



## **DRAFT MINUTES**

### **16<sup>th</sup> LDAC Working Group 1 Meeting Highly migratory stocks and relevant Regional Fisheries Organisations**

**Wednesday, 11 March 2015. From 09:00 to 13:00.**

Martin's Central Park Hotel, Boulevard de Charlemagne 80, Brussels

**Chairman: Mr. Goujon**

**Vice-Chair: Mr. Morón**

#### **1. Welcome.**

The Chairman welcomes all those present.

The list of attendees is included as an Annex.

#### **2. Approval of the minutes of the 15<sup>th</sup> WG1 meeting – Brussels, 15 October 2014.**

The minutes of the meeting held on 15 October 2014 is approved without any comments hereto.

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

The agenda is approved with a modification to item 5; the section dealing with the update of FADs will be addressed as a separate item.

Besides, the Chairman suggests introducing in all agendas in the future an item where the members can briefly inform about any meetings external to the LDAC relating to tuna where they have taken part in, so that this information can be shared within the group. It is also suggested that the calendar of future meetings be made available.

**Action: The members adopt the Chairman's proposal.**



#### 4. IOTC.

- **Scientific Council recommendation: stock assessments and FADs.**
- **Outcomes of coordination meeting.**

The representative of the European Commission, Seppo Nurmi, informs on the results of the IOTC Scientific Council meeting held in February. For the main tropical tuna species, the state of the stocks is favourable and the conclusion is that there is no overfishing. The Scientific Council urges more data be compiled regarding other species whose state is unknown, as it is the case of hammerhead shark and skipjack.

In addition, the Scientific Council has supported the EU recommendation to ban the practice of finning and has also contributed an opinion to create an ad hoc joint Working Group focusing specifically on FADs.

Mr. Goujon declares that he attended the IOTC Scientific Council meeting where one of the main items of discussion was the decision to create a working group focusing on FADs, due to the importance that this matter will have this year. In fact, several similar workshops are expected to be held in other RFOs. Furthermore, it was said that there is a parallel working group created by the EC and ICCAT with a meeting planned for 10 and 11 May this year.

Mr. García enquires about the aim and scope of the WG focusing on FADs, and whether it will draft specific recommendations on aspects regarding FAD management.

Mr. Nurmi replies that the aim of the WG is to contribute an opinion to the EC and IOTC regarding possible measures for FAD management. He declares that he finds it positive that there is coordination with the ICCAT group and that joint collaboration is possible, even with other RFOs such as WCPFC.

Mr. Goujon suggests that it would be more effective to have the same group of experts systematically participating in all the meetings of the different RFOs.

Mr. Morón believes that the peculiarities and differences between the methodological approach and the types of fleets in the different oceans should be borne in mind in order to avoid an excessive homogenization such as the so-called “Kobe process”.



Mr. Morón thinks that ICCAT should be requested to set up a working group as soon as possible and that another one should also be created within IOCT.

Mr. Nurmi informs about the fact that the Commissioner's priority is the international governance of oceans and, therefore, cross-border cooperation among RFOs is part of this programme. He highlights that Mrs. Martini is the contact person for the EC as far as FADs are concerned, and that they hope she will be able to attend all meetings dealing with this issue.

Regarding the IOTC annual meeting, he adds that it will be held in Busan (South Korea) in April and that the European Commission's top priority is to improve and enhance the enforcement of regulations, as well as to improve the quality of scientific data. In addition, they have to analyse the opinions issued by the Scientific Council in detail.

Mr. Nurmi also highlights that the proposal for a fins-attached policy will be discussed again. This year, no independent proposals will be submitted for the protection of different sharks, instead a section within this proposal will be devoted to requesting more information through diverse data compilation mechanisms on the different types of sharks, such as hammerhead shark and silky shark. Until a final agreement is reached, an amendment will be considered regarding the current objectives in terms of temporary reference points, suggesting the inclusion of a Maximum Sustainable Yield (MSY) strategy and a management strategy based on the recommendations of the Scientific Council.

