

DRAFT MINUTES
18th Meeting of LDAC Working Group 5
Horizontal issues

Thursday 10 March 2016 from 09:00 to 13:30h
Hotel Renaissance. Rue du Parnasse 19. Brussels

Chair: María José Cornax
Vice-Chair: José Carlos Castro

1- Welcome and opening of the meeting.

The chair Ms. M^a José Cornax welcomes all attendees.

2- Approval of the minutes of the last WG5 meeting – Brussels, 22 October 2015.

Mr. Pierre Commere, FIAC, notes that there is a mistake on page 3 of the French version of the minutes.

He suggests correcting “East Africa” to “West Africa” when referring to the organisation ECOWAS. In addition, he says that reference on page 8 to a 24% tariff quota for Vietnam should be deleted.

Mr. José Carlos Castro, ANFACO-CECOPESCA, points out that on item 6 of the minutes, “traceability observatory” ought to be changed to “Cluster Foundation for the Conservation of Sea Products”.

The minutes are approved with the aforementioned changes or amendments.

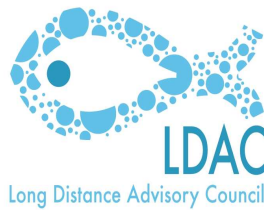
3- Approval of the Agenda.

The agenda is approved with the decision to start with items 4c and 4b as suggested by the Chair.

4- Update on the applicable Regulations in the field of Monitoring, Control and Surveillance.

c. Overlap between Control and IUU Regulations with EC Proposal on Fishing Authorisation Regulation (FAR).

The Chair sums up the document drafted by the LDAC Secretariat as a result of the comments made at the inter-sessional meeting of Chairs and Vice Chairs held at the Secretariat headquarters in Madrid on 11 February. She highlights that it is a merely informative document and can be used as a starting point to open discussion at the Working Group plenary meeting.



She informs that, in general terms, at the inter-sessional meeting support was shown for the EC proposal with some particularities, especially regarding consistency between the FAR and Control Regulation, agreeing on the fact that they imply great administrative burden for the fisheries sector. To this end, proposals have been put forward such as the creation of a fast track procedure for the validation, issuance and/or renewal of fishing licences, among other.

Another important element that was identified was the need to limit the responsibility of the vessel coastal state and flag state, as well as to clarify whether this regulation will be applied to the North Atlantic Fisheries Agreements. Another subject of discussion was whether re-flagging conditions as an eligibility criterion also include countries that have been issued a “yellow card”.

Summary by the European Commission

The representative of the EC, Mr. Emmanuel Berck, thanks the LDAC for inviting him to participate in the working groups, since he believes this kind of information exchanges and discussions between the Commission and the LDAC members are very useful.

The Commission Regulation proposal was adopted on 10 December 2015. The aim of the Commission FAR proposal is to draft a general text to be presented before the Council in April or May. He declares that they have also received comments from the Member States and technical issues that they have tried to clarify.

On 18 and 19 April, it will be subject of discussion at the European Parliament Committee on Fisheries, where Ms. Linnéa Engström will be the rapporteur. After presentation and voting at the EP, the dialogue phase will be initiated between the Council and the European Parliament with the mediation of the Commission (“trilogue”) at the end of 2016 or the beginning of 2017.

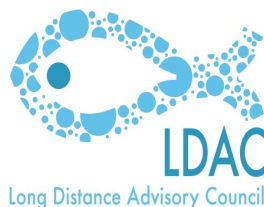
Besides, it is stated that the European Economic and Social Committee is also analysing this proposal and is drafting a specific opinion on this issue, and that they hope to have it finished by April or May.

The aim of this proposal is for it to be consistent with the IUU Regulation, as well as to widen the current scope of the FAR Regulation for external fleets, highlighting the importance of private licences being properly controlled.

A new key development to enhance transparency and knowledge of fishing activities is the fact that the material scope includes both public fisheries agreements and direct authorisations that are private licences or agreements.

Another important aspect refers to outrageous flag changes, and it is essential that regulations apply to any type of fleet wishing to change its flag.

The principle underlying this proposal is to have objective and verifiable eligibility criteria in order to be able to fish in non-EU waters in a sustainable way (previous scientific studies, etc.) By demanding the IMO number, which never changes, for instance, European vessels could be linked even if they change their flag.



