



## **MINUTES**

### **17<sup>th</sup> Meeting of LDAC Working Group 4 *Bilateral relations with third countries***

Wednesday 21 October 2015. From 09:30h to 13:30h  
Martin's Central Park Hotel  
Boulevard de Charlemagne 80. Brussels

Chair: Julio Morón  
Vice-Chair: Beatrice Gorez

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

The Chairman opens the meeting expressing his deepest sympathy for the loss of the Chairman of the LDAC, Mr. Antonio Cabral. All attendees observe a minute's silence in his memory. The complete list of attendees is included in Annex I.

#### **2- Approval of the minutes of the last WG4 meeting held in Brussels on 10 March 2015.**

Regarding the FAR Regulation, Mr. Rob Banning, DPFTA, requests clarification on the validation and verification procedure of special fisheries permits or authorisations issued by the Spanish Administration for vessels with Spanish flag fishing in EEZ waters of third countries.

Mr. Julio Morón, Chair of GT4, explains that the Spanish government is validating the private licences of those countries not having a fisheries agreement through the Spanish Embassies in coastal third countries. Payments are made to an audited account of the State Treasury of the National Administration of the third country and the licences are issued by the third country itself. In fact, the Spanish industry has requested its Administration not to use those licences until the government gives them the green light. This measure is only applied for EEZ waters of third countries. For long distance waters or high seas, before issuing an annual licence, the Spanish Administration carries out a validation of all the criteria that vessels must meet to fish in the different oceans.

Mr. Michel Goujon, ORTHONGEL, reports that in 2011 they requested the same measure to the French Ministry of Foreign Affairs for its application in private tuna agreements.

**The minutes of the meeting held on 10 March 2015 are approved with no additional comments.**



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

The agenda of this meeting is approved with no modifications or new items to be included.

### **4- Update of the last negotiations and meetings held by the European Commission relating to fisheries agreements with third countries or regions.**

#### **a. Agreements in West Africa. (Morocco, Mauritania, Senegal, Guinea Bissau, Republic of Guinea, Cape Verde, Liberia ...)**

Mr. Emmanuel Berck, representative of the Fisheries Agreements Unit at the DG MARE, informs about the developments carried out since the last report provided to the LDAC at the meeting held in March. He congratulates the LDAC for the successful International Conference on the External Dimension of the CFP held in Las Palmas de Gran Canaria, and also for their participation in other initiatives such as the Seminar held in Marrakech on IUU fishing by COMHAFAT/ATLAFCO.

Attention is drawn to the fact that, in general terms, both the Commission itself and the third countries are willing to promote a new modality of sustainable fisheries partnership agreements (SFPA), since they support the sustainability of resources and also help fighting against IUU fishing.

#### **Negotiations and Agreement with Greenland:**

- Greenland: On 21 March a new protocol was signed for a period of 5 years. It is an important agreement for an amount of EUR 18 million, with a small percentage allocated to paying access rights and a higher one to sector-based support. In addition, ship-owners have increased their economic contribution. This agreement affects about 10 countries and it is expected to come into force at the beginning of 2016.

Regarding negotiations, the EU followed the principles stated on the CFP, including the conservation of fishery resources and enhanced governance. Moreover, they have borne scientific opinions in mind when reducing or increasing quotas (e.g. reduction of quotas for shrimp and increase of quotas for Greenland halibut). He points out that developments have been achieved as far as flexibility of quotas is concerned, in order to increase fishing opportunities throughout the year depending on stocks. In fact, new species will be able to be included if there is interest or there are available



resources. Administrative improvements were also carried out and payments will be made according to the amounts caught.

Questions asked by the members and responses from the Commission:

Mr. Edelmiro Ulloa, ANAPA/ANAMER/ACEMIX/AGARBA, congratulates the EC and the Administration of Greenland for the promptness in managing fishing licences, since in the last three years they have improved significantly due to the fact that the Administration is completely IT-based and this enables it to monitor and manage licences in very short periods of time.

Then he asks about the remaining fishing opportunities within the agreement with Greenland, indicating that they would like to make them available to other Member States that would be able to use them in time, since they become inoperative when offered in October. He requests the EC find a system for these remaining opportunities to be made available in advance.

Mr. Michel Goujon, ORTHONGEL, congratulates the EC for the work done. He is happy to see that third countries are interested in private agreements under the sustainable fishery principles, as it occurred in countries such as Sierra Leone or Liberia. He highlights the importance of the EU harmonising agreements regarding their regionalisation, due to the fact that there might be risk of diversification in the sense that countries can generate a proliferation of clauses. He suggests that, when negotiating new SFPAs, the EC should take into account their harmonisation and regionalisation. There are ambiguous articles and clauses, and efforts should be made to make them equitable, such as compensations to seafarers that do not get on board, or cases such as those where the national administration of a third country is not able to provide the list of said seafarers.