On the other hand, there is also a proposal about conservation of endangered species based on tuna. An effort will be made to improve the state of stocks, since some of them are in a very bad state such as blue and black marlin. It will be very difficult to introduce some binding resolution in this regard, but fishing operators will be advised to release the catches of these species.

There is another more controversial proposal regarding FADs, based on the recommendation of the Scientific Council. The idea is to create a WG that will issue clear recommendations about permanent management measures in this regard. Limiting the number of FADs has been subject of discussion for a long time.



Mauritius suggests limiting the number of FADs to 200-400 per vessel, while Seychelles suggests 550 FADs per vessel, something more in line with the Commission's proposal.

This number could be used as a reference when the WG issues an opinion establishing a final limit per vessel.

Mr. Nurmi pointed out the potential problems that may arise with regard to control and monitoring aspects, and Mr. García talked about the fact that some European companies are starting to consider using satellite-based location services, buoys with geolocation devices, electronic observers with cameras on board, etc, and how codes of good practices could be established to this end and other fleets could be invited to follow the same path. Political will is also requested from the contracting parties.

**Actions:**

- **LDAC WG 1 members will submit their comments, through the secretariat, to the coordinator of the Commission at IOTC, Mrs. Martini, and will closely monitor all debates and discussions held within the Working Groups dealing with FADs in the different RFOs (IOTC, ICCAT and WCPFC). Any recommendation in terms of management coming from those groups should have a clear scientific base and there should be some level of coordination among the WGs of the different RFOs.**
- **LDAC will also remain vigilant over the EU proposals regarding the ban on finning and the RFOs' decisions in this regard.**

## **5. Western - Central Pacific Fisheries Commission (WCPFC).**

- **Conclusions of the meeting held in Samoa (December 2014).**
- **Conclusions of the Technical and Compliance Committee.**
- **Draft letter on PNA model (regarding Pacific Ocean).**

The representative of the EC, Mrs. Martini, informs on the conclusions of the annual meeting held in Samoa, highlighting that the attitude towards the EU was less hostile than in previous meetings. Relations at diplomatic level are improving and she thinks that developments could be achieved in terms of cooperation regarding some topics.

The main criticism was launched at the Asian fleet, significantly present in the region. She says that there is a new Executive Director elect, Mr. Theo, with experience since he has chaired different bodies such as the Technical Compliance Committee.

As for the management measures concerning tropical tuna, she highlights that no changes have been introduced with regard to the current situation. The multiannual and progressive approach adopted last year for tropical tuna started with a four-month closure for FAD fishing by seiners in high seas in the EEZs, and that every year the closure would last one month more (5 months in 2015, 6 in 2016, and so on). The other option was based on reducing the equivalent number of FADs. The increase of closures depended on the solution found in the event some kind of excessive damage or burden were imposed on small island developing states (SIDS).

In the year 2015 the same measure as in 2014 will be finally applied, i.e., a four-month closure or an equivalent reduction in the number of installed FADs. This issue will be raised again in the future. The position of the Commission regarding the possibility of there being an excessive burden on SIDS is that they have to prove it, since the “adverse negative effect” is an undefined concept.

Regarding bluefin tuna, the EU remains oblivious since the European fleet does not fish that species in the region. There is a North subregional committee but the EU is not represented in it. They carry out proposals that they subsequently submit to the WCPFC plenary for them to be approved or rejected. There is also a multiannual plan to reconstitute the stock.



The EU has been the only institution to declare that the measure is not very ambitious. In fact, in order to restore the stock (currently around 4% of its precautionary biomass), they judge Japan's proposal of reaching a 10% biomass to be inappropriate. Actually, measures at ICCAT are much stricter.

The positive thing is that an agreement has been reached regarding the catch control strategy and the management strategy evaluation (MSE). A roadmap has been approved that will first be applied to Albacore tuna and the same model will subsequently be applied to the rest of stocks.

There was a proposal by the PNA to establish reference points for skipjack based on 50% of the spawning stock biomass, being the latter quite an ambitious percentage.

The EC thinks that this proposal can be supported. Nevertheless, Japan wanted 60% as reference point, so the proposal was not approved in the end.