Another new element is that, in order to be able to fish in a third country, the latter has to previously be a member of an RFMO (in this case, it could be a problem for Guinea Bissau since it is not an ICCAT contracting party).

A provision is expected to redistribute fishing opportunities not used in mixed fisheries agreements such as those with Morocco, Mauritania or Guinea Bissau. The idea is to optimise the consumption and use of the fees that are partially paid with public funds introducing objective criteria and flexible mechanisms of rapid implementation.

Regarding the administrative burden, Mr. Emmanuel Berck declares that they are aware of there being criticisms in this regard; however, he says that they do not wish to request operators to assume the entire administrative burden. The idea is that when a request is filled in to fish in a third country, there is a link between the information provided and the records of fishing authorisations. The model to follow is what Spain has been doing for several years: to have a previous fishing authorisation.

Regarding the possibility of having a fast track procedure, it should be made clear whether the authorisation is being requested for the first time or whether a renewal is being requested. It is clearly stated that RFMO rules prevail over European rules, which are complementary to that of RFMOs.

He recalls the great significance of the Community Fleet Register, and of achieving enhanced transparency concerning the fishing activities of the external fleet.

In terms of deterrent and correcting measures, a strengthened sanctioning procedure has been established as an eligibility criterion that can trigger the suspension of fisheries activities for a 12-month period in the case of offences classified as serious.

Questions asked by the members and answers given by the EC

Mr. José Antonio Suárez-Llanos, ANAPA/ACEMIX, highlights the lack of consistency in the internal and external dimensions of the CFP in terms of the redistribution of fishing opportunities not used, indicating that there is no regulation in EU waters that authorises the distribution of tonnes not used.

Mr. Raúl García says that there are differences regarding the Community Fleet Register (CFR). He enquires about the reason for those discrepancies in the data related to operating and scrapped vessels, since some of the latter are found to be still active when verifying their IMO number.

Ms. Vanya Vulperhorst, OCEANA, requests further transparency and enquires about the geographical scope of the FAR Regulation, and whether it includes the North Atlantic agreements or not.

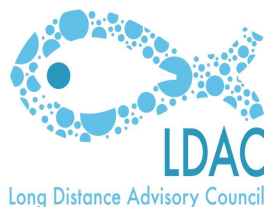
Regarding the FAR Regulation, Mr. Juan Manuel Liria, FEOPE-CEPESCA, points out that Spain has a pioneer fleet with many measures that are already being implemented. However, he voices his concern for the resulting increase of administrative burden and for the possibility of suffering double sanctions. He highlights that art. 5d envisages a serious sanction excluding the operator from carrying out fishing activities for a 12-month period.

He believes this is very worrying since, in practice, a fishing operator that owns several vessels would not be able to work for a year and sometimes the classification of sanctions is not clear. The seriousness of the incident should be borne in mind as there are very clear examples of serious infractions involving minor issues. In his opinion, a double sanction or penalty would be impossible to assume in many cases.

The representative of the EC, Mr. Emmanuel Berck, answers the questions asked:

- Concerning the redistribution of fishing opportunities in external waters, the main reason behind it is that European taxpayers pay for access to resources in the fisheries agreements and, therefore, the use of licences should be maximised. In EU waters, the principle of relative stability prevails, established in the EU primary law where full respect for it is demanded. In any case, redistribution in external waters always has an annual provisional and not permanent nature.
- Regarding the reliability of the Community Fleet Register, as far as scrapped vessels and/or vessels exported to third countries that have disappeared from the European fleet radar are concerned, he admits that some of them might still be active, but the dimension trend regarding the number of vessels is generally decreasing. The tuna fleet remains stable and longliners and trawlers are in decline. He agrees that the best way to follow the traceability of a vessel is to control it by means of its IMO number.
- Concerning the geographical scope of the FAR Regulation, he declares that it covers the same as the Control Regulation, including the North Atlantic agreements as bilateral or similar agreements.
- The countries where EU vessels are not allowed to fish are those identified in the list as non-cooperating countries in the fight against IUU fishing (countries with “red card”).
- Regarding “double sanctions”, he says that the FAR proposal will not make this issue more complicated, that it is an eligibility criterion. In his opinion, serious sanctions are not frequent in the Control Regulation. It is complicated not to obtain a licence owing to a serious infraction.