Mr. Julio Morón, OPAGAC, enquires about the management of joint ventures, and wishes to know how they are included in the agreement and whether this formula could be transferred to other agreements with other countries.

Ms. Béatrice Gorez, CCFA-CAPE, expresses the need to promote the same sustainability and transparency standards in the constitution of joint ventures as in the SFPAs.



The representative of the EC, Mr. Berck, responds to the questions asked:

- Regarding the possibility of other fleets making use of the remaining opportunities, he says that it is an objective set by the Commission and that they wish to promote it, since the current system is not optimal. They are waiting for the new Regulation proposal to be published, which aims to review the licence system and will have a specific clause devoted to this, in order to speed up the allocation and use of the latter through a Delegated Act adopted by the Commission.
- In addition, the Commission suggests following the licence verification model set in the Spanish legislation, that uses its diplomatic network to verify licences; thus, having a double authorisation: that of the flag state and that of the coastal state. In turn, he reports that the EC is aware of the documents used by the Spanish Ministry and they already know how they are proceeding in this regard.
- Concerning joint ventures, the idea is to promote them with Greenland but with a clear regulatory and normative framework. He says that he will review the articles addressing this issue.
- As for tuna fisheries agreements, the aim is to integrate all economic actors to attract investments especially for the processing sector in order to reinforce investments in all fisheries sectors.
- He confirms that the EC is interested in harmonising the clauses of the tuna agreements in order to have all the elements needed. He agrees with the example of seafarers. At the Mixed Commission they talked about Sao Tome so that no compensation is generated. The important thing is that seafarers are qualified and can get on board. If this problem persists, there could be political impediments which are contrary to the interests of the EU fleets.



#### **a. Agreements with West Africa:**

- Morocco: A meeting of the Mixed Commission was held in October. The Moroccan authorities show a very open attitude towards the Commission's request for further transparency and for them to conduct technical improvements in terms of sector-based support. They have also positively adjusted the vessel classification as category 4 so that larger longliners can be present in Moroccan waters. On the other hand, flexibility to catch small pelagic species has been reinforced (with a possible increase in sardine catches).

The four-month biological standstill set by the Moroccan legislation affected the activity of the fleet. Further discussion will be held on the modification of the fishing zones. Issues relating to the landing rules and the commercialisation of fishery products have been clarified; it will be easier and safer to land at Moroccan ports, with fewer problems relating to safety and logistics.

Regarding sector-based support, detailed information on transparency has been received: they have EUR 14 million for sector-based support, with an execution of 70%, so this is a positive fact.

- Mauritania: He says that signing the agreement on 10 July was an achievement. The new protocol seems balanced; it is based on the situation of stocks and the best value for money of the agreement. As for stocks, management objectives for small pelagic species have been adjusted downwards, from 300,000 to 250,000 tonnes. For cephalopods, they wish to have a zero TAC of reference following the situation of stocks and the opinion of the government, who is adamant that there is no surplus and that this fishery should be exploited by its national fleet.

However, if there is no evolution in the next four years, there is a possibility that these items will be reviewed. A scientific committee will meet up regularly and a follow-up of their reports will be carried out.

Besides, attention is drawn to the improvements made at administrative level in the framework of the new protocol, strengthening the transparency and non-discrimination principles.



The new agreement with Mauritania will come into force slightly before it was expected to. On 30 October it will be put forward to COREPER, so that fishing activities can start in Mauritania in mid November. The agreement amounts to EUR 59.9 million in total, showing a great revaluation and balancing out the sector-based support of EUR 4 million. It includes a review clause that enables modification of these amounts.

The LDAC congratulates the Commission for the negotiations carried out and for signing the agreement.

Ms. Gorez believes it is a positive sign from Mauritania to have installed a national multi-stakeholders committee to reinforce the implementation of Mauritania 2015-2020 fisheries strategy.

***ACTION: The LDAC will contact the Mauritanian national authorities in order to study the existing collaboration possibilities to sign an agreement for the implementation of SFPAs, supporting governance and transparency in the decisions to be taken.***

- Senegal: At the end of 2014, the agreement was executed. They have EUR 3 million for sector-based support. At the end of November, a mixed commission will be held where detailed information will be provided on how the money was used.

The European Court of Auditors published a report on fisheries agreements with some negative aspects such as access to resources, data management and data compilation, due to the differences there are between data received by the EU relating to catches and data received by those in charge of assessing them.

In the last mixed commissions there have been several complaints by the States since the data received are incomplete. The representative of the EC wishes to draw the attention of the sector to the importance of this issue.