Regarding sharks, the EU proposal aiming to follow a fins-attached policy on board was presented but it was not backed by the rest despite the fact that there are restrictive measures for sharks (closure areas, for instance) in the Pacific area.

Concerning the enhancement of compliance with regulations, a proposal was put forward to strengthen and have better criteria to assess said compliance. The EU wishes to have in place a stricter system. Japan did not collaborate during the meeting.

Another issue is the compilation of data, since the Asian fleet does not provide data relating to catches, but no specific proposal was approved in this regard, so this matter reached stalemate.

As far as FADs are concerned, data are being compiled by observers so far, but further monitorization is desired. The creation of a specific WG was decided to this end, but no documents have been distributed so far and there is no information about it.

At the Technical Compliance Committee meeting, the main issue is that the EU has been identified as non-compliant party as far as data provision is concerned. There are several problems since the EC has no observers on board the longliners and this affects the Spanish and Portuguese fleets.



Mr. Garat highlights the significance of the fact that the application of the fins-attached measure is only complied with by European longline fleets. Mrs. Martini says that the Commission has the support of the USA and most countries in the Pacific area, but not that of Japan, China and Korea. In addition, New Zealand has assessed exceptions for the inshore fleet and bluefin shark.

**Actions:**

- **The LDAC requests the Commission to persist in its negotiating efforts so that the application of the fins-attached policy for swordfish and sharks is applied to the rest of fleets that operate under the same conditions as the Spanish and Portuguese fleets.**
- **Regarding the letter addressed to the Commission supporting its work with the PNA, it is agreed that the letter model proposed by the LDAC that has been distributed be sent with the comments made by the members that have joined in.**

**6. Update on FADs: Management Options Working Group.**

Mrs. Martini, representative of the Commission, adds that in the Western Pacific area there is a trend towards criticising FADs, since they are perceived as having a negative impact on different species such as bigeye tuna, as well as on the environment. This is also the case of public opinion and some markets such as that of the United Kingdom or Germany, where there are FADs free product labelling policies, which are not always based on scientific reports.

The EC does not deny that they might have adverse impacts, but it argues that further coordination is required among the different RFOs. The approach of the EC in this regard is that work ought to be based on scientific data, although sometimes that is not the case. They would like to improve the data they have to gain access to detailed information on the number, use and location of FADs. Within the DG MARE, they are aware of the fact that they ought to enhance coordination regarding this matter and have further discussions with the participation and perspective of both the industry and NGOs, as it is the case in LDAC WG1.



The representative of the EC declares that the seminar to be held in Honolulu is going to address these issues, highlighting that they have to be more proactive in order to agree on a common approach among all RFOs. To this end, the DG MARE will organise an internal informative workshop on FADs with scientists from AZTI (Mrs. Moreno), officials of EFCA, DG TRADE, representatives of the Spanish and French industry and NGOs, to be able to get a general view. This internal workshop for EC personnel will probably take place on 25 March. A small number of LDAC members will be invited to the workshop, out of courtesy.

In addition, she says that, as soon as they have reports and conclusions from the Honolulu Workshop and from the internal event, they will send them to the LDAC Secretariat.

Mr. Morón qualifies the importance of having a management strategy evaluation (MSE) by saying that a more global approach is required in this regard.

Mrs. Martini says that the issue of the fishing capacity is of extreme importance. So far, they feel the need for a management system development process. They need to reflect upon this to see how they can reactivate this process.

**Action: The LDAC will monitor the meetings and the work of WCPFC regarding FADs and the limitation of the fishing capacity.**

## **7. IATTC.**

### **- Conclusions of the meeting on Fishing Capacity.**

The representative of the EC, Mrs. Martini, informs that the outcomes of the annual meeting had already been presented. Another extraordinary meeting was held in October. A package of measures was finally agreed, including the continuation of the director in his position until 26 August 2016, and it was decided that the process for the appointment of the chairmanship is to be reviewed.

Another EU proposal was to adopt specific rules in the event the director is away ill or has passed away. They wish that both the rules to elect new positions and for substitutions be drafted in a more transparent way.

