



## **DRAFT MINUTES**

### **11<sup>th</sup> meeting of LDAC Working Group 3 Other RFMOs and high seas waters not covered by RFMOs**

Tuesday, 19 April 2016. From 10.30 to 13.00 h.  
Martin's Central Park Hotel. Boulevard de Charlemagne 80. Brussels

**Chairman: Mr. José Antonio Suárez-Llanos**  
**Vice-chairman: Mr. Gerard van Balsfoort**

#### **1. Welcome and apologies made by the Chair.**

The Chairman welcomes all those attending to the meeting.  
The full list of participants is enclosed in Annex I.

#### **2. Approval of the minutes of the 10<sup>th</sup> meeting of WG3 (Brussels, 11 March 2015).**

The minutes are approved without modifications.

#### **3. Approval of the meeting agenda.**

The agenda is approved with a change in the translation of the acronym of point 5 of the agenda, mentioning the South Pacific region instead of the Atlantic region.

#### **4. Regional Fishing Organisations (RFO) that are in the scope of GT3**

##### **4.1- Antarctic Region - CCAMLR**

Mr. Luis Molledo, representative of the European Commission, informs that, since 2012, the most important issue in this RFO is the designation of Maritime Protected Areas (MPAs). Australia, France, the EU, US and New Zealand presented two proposals, which were vetoed by China and Russia. However, at the end of the meeting, Russia accepted passing the US and New Zealand proposal to a draft.

In fishing issues, China surprised as it announced in its preliminary notification, its intention to catch 24,000 tons of krill, which represents an increase of approximately four times its catches, with respect to the history of past years. They appear to be developing this fishery, whose catches are currently carried out by Norway and South Korea, and they are reluctant to adopt stricter management and control measures for this fishery.



On the other hand, Mr. Molledo informs that the EU obtained a good result with the annual compliance assessment report by country/contracting party of the regulation. With respect to the EU proposal on the prohibition of the shark finning policy, this was vetoed by Japan and China. The European Union made an amended proposal for a second review, but it was again vetoed by China.

Another two proposals were presented on climate change and on transshipments in order to increase the control of third countries. This latter proposal was blocked. However, the US showed its support to improve the control of transshipments in CCAMLR.

Regarding the fight against IUU fishing, it was informed that advances have been made, highlighting the excellent work of Spain in this matter. They hope to be able to increase the pressure on China respect to the fight against IUU fishing.

The next annual committee meeting of CCMLAR is scheduled for October 2016, during which marine protected areas, the review of the krill management measures in zone 48, the control and report of transshipments, and shark finning, will be discussed, among other issues.

#### Members' questions and answers from the Commission

Mr. Gerard van Balsfoort, DPFTA, asks what would happen with Norway and Korea if China proposes a unilateral increase in Krill catches of more than four times the historical catches.

The EU representative, Mr. Luis Molledo, answers that the Krill TAC is never fully used completely in CCMLAR, so if China should fish a greater amount, it would not have consequences providing that the Total Admissible Catches is respected. He explains that the TACs are divided into four zones. The majority of the catches are focused on two areas, so they are starting to have a certain impact on krill-dependent species. In fact, there is a proposal from the Ukraine to increase the TACs in zones where more Krills are caught, which is precisely that the EU wants to avoid, as this may cause an impact on populations that feed from Krill, such as penguins or seals. The Scientific Council took this into account and they have redistributed the TACs of each area, which will not affect the total.

Mr. Javier Garat, FEOPE/CEPESCA, congratulates the Spanish government for having carried out the Sparrow operation, to pursue illegal IUU fishing, which harms the image of legal European fishers. Thanks to this operation, the offenders (shipowners and crews of Spanish nationality) have been convicted with a historical fine.

Mr. Juan Manuel Trujillo, ETF, joins in with the congratulations to the Spanish government in its fight against IUU fishing, highlighting its importance as a basis for environmental, economic and social sustainability. He also reflects upon the shark finning policy, highlighting that the EU is suffering from economic dumping in this question.



Mr. José Antonio Suárez Llanos, ANAMER/AGARBA/ANAPA, expresses his concern for the attitude of China and Russia in CCMLAR as they are blocking the majority of proposals. He asks what the EC thinks about this and if it believes that the effectiveness of this RFO is being reduced. Likewise, he asks a broader question about international governance, as he is surprised that countries such as New Zealand oppose the EU measures, so the question asked is whether the EU should not change its strategy. He believes that it is very important for the EU to lead fishing governance in international forums.