- Cape Verde: The agreement is in force and there are no particular problems.
- Guinea-Bissau: The mixed agreement is working fine. The Scientific Committee has concluded that prawns and cephalopods are under the maximum catch limits recommended by scientists.



- Liberia: In mid November vessels will be able to fish in Liberia. He highlights that the needs will be covered and that they will have 6,500 tonnes for 28 purse seiners. The financial contribution is of EUR 650,000 for a 5-year period as established in the protocol.

They believe that the idea of signing long-term fisheries agreements benefits the fleet since it grants it legal certainty for its operations. It also benefits neighbouring third countries that perceive the positive effects of the agreements. This is the case of Sierra Leone that showed interest and had a first meeting in Brussels. The Commission thinks that it might be a candidate for a future agreement.

- Equatorial Guinea: Technical meetings are currently being held.

- Gabon: It is the most important European agreement for the tuna fleet. He points out that the agreement with Gabon is not easy to manage. The protocol expires in July; however, the mixed commission will hold a meeting in November that they will try to link with the next negotiation.

Gabon is aware of the importance of this agreement. Nevertheless, problems regarding FADs may arise, since this issue is on the list of sensitive matters in terms of national policy. They have a strict policy and their current protocol only allows the use of “ecological FADs”. It seems that negotiations are going to be tough.



Questions asked by the members and responses from the Commission:

Mr. Rob Banning, DPFTA, thanks the EC for the increased flexibility in catches of small pelagic species in Mauritania, as this enables them a better management of stocks such as sardines.

Mr. Alexandre Rodríguez, Secretary General, enquires about the LDAC's request for clarification regarding licences for longliners in Morocco that slightly exceed the GTs, and the possibility of being flexible concerning the application of the fisheries agreement in order to change fishing modalities (between longliners and trawlers) without exceeding the general capacity.

Mr. Berck, EC, says that the vessel category has not been changed yet.

Mr. Julio Morón, OPAGAC, highlights that the idea the LDAC has –as far as countries in the Atlantic Ocean are concerned– is to ensure that collaboration is being followed up, working with regional observers, and then assessing the impact and their influence on coastal states.

In addition, he reports that two workshops will be organised with COMHAFAT/ATLAFCO about regional observer programmes and the harmonisation of access conditions under fisheries agreements. It is declared that, in view of the requests to board seafarers from the coastal countries, the fleet has always hired African seafarers on board their vessels, but they have to meet the minimum training requirements to get on board the European fleet. The EC should help define a licence harmonisation framework for these countries with which there are fisheries agreements as well as for other countries.

The representative of the EC, Mr. Berck, states that he agrees on this approach and that a preliminary joint action should be organised with COMHAFAT/ATLAFCO to be able to work with countries in the Atlantic Ocean.

In Mr. Michel Goujon's opinion, this is a complex issue. He believes in working together with COMHAFAT/ATLAFCO to create a list of seafarers from ACP countries that would be submitted to the EC and subsequently distributed among ship-owners, generating this way a job bank. He thinks that solutions could be found and that these agreements could help train seafarers.

Ms. Gorez stresses the fact that the support to the creation of local employment, particularly in coastal fishing communities, ought to be reinforced in third countries through SFPAs. She agrees that focussing, in terms of job creation, on the number of crew embarked generates



problems and that ship-owners are not to endure the consequences of this situation. Public financial support and investments have to be improved to promote local employment and positive impacts on local economies, beyond embarking crew on board.

Mr. Trujillo agrees with the opinions previously voiced, and he insists on the significance of safety on board; therefore, seafarers ought to have basic knowledge as stated in conventions such as STW-F or ILO C188. The most important thing is how to channel these tools so that third countries receive the information they need when getting on board and carrying out their tasks.

The representative of the EC, Mr. Berck, declares that they have to work with qualified seafarers; however, seafarers from countries with which the EU has signed partnership agreements could be preferentially hired.

Mr. Morón believes that this type of issues should be channelled through COMHAFAT/ATLAFCO. The EU SFPAs contain the guidelines to be followed and it should be taken as a starting point. Efforts should be made for all partner countries of the EU to gather around a regional table to discuss these issues. In fact, he reports that the second COMHAFAT/ATLAFCO workshop, to be held in the first four month-period of 2016, will be about sustainable fisheries agreements.

Mr. Rob Banning, DPFTA, asks whether it would be possible to increase the fishery of small pelagic species in Gabon and Sierra Leone.

The representative of the Commission, Mr. Berck, replies that in Gabon it is obvious that there are not enough resources of small pelagic species and there is no interest in increasing fishing opportunities, as it occurs in the case of prawns. In fact, fleets have no economic viability. In Sierra Leone, it would be quite surprising to find they include fishing opportunities for small pelagic species.