Moreover, regarding bluefin tuna, limited catches were established for the next two years. The EU criticised the proposal put forward but had to accept it.

The issue of the fishing capacity was also addressed, where many coastal states requested the latter be increased. There was great controversy in this regard, so it is yet to be seen what will be finally approved. USA, in turn, did not get as many days at sea as they wanted, since they have a dormant capacity of 24.000t in the Pacific area that they wish to activate.





In addition, there was a workshop in Cartagena and a meeting of a WG focusing on this issue, chaired by Costa Rica but that has had little progress.

The Scientific Council will meet in mid May and the annual meeting will be held in June. The same discussion is expected to take place with meagre results.

Mr. Morón requests the support of the NGOs to defend the position of the EU, which has received absolute backing from the European fishing fleet owing to consistency and responsibility reasons. What the EU is doing at IATTC is defending almost on its own the limitation of the capacity of the fleet approved in 2002. The situation will worsen with the arrival of the US fleet. They request the NGOs be more active in this forum. Mr. Goujon approves Mr. Morón's proposal.

## **8. ICCAT.**

### **- Outcomes of the plenary meeting (November 2014).**

The representative of the EC, Mrs. Arena, informs about the conclusions of the plenary meeting held in November, 2014. The Commission judges the results of this meeting to be very satisfactory, since the proposals adopted were, to a large extent, the same as those presented by the EU. She highlights that, for the first time, the EU will not receive a compliance letter and they are committed to continue along these lines in the future.

Three stocks were the main subjects of discussion: bluefin tuna, tropical tuna and sharks.

#### **1. Bluefin tuna**

- Regarding the Eastern Atlantic stock, the scientific opinion confirmed that the efforts carried out are producing results, so that, in line with the scientific advice, ICCAT could agree on a moderate and gradual increase of the TAC for the next 3 years (+ 20% every year), up to the estimated MSY of about 23.000 t. The TAC will be reviewed on an annual basis based on the scientific advice. The next assessment will be carried out in 2016.
- Regarding the Western Atlantic stock, the TAC was increased by approximately 15% (from 1700 to 2000 t) for a two-year period.



- As of this year, ICCAT wished to implement the electronic catch document (eBCD). However, since the first stage faced many obstacles in terms of operation, it will only be implemented on a voluntary basis.

## 2. Tropical tuna

Measures such as the provision of biodegradable FADs have been included and the provisions for a regional observer programme have been replaced by a 100% coverage of national observers.

ICCAT has adopted a recommendation concerning the implementation of the AOTTP (Atlantic Ocean Tropical Tagging Program), a five-year project that is 80% co-financed by the European Commission (through DG DEVCO) for an amount of EUR 13.5 million starting this year.

ICCAT has also decided to set up a WG focusing on FADs with the objective of recommending appropriate management options by 2016. FAD management is under the spot light not only in ICCAT. This is why the EU strongly supported the creation of this WG, which will be an important forum for discussion among scientists, fisheries managers, industry representatives and other interested stakeholders.

## 3. Sharks

Concerning sharks, only a proposal was adopted relating to shortfin mako, insisting on the fact that a better compilation of data is desired as well as an earlier assessment of the stock.

With regard to fins-attached policy, the proposal sponsored by the EU was not adopted. However, the number of proponents increased to 15 contracting parties (out of the 49 members in November 2014 (meanwhile the number of ICCAT Contracting Parties increased to 50)).

On the other hand, after several debates in this regard, it was decided to change the VMS system and bring the polling rate to four hours.



Regarding the fins-attached policy, Mr. Garat points out the need for the EC to insist on it being also approved at ICCAT, since it is having many consequences for the Spanish fleet due to the operation costs and even safety concerns on board that this regulation is causing. Therefore, it is essential that a level playing field be ensured for all operators.

In addition, he recalls that the Spanish bluefin tuna fleet was not happy with the outcome of the meeting since the state of this stock was favourable for quotas to be increased, so they expect the latter to be increased following the new scientific assessments.