Mr. Luis Molledo, EC, confirms that they share these concerns regarding aspects to improve international governance. He informs that a symposium was held in China last year to celebrate the 50<sup>th</sup> anniversary of CCMLAR. There, China interpreted the legal texts of CCMLAR in a restrictive manner to block issues related to the protection or conservation of habitats. He underscores that the EU holds bilateral dialogues with China each year. They also hold bilateral dialogues with New Zealand, which have helped them make progress. Regarding Russia, it has its own policy, although the EU is willing to collaborate if it perceives any benefit.

Mr. Marc Chiglia, CNPMEM, expresses his concern about how the EU presents the management measures and the delimitation of MPA to China and Russia, giving the Ross Sea as an example. He thinks that the use of the area is very low in terms of extraction of biomass due to the fishing activity, indicating that the US wants broader closure areas. He even indicates that there is a cultural problem in CCMLAR insofar as this is desired in all MPA places, and there are already many closed areas for fishing.

The EU representative, Mr. Luis Molledo, indicates that, in CCMLAR, they work on the basis of a consensus, which may be its weakness or its strength, as it is difficult for everyone to reach an agreement. Regarding the MPAs, he specifies that aspects on climate change are included. In the Ross Sea, both New Zealand and the US wish to limit the time the closed seasons last in the MPA in order to please China.

#### **4.2-SEAFO**

The European Commission representative, Mr. Orlando Fachada, informs about the last meeting of SEAFO, which took place in December 2015. He highlights that there are currently two active vessels that are operating in this area. There is a precautionary biannual TAC for hammerhead shark, alfonsinos and orange roughy, and for the remaining TACs there was no revision.

Monitoring, Control and Surveillance (MCS) topics were discussed at the aforementioned meeting, as well as the system of observers, inspection, compliance and execution. Likewise, the EU proposed reviewing measures on VMS and the OMI number for all vessels.

In general lines, he highlights that the work of this RFMO is being very positive. In this area, we know that there is a vessel that wants to go fishing (above all deep-water crab).



Although there are no new fishing possibilities, the intention of the shipowners is to explore new areas for black hake and red crab. He points out that the RFMOs are important in terms of area and conservation, but not so in terms of searching for new fishing possibilities.

#### Members' questions and answers from the Commission

Mr. José Antonio Suárez Llanos, ANAMER/AGARBA/ANAPA, asks if the European vessel will finally carry out the survey.

Ms. Margarita Mancebo, SGP, says that the authorisation has been granted, but it still has not started.

Mr. Fachada, EC, confirms that there are only two vessels interested in fishing in the area.

**Action: The Commission representative, (Mr. Orlando Fachada) gives a full presentation of the situation in this RFMO which was considered extremely informative by those attending. It was agreed to monitor this RFMO and invite the Commission representative to give an updated report at the WG3 meetings.**

#### **5. Developments in the South Pacific Region. SPRFMO.**

The EC representative, Mr. Luis Molledo, informs that it was agreed to maintain the 2015 TAC in terms of distribution of quotas and global limit. Some conservation measures on the exploitation of fisheries were approved, including an action framework for exploratory fishing, as well as the adoption of the SLB-VMS system.

Chile proposed increasing the vessel inspection ratio in ports to 100% of the landings. Likewise, it proposed creating a working group of observers.

Budgetary contributions were also discussed at the meeting (for example, the weight of China, a country that fishes a lot of cuttlefish and whose contribution level is low).

The reports of the Scientific Committee were analysed, reaching the conclusion that it would be important to have a work plan, identifying the research priorities in the short, medium and long term.

Regarding IUU fishing, it was informed that there is a new Russian vessel in the IUU list.

#### Members' questions and answers from the Commission

Mr. José Antonio Suárez-Llanos, ANAMER/AGARBA/ANAPA, asks if there are any developments regarding the dispute on the entry of European vessels that catch swordfish in the ports of Chile.



The EC representative, Mr. Luis Molledo, announces that positive and promising advances have been made in this sense, insofar as last year, Commissioner Vella was able to meet with the Chilean Minister for Foreign Affairs within the framework of the Our Oceans Conference, as well as with the Chilean Ambassador to the EU. It is informed that Chile has created an inter-ministerial group to address this topic and that it recommends that Chile should form part of IATTC (Inter-American Tropical Tuna Commission), either as an observer or as a member. All of this is linked to the updating of the association agreement between the EU and Chile. DG MARE insists that a renewal of the agreement would make no sense without there being developments in terms of the problems of the ports of Chile. However, it appears that there is now a political will to solve this question. For the moment, there is nothing concrete, and European vessels still cannot land swordfish, but they hope to be able to have positive news shortly.