Mr. Julio Morón, OPAGAC, asks how much staff the EC is going to contribute to the DG MARE in order to carry out all the paperwork established, since the sector needs to be sure that the system is going to work. If the EC does not commit to providing staff and means to comply with the regulations (which involve extra work) he believes that the Member States should be responsible for enforcing the regulations and the EC should only act as a guarantor ensuring that all countries comply.



Mr. Rob Banning, DPFTA, highlights the lack of a level playing field, as the European fleet has to comply with more regulations than other fleets in a competing global market. With these measures, it is difficult to contribute to the sustainable development of the areas, since some fleets comply and others fail to do so.

Mr. Iván López, AGARBA, believes that further coordination is required in terms of paperwork and that clear objectives should be established as far as dates as concerned.

Ms. Héléne Bours, CFFA-CAPE, suggests it would be convenient to have an unequivocal definition of the fishing authorisations (issued by the flag State) in order to distinguish them from the licences (granted by the coastal State). Moreover, she points out the importance of having a copy of third countries' regulations since it is very difficult to obtain one.

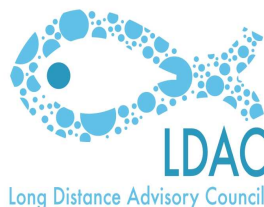
The representative of the EC, Mr. Emmanuel Berck, informs that he has noted down all the comments and is going to respond to the questions asked by the members:

- Regarding the increase in control tasks and administrative burden, he declares that there is a condition expressly indicating that, in the event the EC does not provide a response in 15 days, the national administration can convey its approval to the requesting vessel so that it can carry out fishing activities, so it is not necessary to wait for a specific authorisation. He also points out that they are working on a computer-based verification system in order to deliver fishing authorisations in a promptly manner. They will continue having global discussions to achieve a level playing field.
- Concerning the terminological aspect, he thinks that the difference between fishing licence and authorisation is clear. Licences are used to grant fishing capacity in third country waters, i.e., the right to fish is related to the Control Regulation. Authorisations are linked to the verification of compliance with the conditions to fish referring to a particular species and country.
- He acknowledges the difficulty to have access to fishing legislation in force in some third countries.

Afterwards, regarding the LDAC working document, Ms. M^a José Cornax, OCEANA, declares that there are two possible options: either to work on it or to set up an ad hoc group to write a new simplified draft including today's debate.

Messrs. Iván López, AGARBA, Javier Garat, CEPESCA, and Julio Morón, OPAGAC, believe that the working document drafted by the Secretariat can be a good starting point and they prefer to use it than to draft a new document from scratch. Concerning the level playing field, they are still concerned about the administrative deadlines and the fact that the fleets of countries such as China, Korea and Russia can sell their products in the EU market without being subject to the same rules.

Regarding the level playing field, Mr. Juan Manuel Liria, FEOPE/CEPESCA, says that art. 50 of the Base Regulation establishes that the EC shall promote the CFP objectives with equal conditions for third countries.



Mr Liria stresses the importance of not leaving this behind as the European fleet is the only one being wronged and that the regulations shall be imposed on all countries.

Mr. Juan Pablo Rodríguez, ANABAC, believes that the essence of the regulation should be discussed since he considers there is no need for it.

ACTION: The members designated by the NGO group shall send their proposal/review of the existing working document to the Secretariat within 2 weeks. Should it be necessary, an ad hoc working group will be set up to be coordinated by the WG5 Chair and the Secretariat in order to review the comments and prepare a draft opinion to be subsequently distributed among all WG5 members so that it can then be adopted by the Executive Committee. Interested members shall contact the Secretariat. The working document prepared by the Secretariat will be used as a starting point, which includes the work carried out by the Chairs and Vice Chairs of the LDAC Working Groups in the first quarter.

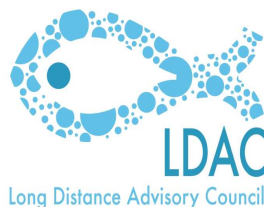
a. Consultation on Evaluation of the impact of the Fisheries Control Regulation.