Mr. Michel Goujon, ORTHONGEL, asks about the rules to be analysed at the technical commission with Gabon. He would like to know what has been done since the agreement was signed. He enquires how surpluses are going to be distributed, indicating that it would be logical to have an individual reference tonnage. He thinks that it would be good to put this in writing in the agreement.



Regarding FADs, he thinks that they are all in favour of biodegradable ones. However, it is very difficult to find the appropriate material, although research work is being carried out in this regard.

As for seismic vessels fishing in Gabon's waters, they are aware of the problem and have made a proposal to place markers in specific areas. Other countries have initiated campaigns with those seismic prospecting vessels, so notifications should be conveyed to the EU, as they are in fishing areas regulated by a fisheries agreement.

This way, the confidentiality of vessel position is ensured. It would be convenient to have a regulatory framework that would help find a solution to this issue.

The representative of the EC, Mr. Berck, says he thinks it is a good idea to look for an official mechanism to regulate the confidentiality of data. Regarding FADS, he points out that the position of Gabon is unforeseeable. As for the material of biodegradable FADs, he understands it is a complicated matter.

The issue of the 20,000 tonnes is discussed in all mixed commissions. Gabon does not want to increase the reference tonnage while the protocol is in force and thinks the price should be the same from the first tonne.

Mr. Michel Goujon, ORTHONGEL, asks whether the price of exceeding tonnes (beyond 20,000 tonnes) would be calculated the same way, applying the model they already have. The representative of the Commission answers in the affirmative.

#### **b. Agreements in the Indian Ocean**

- Kenya and Tanzania: Negotiations are expected to take place in January or February 2016.
- Seychelles: The representative of the EC, Mr. Berck, informs that the Mixed Commission will meet in December in order to address issues such as the creation of Marine Protected Areas that would ban specific activities in Seychelles in return for a deduction of its public debt. This is an international initiative that arises from the organisation The Nature Conservancy, which has proposed to cancel the debt that Seychelles has with the Paris Club in exchange for the application of a Marine Spatial



Planning in its EEZ. The EC thinks that this could have consequences on the fishing activities in their waters, so they ought to study it and assess it.

- Madagascar: The next Mixed Commission will meet in January or February.
- Mozambique: The last conversations show that there is no possibility of reaching an agreement, since the new negotiating team is demanding excessive and non-realistic economic conditions. Negotiations are at a standstill for the time being and a prompt resumption is not expected.

It is reported that Mozambique is following a very ambitious fleet development plan purchasing several dozens of vessels, and that it could be a strategy to exclude the European fleets from their fishing grounds.

- Mauritius: They are initiating the assessment studies for the negotiation which will be finished in January or February. Therefore, negotiations are expected for the first semester of 2016. Catches in Mauritius and Madagascar are quite low; in fact, the main effort focuses on Seychelles. The EC is concerned about the reasons why the agreement is hardly put in practice.
- Comoros: The activity level is quite good, close to the reference tonnage. However, Comoros was issued a “yellow card” by the Commission over IUU fishing. Negotiations will be opened up at the beginning of 2016. They will remain alert in case they end up being identified as a non-cooperating state and they are issued a “red card”.

#### Questions asked by the members and responses from the Commission:

Mr. Julio Morón, OPAGAC, reports on the establishment of a working group made up by the Seychelles’ inshore and industrial fleets, the EU fleet fishing under the agreement framework and recreational fishermen, to negotiate with the Ministry of the Environment and Fisheries to discuss the extension of MPAs. The government of Seychelles has set a consultation schedule for the whole of 2016 aiming to propose a series of management measures in 2017 that will be applied or will come into force in 2018.

Mr. Juan Pablo Rodríguez, ANABAC, says that representatives of his organisation had a meeting with the authorities of Seychelles regarding this issue. They were told that they are going to conduct an impact assessment study in order to respect the fisheries agreement with



the EU. It is felt that this is more a political than an environmental or technical measure, and that it goes beyond the competences of the Ministry of Fisheries and Blue Economy. He agrees that the EU ought to address this matter as well.

Mr. Berck, EC, explains that it is a political issue that the Ministry of Finance imposes on the Ministry of Fisheries owing to economic reasons. However, he informs that they are indeed aware of the consequences that this may have on fisheries and are therefore willing to postpone these measures until 2017-2018. The EC hopes to be able to express its concern again for this matter through the negotiations and it will remain alert with regard to this issue.