**Action: The European Commission will keep the LDAC informed (via its Secretariat) in the event of developments regarding the prohibition of landings of swordfish by European vessels in the ports of Chile.**

## **6. Management of fisheries in high sea / international waters:**

### **6.1. Discards: landing obligation application**

Mr. Alexandre Rodriguez, LDAC, informs that a letter was sent to all EU Member States with a long distance fleet, requesting the creation of a specific working group to address the policy of applying the landing obligation outside community waters. He recalls that, pursuant to article 15 of the Regulation of the PCP 1380/2013, the landing obligation will enter into force on 1 January 2017, for species that define the fishery, and in a transitional period until 2019 for all others subject to catch limits. Remember that, from the LDAC, the Working Groups have agreed to analyse the fisheries that may be problematic as well as to study the report entrusted to a consulting firm by the Commission. Likewise, the creation of a small drafting group was agreed. This group was comprised of Mr. Juan Manuel Liria, CEPESCA-FEOPE, and Mr. Björn Stockhausen, Seas At Risk, so that this document can be discussed at the LDAC Working Groups, and be presented, if there is consensus, at the Member State Working Group.

**Action: The Secretariat will coordinate a conceptual note on the application of the landing obligation in non-community waters. This will be agreed between the appointed drafting team (Mr. Juan Manuel Liria, CEPESCA-FEOPE, and Mr. Björn Stockhausen, Seas at Risk) prior to its distribution for consultation among all members of the LDAC.**



## **6.2. Draft letter on protection of Vulnerable Marine Ecosystems (VME) in the South-west Atlantic**

Mr. John Brincat, representative of DG MARE, expresses his thanks for the work carried out on drafting the LDAC letter, indicating that it contains very interesting points, and recognising the extensive seabed mapping work carried out by Spain.

Mr. Alexandre Rodriguez, LDAC, points out that the letter could be adopted within approximately one month, so it would arrive on time for the UNFSA meeting. He underscores that the purpose of the letter is to request the level playing field so that all countries comply with the resolution, and there are no discriminations between the different fleets.

Mr. Brincat, EC representative, recognises the great effort made by Spain. However, there is one point in the LDAC letter that he does not agree with, to the extent that the EU cannot oblige third countries to comply with the resolution, as the responsibility for the fishing vessels falls upon the State of the flag. However, he does agree that the Commission will remain active in defending the implementation of this resolution in international forums.

Ms. Irene Vidal, EJF, specified that, from the viewpoint of South Korea, its situation must be updated as it has been confirmed that its entire long distance fleet now has VMS satellite tracking system, there being possibilities to strengthen the cooperation links with this country, building upon the existing good relationship between this country and the EU following its release from the IUU fishing yellow card.

Mr. Javier Garat, CEPESCA, comments that Korea is not respecting the non-access to the MPA in areas where Spanish vessels used to fish, which is why he asks them to also respect them. Likewise, he encourages the NGOs that form part of the "*Deep Sea Conservation Coalition*" to give visibility and to report this situation in the media, highlighting the non-existent compliance by Chinese, Taiwanese and Korean vessels.

Mr. Alexandre Rodriguez confirms that the paragraph of the letter corresponding to South Korea will be reviewed, to update the information in terms of the adoption of the VMS system by its long distance fishing fleet.

**Action: The LDAC draft letter on Vulnerable Marine Ecosystems in the South-west Atlantic will be amended to reflect the comments received by members on the progress in implementing the VMS satellite system by South Korean tall vessels, maintaining the aim of requesting the application of UN Resolution no. 61-105 and the incorporation into the national law of the fishing fleets that operate in those waters (mainly China, Korea and Taiwan), in favour of the conservation and protection of the VME in area 41 of the SWA.**



### **6.3. Review of the UN New York Agreement for the Application of UNCLOS on Transzonal and Highly Migratory Species (UNFSA 1995). Preparation of New York Conference, 23-27 May 2016: elements to be considered.**

Mr. John Brincat, Commission representative, informs that the UNFSA Contracting Parties met on 22 and 23 March to discuss the state of application of the New York Agreement (UNFSA), there being consultations on the state of the stocks, the fight against IUU fishing, work in the RFMOs, obligations of the Flag State, or questions of overcapacity, among others.

On the other hand, he comments that receiving input from the LDAC about UNFSA would be very positive in order to prepare the New York review conference (23-27 May 2016). In this regard, he points out that there will be a preparatory technical meeting of the Commission with Member States and stakeholders next Friday, 29 April, and that the LDAC will receive a specific invitation. Finally, he points out that making comments on the consultation questionnaire sent out by the Commission in 2015 would be important.

