Ms Despina Symons (EBCD) reported that three preparatory meetings were held on BBNJ and that a final recommendation was later presented in July at the United Nations.

On the other hand, Mr Marc Ghiglia (UAPF) sent a document for the members' consideration which will be translated and sent to everyone for comments.

**Action:**

**The proposal document submitted by Mr Marc Ghiglia will be translated and distributed for consideration by the WG5 members and, if appropriate, forwarded to the Executive Committee for its adoption.**

### **Other questions of interest**

Ms Rocío Béjar (CEPESCA) adds a point about the regulation establishing the health certificate model that should be signed by health authorities of third countries and which will take force in July 2018. She asks that they confirm to them that the authorities of the third countries are informed about this so that the Spanish and European fleet is not hampered by a practical problem or administrative obstacle when the time comes to bring the merchandise.



## **12. Update of the FARFISH H2020 Project.**

The Secretary General, Mr Alexandre Rodríguez, reports that the LDAC is a project member with a budget of approximately 100,000 euros for a four-year period and that due to an Executive Committee decision it will mostly be used to hire a technical staff member or project coordinator to arrange our participation and fulfil the assigned tasks.

The project aims to achieve as general goal improved knowledge and management of fisheries in non-European waters, as well as their contribution to the sustainability and financial profitability of European fleets in the long term. Specific objectives are to improve knowledge and data gathering about the main stocks, to map fisheries, proposed recommendations, analysis of practices and development of management plans, among others. The LDAC's role is mainly to take part in the selected case studies for Morocco, Mauretania, Cabo Verde, Seychelles, Senegal, the Southwest Atlantic (international waters) and the Southeast Atlantic (SEAFO). The descriptive reports with characterisations of the fisheries for the different case studies will be progressively sent to the members, requesting that they revise them and supply any data or information that may be useful.

### **- Action:**

**The Secretary General will send information about future meetings as well as the descriptive characterisation of the fisheries that are the object of the FARFISH project study, so that interested members can make their comments and provide contributions. Also, the members will be informed about the state of the procedure to hire an LDAC project coordinator with the financing allocated for that purpose.**

## **13. Place and date of the next meeting.**

It will be held in Brussels in March 2018.

**The meeting ends at 5:30 p.m.**



**ANNEX I**  
**PARTICIPANTS IN WORKING GROUP 5**  
**Brussels, 8 November 2017**

**MEMBERS**

1. Beatrice Gorez. CFFA-CAPE
2. Vanya Vulperhorst. OCEANA
3. Alejandro Garcia. OCEANA
4. Anna Boulova. FRUCOM
5. Mr Hottlet. FRUCOM
6. Iván López. AGARBA/CEPESCA
7. Rocío Bejar. CEPESCA
8. Marta Aymerich. ANFACO
9. Irene Vidal. EJV
10. Bogusław Szemioth. NAPO
11. Juan Manuel Trujillo. ETF
12. Sergio López. OPP-07-Lugo
13. Marta Llopis. CONXEMAR
14. Raúl García. WWF
15. Mireille Thon .WWF
16. Luis Vicente. ADAPI
17. Erik Olsen. Danish Society for Living Sea
18. Frédéric Le Manach. BLOOM
19. Jessica Demblon. EBCD
20. Despina Symons. EBCD
21. Aivaras Labanauskas. Atlantic Fishing

**OBSERVERS**

1. Francesca Arena. EC (Review of Fisheries Control)
2. Reka Rozsavolgyi. EC ("Our Oceans 2017" Conference)
3. Roberto Cesari. EC (IUU Regulation)
4. Désirée Kjolsen. EC (IUU Regulation)
5. Manuel Catalán. EC. SPFAs
6. Emmanuel Berck. EC. Sustainable Management of External Fishing Fleet.
7. Pedro Galache. EFCA
8. Estzter Hidas. WWF / MAC
9. Alexandre Rodríguez. LDAC
10. Manuela Iglesias. LDAC
11. Marta de Lucas. LDAC