Mr. Juan Pablo Rodríguez, ANABAC, reports on the shortage of catches in countries like Mauritius. Its EEZ of interest is more limited than that of Seychelles. The only element of interest is an island, Agalega. He insists on the fact that tuna is a migratory species and that the nature of the resource is variable, so some years fishing activities go better than others. As for the aspect relating to IUU fishing in Comoros, he says that countries such as Guinea Conakry, that should not have been issued a red card, since the consequences are contrary to those aimed for, should be told apart. Comoros needs support, so collaboration with the EU is essential to help them develop their abilities and resources.

Mr. Emmanuel Berck, representative of the EC, reports that Comoros is going to be helped by the World Bank to fund the sector-based support, in addition to the funding awarded as part of the agreement itself.

### **c. Agreements in the Pacific Ocean:**

- Cook Islands: The representative of the EC, Mr. Berck, informs that the process is on the right track and that they hope to reach an agreement, but it is still early to know whether it will be possible.
- Kiribati: There is an inactive agreement due to the lack of interest shown by Kiribati to reactivate it. Their economic requirements are incompatible with the CFP principles as well as unacceptable. It is similar to the case of Mozambique.

## **5. Horizontal issues:**

### **5.1. New FAR Regulation**



The representative of the EC, Mr. Berck, reports that a very important document is being drafted, highlighting the relevance of the application rules in order to obtain fishing licences and their transfer in the framework of the SFPAs. The idea is to harmonise these rules with the EU Control Regulation and IUU Regulation. The aim is to have further control over the fishing activity of external fleets and the EU would have information about the fishing activity of the fleet, enhancing transparency. The FAR Regulation proposal is expected to be adopted by the Commission in November 2015 and then it would be submitted to the Council and the Parliament for discussion and, if appropriate, adoption throughout 2016 in order for it to come into force in 2017.

Mr. Raúl García, WWF, believes that the reform of the FAR Regulation is an opportunity for NGOs to reinforce the external action of the EU. He enquires whether the European vessels fishing under private agreements would also be included when making the information publicly available.

The representative of the EC replies that everything will be included, private licences as well.

Ms. Beatrice Gorez, CFFA-CAPE, regarding sectoral support under fisheries agreements, points out the difficulties to know what the results are, highlighting that focusing on the fisheries management policy only (research, MCS) is not enough, it is also necessary to focus on local development, in particular jobs for local communities. She says that in Guinea Bissau, for instance, there is a lack of ice to keep fish, and a lack of ice plant that can supply local fishers and women. In Côte d'Ivoire the biggest cooperative (1,500 women) seasonally processes small tunas, but there is a lack of supply of raw material for them. If it was possible for European fleets fishing under the SFPAs to reserve a part of their local landings for them, they would be able to provide more work and revenue for their members. That is why it is important to insist on the added value that this type of agreements could bring to coastal countries, for instance, in terms of the creation or maintenance of jobs in coastal communities.

The representative of the EC, Mr. Berck, comments that most agreements already have a specific clause devoted to sector-based support, and in the particular case of ice supply, they have envisaged the necessary machinery. Sometimes it is difficult to visualise the aid provided by the EU, but they know they should improve in this regard.



Mr. Juan Pablo Rodríguez, ANABAC, asks whether the FAR Regulation would be applicable to fishing authorisations affecting vessels with European flag or any vessel exporting its catches to the EU.

The representative of the EC responds that the accountability principle of the flag State is clear, if it is a vessel from Ghana, for instance, exporting to Europe, it would not be applicable. It is for vessels with European flag. There is an additional coverage for non-European vessels that fish in European waters in terms of sanctions, for instance, but the rules also need to be updated in this regard.

Mr. Juan Pablo Rodríguez, ANABAC, thinks that this measure is not going to contribute added value, and he enquires whether it can be extended to catches exported to the EU by third countries.

The representative of the EC, Mr. Berck, informs that the added value contributed is that there will be strict systems for European vessels. It is important to have a European register of vessels and licences, increasing the level of requirements in the bilateral agreements. Regarding imported catches, they believe they are beyond their competences.

Regarding private agreements that would be regulated as EU agreements, Mr. Michel Goujon, ORTHONGEL, highlights that they are already communicating them to bodies such as DG MARE and EFCA, but not to the rest of the public. He believes that it is not very positive since this only brings about criticism. He thinks that all private agreements ought to comply with a level playing field among fleets, so in the event there is a disagreement, the EU could force the countries with which it has signed partnership agreements to show the private agreements that they have signed with other fleets. Regarding catch certificates, he believes that these should be required in all private agreements.

Mr. Berck adds that this is information relating to the names of the vessels, where they fish, the amounts to which they have access to, etc. but no financial items are published.

*Mr. Julio Morón, OPAGAC, thanks the representative of the EC for his thorough and brilliant presentation of the novelties and developments produced in the last 6 months, and declares this point closed.*

## 5.2. Report on the implementation of the IUU regulation by Third Countries



Mr. Stelios Mitodilis, representative of DG MARE, reports on the content of the Commission Communication published in October 2015, and presents progress made in the last 5 years since the Regulation against IUU fishing came into force.