Regarding the public consultation on fisheries control, Ms. M^a José Cornax, OCEANA, believes that it is not feasible to prepare a reply to this consultation due to the fact that the deadline set by the EC is about to be met (13 March).

The representative of the EC, Ms. Manuela Musella, urges all LDAC members to submit their contributions. Since it is a public consultation, members can respond online to the questionnaire through the EC website on an individual basis or on behalf of their organisation. In addition, she informs that the EC will organise a seminar to present the preliminary conclusions of the public consultation and of the external survey entrusted to a consultancy firm on Friday 20 March. All ACs are invited to the seminar and long distance fleets might be able to voice their concerns there.

Concerning the cod fleet fishing outside Norway, Mr. Iván López indica, AGARBA, declares that percentages fixed in terms of the application of by-catches create discrepancies, and in the event there is a serious infraction, this will generate serious damages.

The representative of the EC, Ms. Manuela Musella, explains that there are general guidelines and uniform procedures regarding sanctions, but that the sanctioning system itself (including the classification of serious sanctions) is under the responsibility of Member States and changes from one to another. Therefore, it would be convenient to know the opinion of the sector and the NGOs in order to improve its application and ensure equality and non-discrimination in the implementation of and compliance with rules.



Mr. Alexandre Rodríguez, LDAC, confirms that the consultation document and the questionnaire have been distributed among the LDAC members and that the Secretariat will coordinate their participation in the EC seminar planned for 20 March. In addition, a report prepared by the Secretariat on attendance to the last meeting of the Advisory Board of the European Fisheries Control Agency held in Brussels will be distributed.

ACTIONS:

A LDAC position regarding the consultation of the evaluation of the Control Regulation has not been discussed or agreed upon. Therefore, pending LDAC participation in the EC Seminar, no opinion will be issued in response to the questionnaire since the deadline has already expired.

The Secretariat will send the internal report on matters of concern discussed at the Advisory Board of the European Fisheries Control Agency (EFCA), of which the Advisory Councils are members, to the LDAC members for approval and, if appropriate, to the EC Control Unit.

b. Report on state of play of the application of the IUU Regulation.

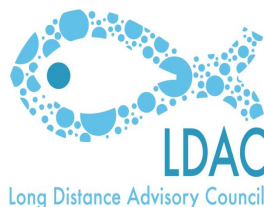
Ms. Desirée Kjolsen, representative of the EC, informs about the state of play of the application of the IUU Regulation in the following countries:

Countries with a yellow card:

- Ghana is a successful example of a country whose yellow card has been withdrawn.
- Salomon Islands: no news to report, they continue in the same situation.
- Taiwan: yellow card issued in October. There is active dialogue but the main problem lies within its legal framework and in the fact that they do not have a reliable traceability system. An action plan will be proposed for them to make progress in solving these deficiencies and their situation will be reviewed in two years' time.
- Comoros: yellow card issued in October. They will review their developments and will decide new steps to be taken.
- Thailand: yellow card issued in April. They have made progress in terms of regulations and stakeholder participation. However, they still have to reinforce their legal framework by means of management measures, fleet control, sanctioning system, traceability of fishery products, etc.
- Curaçao: changes are required in its legal system and in its long distance fleet in order to have its yellow card removed.

Countries with a red card:

- Cambodia: slow process. They are interested in dialogue but do not confirm anything.
- Sri Lanka: there have been some developments but nothing worth mentioning yet.
- Guinea Conakry: there are problems, especially with MCS systems.



Regarding discussions with global strategic allies in the fight against IUU fishing:

- USA: there is permanent dialogue. In their action plan, they include a working group to fight against IUU fishing. In addition, they have a new traceability standard with a certificate similar to the catch certificate.
- Japan: they are still in conversations to improve their cooperation.

As far as the electronic database system is concerned, in the EC Communication on the implementation of the IUU Regulation and its coordination with the Control Regulation, verifications are intended to be increasingly carried out in electronic format in the near future, gradually replacing the use of paper. There is a working group formed by some Member States that are studying the technical criteria to have an electronic platform similar to TRACES at the beginning of 2017, when the test period would be initiated. In addition, there is a budgetary item reserved for this pilot project.