#### Members' questions and answers from the Commission

Mr. Javier Garat, CEPESCA, asks about the EU's stance regarding deep sea fisheries and the Fish Aggregating Devices for tuna fisheries (FADs). He is especially concerned with the stance of the EU and of some Member States regarding the debate on management of deep species in community waters, which differs from the EU stance in international organisations where this topic is discussed. The EU has promoted the application of UN resolutions on deep species and vulnerable marine ecosystems, with measurements such as seabed mapping, freezing the footprint of trawling or limitations to exploratory fishing. However, now they have encountered a prohibition proposal by the Member States for all trawling fishing at a depth of more than 800 metres in EU waters.

The EC representative, Mr. John Brincat, responds that, with respect to deep waters, the process at an international level must not be confused with the existing process in the EU on the review of the community regulation on deep sea access arrangement. On the matter that concerns us here, which are non-community waters, he reflects that no great developments have taken place with regards to the application of UN Resolution 661-05 respect to 2009 and 2011. However, he expresses his satisfaction with the implementation and compliance with this regulation at RFMO level, where there have been advances.

On the subject of FADs, he points out that this has not yet been discussed.

Mr. Marc Ghiglia, CNPMEM, wishes to clarify that, from his viewpoint, work has not been done well at NEAFC. On the other hand, he asks about the EC opinion on the stance of the World Trade Organisation (WTO) respect to not subsidising the fuel for fishing vessels in high sea. He also asks how the European Commission defines subsidy.



Mr. John Brincat, EC, indicates that although he does not assume responsibility for any WTO matters, he will ask about the stance of the Commission in this regard. In terms of the NEAFC comments, he expresses his surprise and indicates that he will analyse this WITH his colleagues from the respective unit.

Regarding the subsidies, he comments that, as stipulated in the FEMP, they cannot be given to increase capacity or to operators who exercise or have exercised IUU fishing. These principles are also included in paragraphs 79 and 80 of the UNGA Resolution on Sustainable Fishing as well as in Rio 2020.

Mr. Javier Garat, CEPESCA, asks if the answers from the Member States to the questionnaire sent out by the Commission in August can be made public, to which the EC representative, Mr. John Brincat, indicates that the answers received can be requested.

To the question asked by Mr. José Antonio Suárez-Llanos, ANAMER/AGARBA/ANAPA, about whether emphasis is going to be placed on the importance of the level playing field at the New York meeting, Mr. John Brincat, EC, emphatically states that this will be done.

Mr. Alexandre Rodríguez. LDAC, asks Mr. Brincat if he could inform about the last meeting of the UN Working Group on Biodiversity in Areas Beyond National Jurisdiction (BBNJ), held in March.

The EC representative, Mr. John Brincat, explains that the meeting was positive, with two intense weeks when specific management issues were discussed, and not just procedural ones, for example related to Marine Protected Areas, environmental impact assessments, or genetic marine resources. With respect to the stances of the States, Russia and Iceland were reluctant to advance in these aspects. The US defends the idea of sustainability. Norway, Canada and Japan are also moving in that direction. This new agreement must follow the provisions of CONVEMAR-UNCLOS and above all not enter into conflict with, or question the role, mandate and competences, of the RFOs. The EC has worked very hard to effectively apply UNCLOS, placing emphasis not only on the catalogue of rights but also on the obligations it entails. In this respect, he proposes carrying out regular reviews of its compliance.

Mr. Marc Ghiglia, CNPMEM, asks about the cooperation between the RFMOs, underscoring that commissions such as OSPAR are closed to observers, and Russia, for example, is not a Member State. In his opinion, it is complicated to talk about cooperation with such different participation systems, where some RFOs are open and others are closed.

The EC representative, Mr. John Brincat, comments that they are trying to achieve a mechanism whereby these organisations can collaborate and coordinate their measures for cross-cutting issues, so, if a RFO closes an area, it will be able to launch a coordination message regarding its measures to the other organisations. He highlights

that States such as Argentina continue indicating their participation legitimacy. On the other hand, he highlights that, for areas where there are no RFOs or international forums in the future, this must be solved.

Respect to the question asked by Mr. Garat on the EU stance regarding the proliferation of Marine Protected Areas, Mr. Brincat recalls that there is an international obligation included in the Biodiversity Convention and in the Rio Agenda 2020 to reach 10% of MPAs in 2020. The problem is that the focus has been sectoral, closing areas for fishing and not for other activities such as mining in areas such as NEAFC given the lack of competences of the RFOs in that field. Good scientific evidence is a must to argue the closure of fisheries, as well as adaptive management that will permit reviewing them depending on the results obtained.