Summary of main achievements and future challenges:

- Policies to control imports of products coming from third countries have been implemented in the EU Member States.
- The carding system is fully operational and is applied in third countries across the world.
- USA is trying to implement a policy similar to the European one.
- The Commission's intentions for the next five years are presented. They are not going to propose anything new, or any comprehensive review of the Regulation in force. The important thing is the full application of the rules both by EU Member States and third countries. They wish the catch certification system would be electronic, by means of a computer application, to prevent fraud and facilitate coordination among Member States, the Commission, EFCA and INTERPOL.
- They wish to have further control over imports, cross-matching data, in order to move forward in the consistent application in all Member States.
- At international level, they wish to continue establishing multilateral cooperation partnerships in organisations such as FAO or the RFMOs; and bilateral ones with third countries. It is reported that the Commission has issued 20 yellow cards in the last 3 years.

**Withdrawal of yellow cards**

- Ghana: The EC is working with the authorities, and its legal system has been reformed and its control and monitoring abilities have been reinforced (full coverage in their vessels and use of VMS, landing reporting, etc.). In addition, the authorities of Ghana have decided to freeze their vessel register for 3 years and they intend to reduce the current capacity of their fleet to one third, so that they reach sustainable levels.



- Papua New Guinea: It is a country with an extension of 2.5 million km<sup>2</sup> of EEZ which is very important in terms of tuna catches in the area. There is a lack of transparency regarding their fisheries management. The Government has confirmed that it is a priority for them. Significant improvements have also been found regarding landing control, a sanction system and strengthening their abilities in terms of monitoring, control and surveillance. Finally, they have accepted to be transparent regarding VDS information for vessel location. These improvements have led to the withdrawal of their yellow card.
- Besides, Korea and the Philippines have carried out a positive reform in terms of management. Korea has already implemented the VMS system in all its vessels and has dramatically improved the way it controls its fleet in the Pacific Ocean by reinforcing its inspection abilities in terms of surveillance centre and personnel. In addition, it has scrapped or got rid of all vessels performing illegal fishing activities flying its flag.

### **Yellow cards**

The representative of the EC adds that two weeks ago it was decided to initiate a procedure to issue yellow cards to two countries: Taiwan and Comoros.

- Taiwan: They have a fleet of about 1500-2000 longliners that fish in the Indian and Pacific Oceans. These vessels regularly change their flags and carry out processing activities in China, Korea, etc. In spite of their economic development, they do not have a reliable control system for landing in designated ports so the monitoring, control and surveillance system does not meet the standards required by the EU.

Regarding the legal framework, minor changes have taken place without bearing in mind the recommendations proposed by the Commission.

The EC has given Taiwan a 6-month period to achieve improvements, and the country has had a positive reaction showing an interest in working to implement changes.

- Comoros: Inconsistencies have been detected in their legal framework as well as problems regarding the registration of vessels. Moreover, there are problems with the vessel monitoring system beyond the EEZ, so they should find a balance between the



fleet size and their control skills. They have been given a 6-month period to initiate conversations and help the country boost its development.

- Curaçao: The authorities of the Islands are actively working on the legal framework of the long distance fleet, and they hope to obtain positive results soon.
- Salomon: They have traceability problems. However, they are having active and fluent conversations with the EU. Their situation is similar to that of Papua New Guinea.
- Tuvalu: They have developed an action plan that is being reviewed by the EC.
- Saint Vincent and the Grenadines: The MCS system of the long distance fleet is not good; they are waiting to strengthen communication with the EU to see if there is anything they can change.
- Thailand: A formal cooperation process has been initiated. They currently have a yellow card and they have been given a 6-month period, finishing in October, to achieve improvements. They are currently reviewing their situation.
- Ecuador: They have not been issued a yellow card, but shortcomings have been detected. The authorities have adopted commitments to change and regulatory reforms to address these shortcomings.

### **Red card**

There are currently 3 countries with a red card: Sri Lanka, Cambodia and Guinea Conakry.

- Cambodia: They do not show interest in implementing changes.
- Sri Lanka: They are immersed in dialogue development. Their top priority now is transposing the IOTC recommendations. The EC is initiating conversations with this country and is hopeful that the situation will improve.
- Guinea Conakry: The situation is not satisfactory and changes are not expected in the short term.

### Questions asked by the members and responses from the Commission

Ms. Beatrice Gorez, CFFA-CAPE, asks to be informed about the Symposium organised by Interpol. She also says that she has been told by local fishers organisation that in the Republic



of Guinea there are problems with the Korean vessels, reflagged, and involved in illegal operations. She wishes to know whether the EC is taking this issue into account.