Finally, the representative of the EC mentions other instruments of International Law that strengthen cooperation in this field, such as the FAO Guidelines or the future ratification of the Port State Control Measures, of which the EU is already a signatory party. There will be a technical consultation at FAO on the Global Catch Certificate in April, in order to develop the guidelines or requirements for the future.

The Chair thanks Ms. Kjelsen for her report and gives the floor to the attendees for any questions they may have.

Questions asked by the members and answers given by the EC:

Mr. José Carlos Castro, ANFACO-CECOPESCA, stresses the importance of having a common database at European level, as well as of having all catch certificates in digital format. He understands that the IUU Regulation needs additional measures for it to be more effective. At this moment, there is no consistent or coordinated control over illegal fisheries in the 28 UE Member States, and he thinks that with the implementation of this database there would be enhanced control. Therefore, he requests a minimum percentage for the verification of imports and suggests the LDAC should consider drafting an opinion in this regard.

Mr. Juan Manuel Trujillo, ETF, requests information about China and the Philippines and the influence that deficiencies in fishing vessels might have on the TTIP negotiations.

The representative of the EC, Ms. Kjelsen, answers the questions asked by the members:

- China: she says that they are still cooperating and having conversations with them, and that they are studying the possibility of setting up a joint working group on the fight against IUU fishing and also for specific cases of illegal fishing practices by Chinese vessels. They also need to reinforce traceability and the MCS system of their long distance vessels.
- The Philippines: they are still cooperating and have been issued a green card.
- Electronic catch certificate: the idea is to harmonise it, starting with EU countries.

Ms. Beatrice Gorez, CFFA-CAPE, enquires about the elements that make the European Commission issue a red card to a country that has a yellow card. She would like to know the objective criteria and the risk analyses performed to do research on a country, issue or withdraw a card or change the colour of the card.

ACTIONS:

The LDAC will send a letter requesting the Commission to publish on its website an updated list of the countries that have been issued a “yellow card” and a “red card”. In addition, the European Commission IUU unit will be requested to explain the elements or objective criteria included to do research on a country and then identify it as non-cooperating, as well as the evaluation methodology used.

Concerning additional measures for control regulation enforcement, it is suggested that the LDAC draft an opinion on the importance of modernising and digitalising control tools or instruments (such as catch certificates or fishing logbooks or sales notes), as well as on the improved effectiveness of controls by means of setting a minimum percentage for the verification of imports which is harmonised in the 28 EU Member States.

5- Preparation of an opinion on EC Proposal on FAR.

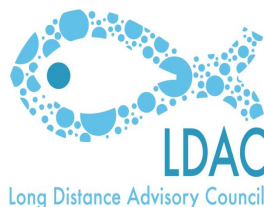
This item has already been discussed together with the previous one.

6- Adoption of letters.

a. LDAC letter about the improvement of working and social conditions applicable to workers of the fisheries sector.

Mr. Alexandre Rodríguez, LDAC, explains the content of the second draft letter in the light of the comments received by the members widening its application, for instance, to all workers of the fisheries sector (transformers and processors) and not only to crew members on fishing vessels. It is then agreed that it would be convenient to improve the sources quoted adding the specific cases and official or public information, so members are encouraged to send their contributions. Moreover, it would be very positive to show what has already been achieved; therefore, members are requested to collaborate once more in this regard. It is agreed by consensus to study the option of deleting from the letter the possibility of having the EMFF supporting investments in third countries.

Mr. Juan Manuel Trujillo, ETF, explains the non homogenisation of working conditions, urging the EC to require everybody to meet the same minimum standards at social, economic and working level.



Ms. Irene Vidal, EIJ, comments that one of the objectives included in the letter is to enhance coordination among the different EC Directorates-General in charge of this matter. In addition, she declares that if Chinese companies or operators are reported as failing to comply with working conditions, the relevant sources ought to be quoted and the necessary justification or evidence provided.

Mr. Pierre Commere, FIAC, suggests that issues related to violations of human rights should not get mixed up with economic or market access issues in order to understand the document better.

Mr. Alexandre Rodríguez, LDAC, clarifies that the letter linked illegal fisheries with the violation of working rights, thus the link with the commercial or market policy. He also clarifies that, even though it initially focused on the working and social rights of seafarers and crew members of fishing vessels, the scope of the letter was subsequently widened to include all workers of the fisheries sector.

