



MINUTES

10th meeting of LDAC Working Group 3

Rest of RFMOs and high seas waters not covered by RFMOs

Wednesday, 11 March 2015, 14:15 - 18:15 h
Martin's Central Park Hotel. Boulevard de Charlemagne 80. Brussels

Chair: José Antonio Suárez-Llanos
Vice-Chair: Gerard van Balsfoort

1. Welcome by the Chair.

The Chair welcomes all those present at the meeting.

2. Approval of the minutes of the 9th WG3 meeting held on 8 April in Brussels.

The minutes are approved with no modifications.

3. Approval of the agenda.

The agenda is approved with no comments.

4. Update on RFOs that are relevant for WG3.

- a. CCAMLR.

Report by the European Commission on the role of the EU

The representative of the European Commission (EC), Mr. Nurmi, reports on the last CCAMLR meeting held at the end of October 2014. The main problem is based on the proposals to establish marine protected areas. Two proposals were put forward: one by the United Kingdom and New Zealand and the other one by the EU on the East Antarctic. Both proposals were discussed but they were not approved in the end.



The existing Marine Protected Areas (MPAs) were also reviewed, such as that of the South Orkney Islands, finding much resistance from Russia and China. Nevertheless, MPAs will continue existing and scientific research on their impact on ecosystems and fishing stocks will be reinforced in those MPAs.

Besides, measures relating to trade were addressed, without much progress being made due to the resistance of some countries such as Argentina. In addition, it was agreed that terms of reference be drafted in order to assess the implementation of these commercial measures.

The attached fins proposal for sharks was not approved due to the opposition shown by China and Japan.

Regarding the fight against illegal, unreported and unregulated (IUU) fishing, the EU decided to support a pilot project on fishing control by electronic means for vessels in high seas. It was also proposed that the catch documentation scheme be reviewed. Concerning the VMS, the measures with USA were not reviewed since no consensus was reached.

A session was held on compliance, with a positive outcome in terms of dialogue and cooperation between South Korea and the EU to fight against IUU fishing.

Russia also agreed to cooperate and carry out further research.

Regarding TACs, the level recommended by the scientific committee was approved. Information was provided on the motion by Australia, USA and Chile to hold a scientific symposium on the CCAMLR area to be held in May this year in Puerto Varas.

The representative of the EC reports on the fact that the opposition of Russia and China to any proposal to reduce their access to marine resources is hindering negotiations within this RFO, since decisions have to be adopted by consensus.

To conclude, Mr. Nurmi informs that the chairmanship will be held by Russia the next few years to come.



Questions asked by attendees

Mr. Ghiglia informs about the fact that there are misunderstandings among CCAMLR countries. He points out that, in his opinion, there is a lack of transparency in the running of the Scientific Committee. He suggests that a more transparent system be established and that documents be made available to everybody.

Mr. Liria highlights that the activity of the Spanish fleet at CCAMLR has been reduced in the last few years and is practically non-existent. They never took part in krill fishery, but they did participate in toothfish fishery. In fact, in order to obtain authorizations in the South Georgia area a charter agreement was required (with Georgia or the Falklands) so that it is a country of the Southern Hemisphere who holds the authorizations.

Mr. Suárez-Llanos asks the representative of the EC whether the EU is holding a minority position, what allies they have and whether he could be given examples on the backward movement experienced regarding the consensus depending decision-making process that is taking place at CCAMLR.

Mr. Nurmi declares that the problem relating to the difficulty to obtain licenses was not addressed by the Spanish delegation attending the meeting. Nevertheless, he takes note of it and will see how they can deal with this issue. Regarding the discussion on MPAs, they have perceived a very intense opposition. In fact, the representatives of Russia declared that they did not have a specific mandate to discuss that issue, as it happened with the issue of compliance (data provision on CPUE, etc.). Moreover, he highlights the lack of cooperation by China that did not move from its initial position and rejected, for instance, the increase in the coverage of observers from 50% to 100% as proposed by the Scientific Committee.

Mr. Ghiglia illustrates the lack of transparency informing about the fact that he could not have access to the scientific report on the Ross Sea. He urges the EU to have a stronger scientific presence, given the significant presence of scientists from other countries.

Mr. Nurmi declares that the EU is represented at the plenary meetings by 2-3 members (when there are countries with up to 20 members). The Scientific Committee is attended by a scientist hired by the European Commission itself. No more can attend due to there being very strict budget limitations.



Mr. García enquires about transparency at scientific committees, since he thinks that the EU could have an important role in the improvement of the running of this body.

The representative of the EC, Mr. Nurmi, replies that the EC is promoting enhanced transparency in the drafting of opinions and in the decision-making process, as well as improved quality of data. In fact, these are two priorities of the external dimension of the CFP, but it is not only up to the EU to define the rules governing their implementation.

Regarding the compliance committee, a long discussion was held on observers and trade-related measures. These issues are still being discussed so there are no conclusions in this regard.

Furthermore, Mr. Liria points out that, although there are no RFOs at the South Western Atlantic area, he would like to raise the alarm since there are no regulations in this fishing ground, the only regulation that applies is UNCLOS 61/105 on protection of vulnerable marine ecosystems against trawl fishing. Due to the latter, the EU published its own Regulation (EC) 734/2008, since according to the UN's rule the country of flagship is responsible for the application of the regulation. Nevertheless, the remaining vessels continue to fish without complying with any rules, especially vessels with flag from Korea, China and Taiwan that fish in areas considered VME. Mr. Liria would like to know what can be done to extend the regulations so that the remaining vessels fishing there comply with them.