The representative of the EC declares that they have been monitoring the most complicated matters regarding Korea. The Korean authorities have accepted the EC's suggestions. In fact, they currently have very good communication between them. The EC has requested them to communicate any actions they know of carried out by vessels that are breaking any regulations. The Korean authorities have promised to do so.

Regarding the Interpol seminar, he informs that it was held in South Africa in mid October. The EC is an observer at Interpol, so their contribution is based on supporting the participation of Member States. Said meeting was attended by representatives of African countries and of other countries such as New Zealand or some European countries. The aim was to promote the exchange of good practices. They are focusing on Africa for the time being. From the point of view of the EC, attention should be drawn to the fact that Member States attend as members to this kind of meetings.

Mr. Raúl García, WWF, enquires whether the EC has had meetings with China.

The representative of the EC, Mr. Stelios Mitodilis, reports that last week a delegation of the European Commission met up with representatives of the Ministry of the Environment, Marine Affairs and Fisheries in China. These were very interesting meetings at the highest level. He considers that China not only has to cooperate in FAO, but also at the international fora. As for the IUU fishing issue, the EC has invited them to assume their responsibility and they have accepted the basic principles. Furthermore, he informs about the creation of a technical working group integrated by the Commission and the Chinese Ministry of Fisheries to discuss topics such as IUU fishing. The EC expects the situation to be as successful as strong is the commitment acquired by China.

Mr. Alexandre Rodríguez, LDAC Secretary, enquires whether, in conformity with the recommendations for future improvements in the Commission Communication on the Application of the IUU Regulation, progress has been made in terms of the validation and verification of catch certificates by electronic means as a change from the current paper-based system to prevent fraud or duplication of the latter.



Mr. Stelios Mitodilis, representative of the EC, says that the Commission has set up a working group with the Member States, DG MARE and DG SANCO in order to identify faults and review the practical aspects of the system, including the electronic catch certificate.

However, he points out that all Member States are in favour of the principle of moving from the paper-based system to the electronic one. The Commission intends to have the TRACES system, which is based on that used for health certificates at DG SANCO, to be operational in 2016-2017. Regarding third countries, DG MARE and DG DEVCO have been working to make progress in the regional or specific strategic programmes of DG DEVCO, especially in Africa concerning MCS, capacity building, development of port infrastructures, etc. in order to help these countries to reform their fisheries sector. In addition, conversations are being maintained to enhance coordination with other donors such as the World Bank, FAO, JEFF or Norway, among other.

### 5.3. Role of the LDAC in regional projects: collaboration

#### 5.3.1. *Indian Ocean: Smartfish Project*

Mr. Julio Morón, OPAGAC, explains the importance of EU policies (DG MARE, DG DEVCO, DG SANCO...) being consistent in the Indian Ocean.

LDAC actions with SMARTFISH have not been able to move forward in the last few years apart from a first contact meeting to discuss the harmonisation of fishing conditions.

#### 5.3.2. *Atlantic Ocean: ATLAFCO-COMHAFAT*

Mr. Julio Morón, OPAGAC, says that there is a very fluent relationship with COMHAFAT/ATLAFCO and that both organisations are collaborating again to develop actions foreseen in the Memorandum of Understanding (MoU) signed in 2013. In fact, a first workshop is going to be held in Marrakech in October with the financial support of the EU in order to improve governability and control over fishing activities, with special attention given to the development of a Regional Control Programme both at sea (Observers) and at the ports.

The aim is to promote coordinated work at regional level with RFMOs, the coastal countries involved and the European industry fishing in the EEZ of those countries. He highlights that the



LDAC will not directly look for funds. However, since it is an advisory council, it can help to develop ideas and act as vector of the demands of the industry and NGOs.

Ms. Eduarda Duarte, representative of DG MARE, says that the role played by the LDAC in Smartfish or in other type of projects of DG DEVCO is always welcome and that the Commission offers them its support. She informs that the Smartfish project will conclude in 2016-2017. They are now reflecting upon how to proceed in terms of cooperation once the latter is over, especially as to whether it wishes to have more direct collaboration with the beneficiaries.

The SWIOFC is created in the region, which is more and more active regarding tuna. There is a coordination group integrated by countries in the Indian Ocean that participate in IOTC. This organisation could be a partner with whom to work in the future since it encourages countries to improve their data compilation system and access conditions to fisheries agreements with the EU, and it also comments the distribution of quotas.