ACTION: The co-authors (Mr. Juan Manuel Trujillo and Ms. Irene Vidal with the help of the Secretariat) will review the draft letter presented before WG5 in order to enhance consistency regarding some areas already mentioned such as reference to public sources, verification of cases where working rights are being violated in China or the Philippines or the inclusion of the EMFF in the aid allocated to third countries. The reviewed version will be distributed among all WG5 members for them to send comments and, if appropriate, to agree its submission to the Executive Committee.

b. Letter about the violation of human rights in the Philippines: links between GSP+ and IUU Regulation.

Ms. Beatrice Gorez, CFFA-CAPE, thinks that more data should be included in the letter to make it more general, since the Philippines are just a starting point.

Mr. Juan Manuel Trujillo, ETF, agrees with the content of the document and declares that he will send more information with the required sources to the LDAC.

ACTIONS:

The EC will provide the Secretariat and the members with the report published on 21 January 2016 on GSP+ status, as well as with information on the changes that will take place in January 2017.

The authors of the draft opinion (Ms. Béatrice Gorez and Mr. José Carlos Castro), with the help of the WG5 Chair and the Secretariat, will review the content of the latter to give it a more general approach (not only focusing on the Philippines) and to verify the sources used and add public sources.

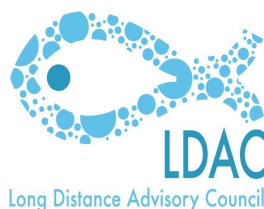
7- Report from the European Commission on the negotiation process and state of play on Trade Agreements and Economic Partnership Agreements between the EU and third countries: Interim EPA with ACP countries and full EPA.

The representatives of the EC, Mr. Nicolas Dross and Mr. Pawel Swidereck, inform about negotiations with the following countries:

- Canada: the agreement is finalised.
- United States: their position is not yet clear in liberalisation terms. Discussions about tariffs and access to markets are being held, but they are still at a very initial phase. Nevertheless, there is a clause devoted to fisheries where rules of origin are mentioned as well as the prohibition on granting aid both for overexploited species or operators that have been involved in IUU fisheries.
- Japan: rounds of negotiations were concluded. They are willing to liberalise many products, including rules of origin and development of sustainable access. However, negotiations are still at an initial phase.
- Philippines: the first exploration round will take place in May. There will be a consultation about this country, and a report will be issued that will also be sent to the LDAC.
- Tunisia: the first round will be held in the next few months. They do not have a defensive interest. It is fairly liberalised although there are still some tariffs.
- Ecuador: the EC finished its internal consultations and has a draft decision for the signing of the agreement. In about a month, it will be approved by the EC to be subsequently submitted to the Council. Ratification is required for its provisional implementation. Paperwork is intended to be sped up.

Regarding EPAs by regions:

- Review by the Community of 2 agreements with EAC (*Eastern African Communities*) and SADC (*South African Development Community*): the EC is optimistic about achieving that requested. Attention should be drawn to the regional agreement with Cameroun, in force since 2014. These countries are Kenya, Burundi, Tanzania and Uganda (and Mozambique for SADC).
- West Africa: the situation has not changed much. It is worth highlighting the situation in Nigeria, which is a complicated case owing to crude oil market prices. The agreement will not be able to come into force unless ratified by all countries. According to Regulation 1527/2007 on tariff concessions to countries having an economic partnership agreement, preferential treatment might be lost, by means of the unilateral mechanism, due to a lack of consistency with the WTO commitments.
- EPA-ACP: they are worried although they believe that the situation might change in the last minute.
- Papua New Guinea and Fiji: there is a new interim agreement.
- New Zealand and Australia: negotiations are possible in the next few years.



Then, the floor is given to the attendees for any questions they may have:

Ms. Hélène Bours, CFFA-CAPE, enquires about Japan; whether actions to fight against IUU fishing are taken into account in the negotiation and in the market access conditions.

Mr. Rob Banning, DPFTA, recalls that Japan is an important country in terms of horse mackerel exploitation by the EU, and asks whether the quota system will be abolished.

