



Draft minutes

9th LDRAC Working Group 3 Meeting

Remainder of RFOs and high seas not covered by RFOs

Tuesday, April 08, 2014. From 14:45 to 17:00

Renaissance Brussels Hotel

Rue du Parnasse 19. Brussels

1. Reading and adoption of the Minutes of the 8th WG3 meeting on 12 March 2013.

The minutes are adopted without any changes thereto.

Mr. Suárez-Llanos points out that during the last meeting, the possibility was put forward of creating specialised working groups, with less participants in order to improve efficiency.

Mr. Aldereguía remarks that from the Secretariat they may now do more work online as had been proposed, in fact, a third person has been hired, Ms. Iglesias, to assist with technical and administrative tasks.

On the other hand, he reports that at the last South Pacific meeting, the relationship of the EC with the NGOs and the industry was a good one. However, he has received complaints due to the attitude of the European Delegation at the meeting, as there was not enough coordination with the members of the LDRAC.

Ms. Koucinka comments that she was surprised to see the EC treating the meeting as a successful one when the quotas for mackerel were reduced by 20%. She hopes that for future meetings the cooperation and coordination with the UE may be improved.

2. Reading and adoption of the Agenda.

It is adopted without changes.



3. News about the RFOs covered by this WG:

a. CCAMLR.

The discussions in October of last year focused on the adoption of protected maritime areas. The compulsory vessel identification number was adopted and it was also the year in which the first discussion was held regarding compliance country by country, in fact, annual follow-up on this measure is to be effected.

An important proposal by the EU was the adoption of commercial measures. Another discussion focused on the capacity in certain areas at the Ross Sea, rejected by Russia. The discussion now focuses on indicators in order to determine whether there is overcapacity.

The EC's priority for this year, to be proposed to the MS for validation, shall focus on protected maritime areas.

Mr. Liria enquires about China's attitude in CCAMLR. The EC representative states that China is keeping a low profile, however, this year they are adopting a more constructive position than in previous years.

b. SEAFO

The EC representative reports that they held a meeting in Namibia in which they decided to draft two bi-annual texts: one regarding Patagonian toothfish, which was increased by 20% with respect to the previous TAC and another regarding deep-sea red crab for which the Scientific Committee decided a TAC representing the status quo within SEAFO.

On the other hand, he remarks that they realised the existence of operational problems within the Scientific Committee that prevents them from being more effective. In order to improve, there ought to be easier access to information and work should be prepared before the Committee meetings.

Concerning monitoring and control activities, some updates to the current surveillance and observation system were adopted. He insists on that updates are needed regarding inspection of the seas, which in this RFO is based on the agreement for stocks by United Nations.



They have also adopted provisions relevant to inspecting landings at port and reporting to the Secretariat of SEAFO.

Mr. Cabral enquires what type of vessels are operating there.

The EC representative remarks that they are vessels fishing for lobster. However, he will check to see exactly what type of vessels they are and will report to the Secretariat of the LDRAC.

Mr. Aldereguía enquires whether catches are stable compared to ten years ago. The EC representative remarks that this is not a large RFO and they have a problem with data collection when trying to assess stocks properly. However, catches are relatively stable. They were capable of reaching an agreement for king crab, around a TAC of 200 tonnes, and for hammerhead shark he points out that it's very cyclic, they are not catching more than 100-150 tonnes now.

Mr. Suárez-Llanos enquires which countries have greater weight in this RFO. The EC representative remarks that initially it was the EU, Norway, Angola, South Africa and Namibia. Japan joined 3 years ago, as they used to fish there without being a contracting party, hence they were compelled to become one. Korea has been a contracting party for a year.

4. Situation regarding the ports of Chile. News about the south Atlantic region. SPRFMO.

Mr. Suárez-Llanos comments that regarding the issue with the Chilean ports, the situation remains the same. After the change in government, in February, the sector has had no news.

Mr. Van Balsfoort reports that two vessels from his association went to fish in the area and had access to the ports of Chile. He believes they will continue to have access. However, they do not need to land there; on the other hand, he believes that the change in government has not affected international obligations.