#### Questions asked by the members

Mr. Michel Goujon, ORTHONGEL, believes that first there ought to be coordination between the LDAC members and the EU. In addition, he points out that it is up to IOTC to take decisions about management in the Indian Ocean. He is also concerned about the transposition of the Indian Ocean model into other agreements. He thinks that it is important that the industry and the EC are present at the meetings regarding observer programmes.

Ms. Beatrice Gorez, CFFA-CAPE, highlights that the Federation of Indian Ocean artisanal Fishers (FPAOI), created with European funding through Smartfish, has not been involved to SWIOFC work until now and she believes their participation to the SWIOFC work would be positive , particularly on issues relating to management of fleets and fisheries agreements.

Mr. Julio Morón, OPAGAC, puts forward the idea that the LDAC could sign a MoU or cooperation agreement with the industry working there, so that what is being done in the Indian Ocean is done in the Atlantic Ocean. He points out that Smartfish is a European programme managed by the IOTC and that they just managed to hold a workshop for the harmonisation of fishing conditions in 2013 without further follow-up.



Efforts could be put into insisting once again in doing something together. Besides, if SWIOFC is becoming more solid and gaining more influence, replicating the approach of the Atlantic area with the countries in the Indian Ocean could be tried through the EU and the NGOs. In addition, the EU should become a full member of SWIOFC.

Besides, he stresses the fact that management in the PNA countries through VDS has a commercialised version in the short term, and that its practical application is hopeless. Countries such as New Zealand are planning to change the day system for the quota system, but PNA countries are reluctant since they obtain significant profit thanks to this system.

**ACTION: The LDAC will try to proactively contact the SWIOFC Secretariat in order to hold talks and promote sustainable initiatives aiming to balance environmental and economic sustainability.**

Mr. Raúl García, WWF, says that WWF is involved in the Indian Ocean, and that this issue is taken care of from all the regional offices although it is coordinated from Mozambique.

Regarding cooperation with COMHAFAT/ATLAFCO, the information provided in the regional observers programme is still to be decided. A matrix could be made for tuna that could expand to other fleets for enhanced capacity. It would be convenient to look for funding coming from the EC and the World Bank to develop this work.

Ms. Eduarda Duarte, EC, points out the good work carried out by the LDAC with COMHAFAT/ATLAFCO so far and encourages them to continue along these lines. She thinks that, if positive results are obtained, it could be a good example for other regions.

Ms. Beatrice Gorez, CFFA-CAPE, is sceptical about the potential outcome of the COMHAFAT/ATLAFCO workshops. She believes that aspects such as the participation of the local stakeholders is of paramount importance to introduce real policy changes, and has not been given sufficient attention up to now in this MoU.

Mr. Julio Morón, OPAGAC, says that working on specific matters enables progress and contributes to generating trust to have an influence on the final decision. He adds that the results of the widest EU programmes are usually perceived in 5 or 6 years time.



**5- AOB.**

Regarding the tuna transparency initiative, Mr. Julio Morón, OPAGAC, thinks that this initiative of the European industry ought to be promoted and made more visible in different fora such as ICCAT.

**6- Place and date of next meeting.**

The exact date is yet to be decided, but it will probably be held at the beginning of March in Brussels.

**7- Closure.**

**The meeting was closed at 13.35 h.**



## **ANNEX I. LIST OF ATTENDEES FROM WORKING GROUP 4**

### **WORKING GROUP MEMBERS**

1. Julio Morón. OPAGAC
2. Michel Goujon. ORTHONGEL
3. Erik Olsen. Living Sea
4. Juan Manuel Liria. FEOPE/CEPESCA
5. Mercedes Rodríguez. OPP-Lugo
6. Sandra Sanmartin. EBCD
7. Juan Manuel Trujillo. ETF
8. Björn Stockhausen. Seas at Risk
9. Edelmiro Ulloa Anapa / Anamer / Acemix / Agarba
10. Beatrice Gorez. CFFA-CAPE
11. Irene Vidal. EJJ
12. Juan Pablo Rodríguez. ANABAC
13. Caroline Mangalo. CNPMEM
14. Juana Parada. ORPAGU
15. Raúl García. WWF
16. Vanya Vulperhorst. OCEANA
17. Katarina Sipic. CONXEMAR
18. Emil Remisz. NAPO
19. Rob Banning. Dutch pelagic freezer trawler association.
20. Mike Park. SFF

### **OBSERVERS**

21. Emmanuel Berck. EC (SFPAs)
22. Jurate Smalskyte. EC
23. Eduarda Duarte de Sousa. EC (MARE-DEVCO Regional Projects)
24. Stelios Mitolidis. EC (IUU)
25. Alice Bernard. EC
26. Konstantinos Kalamantis. EP
27. Jesús Ibarra. EP
28. Alexandre Rodríguez. LDAC
29. Marta de Lucas. LDAC