Mrs. Cornax supports Mr. Garat's words regarding the fins-attached policy. She believes that the EC ought to find new ways for all fleets to comply with it.

Mr. García congratulates the Commission for leading the debate on FAD management not only at ICCAT but also in other RFOs.

Moreover, Mr. Garat informs that there is currently a closure period for swordfish in the months of October and November in the Mediterranean, and this causes many problems to the surface longline fleet. He declares that this closure is more necessary in April, May and June to prevent the catch of juveniles. He hopes it will be modified for the fleet to continue being profitable, otherwise there will be a series of vessels that will end up ready for the scrapyard.

The representative of the EC, Mrs. Arena, responded to these issues. Regarding sharks, the EC will continue supporting the fins-attached initiative. The EC would welcome any idea that may help rallying the support of other countries to adopt this measure.

As regards the closure period of swordfish, she indicated that any change to the closure period should be scientifically justified.

The Secretary General of the LDAC, Mr. Rodríguez, enquires about the application of the fins-attached regulation and, more precisely, whether the Commission annual report is going to include the consequences and the analysis of the social and economic impact for the fleets as demanded in the regulation in force. In addition, he asks the Commission if they wish to receive any input from the LDAC in this regard.



Mrs. Arena indicated that this is something that could be discussed at the next meeting. She pointed out that she was not in a position to give a clear answer, as her unit does not deal with this Regulation.

#### **9. MoU COMHAFAT - LDAC: Next steps.**

Regarding COMHAFAT, the representative of the EC, Mr. Cervantes, informs that financial aid has been requested to the EU to carry out a series of activities of common interest. Since there is a regulatory framework defined within the EMFF to help international organisations, in the operational work programme of the DG MARE for 2015 a nominative fund of EUR 150,000 has been reserved for COMHAFAT.

The Commission is waiting for COMHAFAT to send its specific proposal with the activities they wish to carry out in order to formalise and agree on this aid.

Mr. Morón adds that COMHAFAT, through its Secretary General, wishes to have the LDAC's support for the organisation of seminars or workshops dealing with some of the following topics that have been identified as a priority:

- Development of a regional observer programme in Western Africa to train scientific observers in third countries. Other items to be considered would be the harmonization of inspection requirements or the conditions for issuing licences.
- Fighting against IUU fishing and control authorities coordination to strengthen the implementation of regional action plans.
- Analysis of elements, promotion and transparency as far as sustainable fisheries agreements are concerned.
- Providing women involved in processing activities with appropriate information on hygiene and quality issues.

Following an exchange of opinions among the members, the representative of the EC points out that the essential thing is that COMHAFAT starts working and sends its grant application form to the DG MARE shortly including the description of the action, associated costs, time line and other details, in order for it to be turned into an official grant agreement and the aid be formally approved as soon as possible.

**Action:**

- **As required by COMHAFAT, the LDAC Secretariat will closely monitor this matter and will offer the necessary technical and logistic support to COMHAFAT so that it can submit a valid proposal to the Commission. WG1 will be informed about any actions carried out in favour of this initiative as well as about the developments achieved, if any.**

**10. Seminar on the main aspects of the external dimension of the CFP.**

Mr. Goujon informs that work is being carried out regarding the organisation of this seminar.

He says that the target audience is made up of Member States, national administrations, regional organisations, IOC, NGOs and industry, among other.

The date agreed is mid September, once the agenda of international events and meetings addressing fisheries issues in the third quarter has been analysed. The Seminar is intended to last 2 days including some visit or social event. Regarding the place, the two most popular proposals are Las Palmas de Gran Canaria and the coast of the Basque Country.

Another idea is to draft a document similar to a glossary including all the relevant points in order for it to be distributed among the audience beforehand.

The clear messages to be contributed and the issues to be addressed in this international conference are yet to be discussed and decided.

Mr. Suárez-Llanos supports the idea and says that he would like the subject of sustainability to be depicted not only from an environmental point of view, but also from a social and economic one. Furthermore, he informs that ARVI will organise on 25 June, at its headquarters in Vigo, a half a day conference on the external dimension relating to fisheries agreements, regional fisheries organisations and investments by fishing companies in third countries.