Mr. Marc Ghiglia, CNPMEM, comments that, regarding science, there is a question that has been asked about scientific expertise and competence. He believes that in the North-east Atlantic, it is the CIEM that is responsible for fishing issues, and that his opinion is one that is being taken more and more into account. However, he also sees deficiencies in scientific questions. From his viewpoint, the CIEM could check the MPAs suggested by OSPAR. He thinks that the question of trust in the organisations also arises, as these depend on who they rely on. For other regions in the world, the structured participation of scientists is more complicated, as they must find suitable scientists to prepare the reports.

**Actions: The Secretariat will coordinate the preparation of a brief informative note with key points of interest agreed by the LDAC delegation that will participate in the preparatory technical meeting with Mr. John Brincat and the Commission staff on Friday, 29 April 2016 (one week after this WG). Later on, the agreed note will be distributed by the delegation to the Executive Committee for its approval on time for the UNFSA Review Conference, which will take place in New York during the week from 23 to 27 May, and which the Secretary of the LDAC will attend as an observer in the EU delegation.**

**The Secretariat will ask the Commission to transmit the answers received to the questionnaire to the Member States on the UNGA Declaration on Responsible Fishing carried out in August 2015.**

## **7.- Other matters:**

### **7.1. Creation of the new Market Advisory Council (MAC):**

Ms. Evangelia Georgitsi, EC representative, indicates that there are not may developments for the moment. The procedure to incorporate this new organisation has ended and as there are no objections from the Member States, the EC declared the three new Advisory Councils, Markets, Aquaculture and Black Sea, operative on 26 February . She hopes that at the LDAC General Meeting in May, she will be able to give



us more specific information; if this were not possible, she will do so in the next working group meetings.

On her part, Ms. Despina Simons, EBCD representative, who holds the MAC Secretariat-in-Office, informs that over the next few weeks they will present the necessary information for their registration in the Trade Register of Belgium, as well as their request for subsidy from the Commission to be a beneficiary of EU aid. She asks anyone interested in becoming members, to contact the EBCD Secretariat.

Mr. Suarez-Llanos recalls that there is time until 5 May to request MAC membership, and that this, in principle, will be comprised of three Working Groups at the expense of the decision that will be taken at the first General meeting, which will take place at the beginning of June.

Mr. Alexandre Rodriguez, LDAC, points out that we will try to coordinate our work with the new Market AC in questions related to commercial agreements, which is currently the responsibility of Working Group 5.

**Action: A request will be made to the coordinator of the ACs, Ms. Evangelia Georgitsi, to give an update on the situation of the new Market Advisory Council (seat of the Secretariat, functions, members, composition, internal organisation,...) once it has been formally set up.**

## **7.2. Assessment of coordination meetings for topics of common interest of the Working Groups (Webex/Face-to-Face)**

This matter was not discussed due to lack of time.

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

To be decided.

**EX POST COMMENT – On the suggestion of the representative of the Spanish Administration, Ms. Margarita Mancebo (SGP), a proposal is made for the Commission to include an informative point at the next WG3 meeting on the new RFMO of the South Indian Ocean (SIOFA). This proposal has been accepted by the Chairman of WG3 and by the European Commission.**

**The meeting is closed at 1.25 pm.**

DRAFT



**ANNEX I.**  
**LIST OF THOSE ATTENDING WORKING GROUP 3**

**MEMBERS**

1. José Antonio Suárez-Llanos ANAMER/AGARBA/ANAPA.
2. Gerard Van Balsfoort. Dutch Pelagic Freezer Trawler Association
3. Despina Simons. EBCD
4. Erik Bjørn Olsen. Living Sea
5. Luis Vicente. ADAPI
6. Marc Ghiglia.CNPMEM
7. Javier Garat.FEOPE/CEPESCA
8. Pedro Maza.ONAPE
9. Irene Vidal. EJJ
10. Katarina Sipic. CONXEMAR
11. Juan Manuel Trujillo.ETF

**OBSERVERS**

12. Luis Molledo. CE
13. Evangelia Georgitsi. CE
14. Orlando Fachada. CE
15. John Brincat. CE
16. Margarita Mancebo. SGP
17. Alexandre Rodríguez.LDAC
18. Manuela Iglesias.LDAC
19. Marta de Lucas. LDAC