The EC representative reports that since 2010 a decree was adopted that blocks landings of jack mackerel by the EU fleet alleging issues of viability for the resource. From the year 2012, there have been landings of jack mackerel by the EU and it seems that they will continue to take place with normality given that they are regulated within the framework of the RFO. However, the EC has requested clarifications to the Chilean administration on a series of very technical requirements in their regulations. They are still waiting for a reply.



Mr. Suárez-Llanos states that swordfish continues to have the same problem and requests the EC to insist on reaching a solution.

The EC representative remarks that on this issue they see a negative evolution. From the point of view of the Commission it seems that Chile is not willing to sign the existing understanding. Chile shows its availability to continue negotiating, but the EC is seeing that concrete progress is very limited.

The LDRAC requests the EC, if possible, to forward us the summary of the actions undertaken regarding this issue.

Regarding the news in the south Pacific region, in SPRFMO, the EC representative remarks that their relationship with Chile, in this framework, is one of allies; they support each other and coordinate themselves to submit proposals. At the annual meeting in January, a TAC of 26,000 tonnes was achieved for the Community fleet, within a general framework of reduction of the TAC.

On the other hand, he reports that the EU has submitted a recovery plan for jack mackerel; a specific measure concerning bottom fishing; new measures to protect sea birds; and the compulsory adoption of the vessel identification number.

Mr. Van Balsfoort states that with respect to the measure to protect sea birds, they believe that the situation is becoming somewhat exaggerated, in that they have to take an observer on board the vessel solely to this purpose. The EC representative states that this is due to the lack of scientific data.

Mr. Liria enquires on the voluntary measures for bottom trawling. The EC representative reports that the EU has made it compulsory this year, whereby the level of catches and the area for operations have been limited.

Mr. Aldereguía remarks that in the last few months there have been discussions with the EC on the issue of discards. He enquires what the situation is for a fleet that is not subject to an RFO or to a fisheries agreement, such as the case for the south-western Atlantic fleet.

Mr. Liria remarks that the base Regulation is clear. LDRAC vessels are operating in areas under Fisheries Agreements, in RFO areas and in areas without RFOs.



The EC itself states at every forum that its primordial interest is to see how the landing obligation is implemented in Community waters. If we take a look at art. 15.1 it speaks of regulated species, not third-country waters. The EU respects third-country rules and this is clear from the regulation. Art. 15.2 states that international commitments prevail over the base Regulation, which implies for example that in NAFO, NAFO rules apply. In the south-west Atlantic, species are not regulated by TACs, though measures have been taken such as Regulation 734 that the European fleet complies with while the other fleets do not. This is something we cannot allow to happen. The EU's attempts to implement a stricter discards policy must be supported, but they cannot impose conditions on the European fleet that are not imposed on other fleets.

Mr. Van Balsfoort comments that we must have a clear idea as to construe the terms regarding our own fishing. Art. 15.1 of the Basic Regulation is only applied to vessels in EU waters. He wishes to know if the Norwegians fishing in the EU shall also have to comply with it.

Mr. Liria states that after having mentioned the issue to the staff at the EC, they agree in construing that art 15.1 is restrictive, that it is not applied in third-country waters.

Mr. Aldereguía comments that the EC has advised him that in the negotiations for the fisheries agreements they are trying to compel the third country to implement a zero-discards policy within their 200 miles. The EC has also highlighted that the final outcome of the fisheries agreement is not going to depend on the acceptance on behalf of the third country of this concrete policy. What the LDRAC wishes to advocate for the external dimension is that all the fisheries be applied the principles of sustainability and level playing field.

Mr. Liria remarks that the EC should not impose its specific discards policy against others that may be better, as they are more specific, such as for example those of: Norway, Iceland or New Zealand. A horizontal rule for this issue may be a gross mistake.

The EC representative comments that regarding the RFOs, they wish to treat each one in a specific manner, they wish to avoid Community obligations being contrary to international rules, for which the intention is that an exception be made on this issue for the RFOs. If an RFO is not regulating the issue of discards, the aim will be to apply the level playing field. RFO rules prevail over the base Regulation.

5. **Any other business.** There is none.