Mr. García says that at the meeting held by a LDAC delegation with the Spanish Fisheries Secretary, it was suggested that this issue be intended to be included in the negotiations with Korea. He proposes the preparation of a draft opinion to see how the EU can engage other countries to proceed in the same way as Spain regarding this issue.

Action:

- **A draft opinion jointly prepared by Mr. Juan Manuel Liria and Mr. Raúl García on the South Western Atlantic aiming to protect the areas where vulnerable marine ecosystems have been identified, in order for this regulation to be extended to all fleets and a level playing field be ensured, will be presented for discussion at the next WG3 meeting.**



5. Update on South Atlantic region. SPRFMO. News regarding the situation of Chilean ports.

5.1. State of play of landings in Chilean ports

Mr. Suárez Llanos points out that the situation for the Spanish fishing sector is exactly the same as it was the year before since no changes have taken place.

Ms. Angela Martini, representative of the EC, reports that, regarding access to Chilean ports, there are two important issues: access to ports for vessels fishing horse mackerel in the area and the Memorandum of Understanding (MoU) signed for swordfish.

She says that the situation in Chile has worsened, since last year a new government was appointed with whom the European Commission has tried to meet up without receiving a positive reply. In fact, the Director General for Fisheries, Ms. Evans, sent a letter last November 2014 requesting information without having received any response so far. After the EC sent a reminder, they replied that they are enjoying their summer period in Chile, thus a reply is due shortly.

Nevertheless, the representative of the EC declares that even though there were several technical meetings between Chile and the EU, they did not accept to include fishing-related matters on the agenda.

As far as the MoU for swordfish is concerned, Chile seems to consider it as finished. Nevertheless, the EC would like to find a solution in this regard although they do not know what Chileans want.

For vessels to have access to ports, they have to meet specific additional conditions. Despite the fact that the EC asked them to clarify this situation, they are still waiting for a response as it is the case with the rest of topics addressed.



Finally, the representative of the EC says that they expect to be able to hold a meeting with the new Chilean government in a few weeks time. However, there is nothing new to report so far.

Mr. Garat declares that the former government committed itself to carrying out changes so that Chilean ports could finally be used for landing by European vessels. He wonders whether the new government will indeed start negotiations since they consider the MoU to be over.

Mr. Suárez-Llanos enquires whether the EC has new strategies to try and solve this problem.

Ms. Martini replies that it is very difficult for the EC to draft a strategy when they are not sure of what Chileans want. From the Commission's point of view, it would be positive for Chile to take part at IATTC, but with the change in government they do not know what Chileans think in this regard, although it looks like in principle they do not wish to participate.

Action:

- **The LDAC Secretariat will be in regular contact with the relevant Commission staff to find out whether there is anything new regarding the state of play of Chilean ports before they put this issue on the agenda of the next WG3 meeting.**

5.2. SRFMO

The representative of the EC, Ms. Martini, reports that the annual meeting was held at the end of January and beginning of February.

Horse mackerel, one of the fundamental species, is a stock that is now concentrated in the EEZ of Chile. Therefore, when negotiating, the European fleet wished to achieve an increase for this year. Despite the fact that negotiations were difficult, an increase of 2,000 tonnes vis-à-vis the previous year was achieved.



Chile was not ready to give up anything else. The EC hopes the condition of the stock will recover. In fact, last year the EU proposed a recovery plan for horse mackerel and the possibilities of the recovery plan were identified: the favourite one for the EU considers the possibility of having a stable catch level every year (around 585,000 tonnes with a 5% variable at annual level) and this way reach a probability of 95% recovery towards MSY in 6 years time.

Regarding the inclusion in IUU lists, a monitoring, control and surveillance plan has been put forward for those vessels with criminal records that change flags and names. There was also a proposal by Chile on transhipments that was not supported by the EU. Finally, a proposal about having an observer on board was adopted.

6. AOB.

There are no further issues to be discussed.

7. Date and venue for next meeting.

Yet to be decided.

The meeting was adjourned at 15.55h.



ATTENDEES

MEMBERS OF THE WORKING GROUP

1. José Antonio Suárez-Llanos. ANAMER/AGARBA/ANAPA.
2. Juan Manuel Liria. FEOPE/CEPESCA
3. Erik Bjørn Olsen. Living Sea
4. Björn Stockhausen. Seas at Risk
5. Juan Manuel Trujillo. ETF
6. Emil Remisz. NAPO
7. Marc Ghiglia. UAPF
8. María José Cornax. OCEANA
9. Raúl García. WWF
10. Mireille Thom. WWF
11. Javier Garat. FEOPE/CEPESCA
12. Pablo Lourenzo. AIPCE

OBSERVERS

13. Seppo NURMI. EC
14. Angela MARTINI. EC
15. Adam Augustynowicz. Ministry of Agriculture and Rural Development. Poland
16. Irene Vidal. EJP
17. Alexandre Rodríguez. LDAC
18. Manuela Iglesias. LDAC
19. Marta de Lucas. LDAC