Mrs. Gorez highlights the importance of creating a framework to promote transparency in the investments made in third countries as part of cooperation projects.

Mr. Trujillo wishes to include the social/labour perspective within the sustainability concept.



Mr. Rodríguez comments that, as far as the LDAC Secretariat is concerned, the idea is that the Seminar has a dynamic format, with expert panel sessions of 4-5 people, moderators and a great deal of interaction. The three main pillars of the programme will be: 1) legal and regulatory framework of the ED of the CFP: fisheries agreements and RFMOs; 2) environmental, economic and social sustainability; and 3) transparency and governance (using funds in cooperation, control and inspection issues...).

The LDAC Secretariat requests that those interested take active part in the organising committee and collaborate in contacting their respective national Administrations in order to obtain additional funding and participants to the event.

**Action:**

- **The LDAC Secretariat will continue working on the preparation of this Seminar together with the ad hoc organising committee created to this end and will regularly inform the members on the developments regarding the latter.**

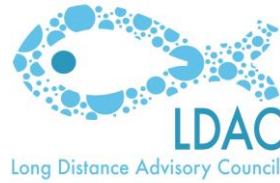
## **11. Any other business.**

Mr. Goujon declares that the LDAC opinion on shark finning was received and read by the EC.

Mr. Garat informs that a question was asked at the EP on the reports received and the EC commented that the Member States had submitted incomplete reports on regulatory compliance. He requests the LDAC enquire about said report.

Mrs. Gorez says that on 31 March CAPE and WWF will organise a seminar at the EP on the implementation of the external policy. A few LDAC representatives will be invited even though the event is not open to the public.

Mr. Rodríguez declares that the LDAC Secretariat has received invitations to collaborate and attend to meetings relating to European projects dealing with different matters (e.g. DISCARDLESS, MAREFRAME, MYFISH, GAP2...). He enquires whether they are interested in the Secretariat interacting and attending the meetings in order to be able to inform the working groups. The members agree to the Secretariat attending and subsequently distributing all the information regarding the projects that can be of interest.



**Actions:**

- The Secretariat will ask the EC about the information missing from the Member States regarding the parliamentary question asked on finning, regarding the social and economic impact resulting from the application of the fins-attached regulation for sharks.
- The Secretariat will attend in observer capacity meetings of external projects/initiatives that might be of interest for the LDAC and will subsequently provide all relevant information to the members on the process and the outcomes (agenda, minutes, presentations, etc.)

**12. Date and place of the next meeting.**

It was agreed that the following meetings be held in October in Brussels.

**The session is adjourned at 13.20h.**



## LIST OF PARTICIPANTS

### MEMBERS OF WORKING GROUP 1

1. Michel Goujon. ORTHONGEL
2. Erik Olsen. Living Sea
3. Sandra Sanmartin. EBCD
4. Julio Morón. OPAGAC
5. Beatrice Gorez. CFFA-CAPE
6. Mercedes Rodríguez. OPP-Lugo
7. Marc Ghiglia. UAPF
8. Pablo Lourenzo. AIPCE
9. Emil Remisz. NAPO
10. Juan Manuel Trujillo. ETF
11. Juan Manuel Liria. FEOPE/CEPESCA
12. Raúl García. WWF
13. Mireille Thom. WWF
14. Javier Garat. FEOPE/CEPESCA
15. Björn Stockhausen. Seas at Risk
16. José Antonio Suárez-Llanos. ANAMER/AGARBA/ANAPA.
17. María José Cornax. OCEANA

### OBSERVERS

1. Seppo Nurmi. EC DG MARE
2. Angela Martini. EC DG MARE
3. Antonio Cervantes. EC DG MARE
4. Alina Seebacher. EC DG MARE
5. Francesca Arena. EC DG MARE
6. Irene Vidal. EJF
7. Alexandre Rodríguez. LDAC
8. Manuela Iglesias. LDAC
9. Marta de Lucas. LDAC