Mr. Nicolas Dross, EC, points out that an agreement addressing tariffs, quota exchanges and rules of origin was negotiated with Japan. Within the agreement, there is a clause on sustainable development and trade that involves the reaffirmation of cooperation between the EU and Japan regarding fisheries sustainable management, monitoring of RFMO measures, as well as the renewal of the will to fight against illegal fishing and their support of multilateral measures such as the FAO Agreement on Port State Control Measures (that Japan has not ratified yet). Concerning horse mackerel, he admits that it entails administrative burden and that the EC is trying to request the withdrawal of this quota from the FTA since it defends a liberalisation policy based on removing all quotas and trade restrictions.

Mr. Pierre Commere, FIAC, requests complementary information on the state of play of agreements with Ecuador and West Africa, especially Nigeria.

Regarding Ecuador, the representative of the EC, Mr. Nicolas Dross, informs that there is a ratification process and that supplements to tariff rights should be reduced until June 2016.

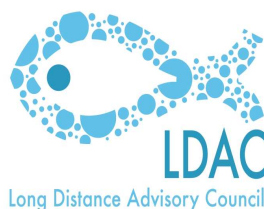
As for West African countries, Mr. Pawel Swidereck, EC, highlights that no new regional agreements are envisaged unless Nigeria is included, as the idea is that all the countries in the area should be part of it. Progress was made in 2007 with agreements with Ghana and Côte d'Ivoire, but no further developments have taken place.

Ms. Irene Vidal, EIJF, asks whether negotiations with Thailand have been interrupted and whether they expect to reopen negotiations with this country in the future.

Mr. Pawel Swidereck, EC, confirms that negotiations were interrupted until democratic elections take place and there is political stability.

Ms. Aurora Vicente, AIPCE, asks whether there are any new developments regarding Russia.

The representative of the EC, Mr. Nicolas Dross, declares that there are no developments worthy of mention and that he thinks that the situation will not change in the short term.



8- GSP Regulation: Beneficiary countries. Assessment of the Philippines: GSP+ and IUU. Preparation of LDAC Opinion.

Mr. Nicolas Dross says that, in January 2016, 81 countries are beneficiaries of the Generalised Scheme of Preferences (GSP). These are classified as follows:

General or standard GSP status (23 beneficiaries):

Cameroun, Republic of Congo, Cook Islands, Côte d'Ivoire, Fiji, Ghana, India, Indonesia, Iraq, Kenya, Marshall Islands, Federated States of Micronesia, Nauru, Nigeria, Niue, Sri Lanka, Syria, Swaziland, Tajikistan, Tonga, Ukraine, Uzbekistan and Vietnam.

GSP+: (9 beneficiaries)

Armenia, Bolivia, Cape Verde, Georgia, Kyrgyzstan, Mongolia, Pakistan, Paraguay and the Philippines.

EBA (*Everything but Arms*): (49 beneficiaries)

- 34 in Africa: Angola, Burkina Faso, Burundi, Benin, Chad, Democratic Republic of Congo, Central African Republic, Djibouti, Eritrea, Ethiopia, Gambia, Guinea Conakry, Equatorial Guinea, Guinea-Bissau, Comoros Islands, Liberia, Lesotho, Madagascar, Mali, Mauritania, Malawi, Mozambique, Nigeria, Rwanda, Sierra Leone, Senegal, Somalia, South Sudan, Sudan, Sao Tome and Principe, Togo, Tanzania, Uganda, Zambia.
- 9 in Asia: Afghanistan, Bangladesh, Bhutan, Cambodia, Laos, Myanmar/Burma, Nepal, Timor-Leste, Yemen.
- 5 in Australia and the Pacific area: Kiribati, Samoa, Salomon Islands, Tuvalu, Vanuatu.
- 1 in the Caribbean: Haiti.

The first biannual report was adopted on 28 January 2016:

<http://trade.ec.europa.eu/doclib/press/index.cfm?id=1443>

A delegated act has been recently published with a list of countries to lose their GSP/GSP+ status and EBA status (Commission Delegated Regulation No. 1979/2015). Commission's Implementing Regulation No. 330/2016 was adopted on 8 March and published the following day establishing the list of product sections to be used for graduation in the period 2017-2019.

9- Implementation of EU policy on landing obligation outside EU waters.

Mr. Alexandre Rodríguez, LDAC, sums up the problem regarding the new regulation on landing obligation for fisheries outside EU waters that will come into force on 1 January 2017 for species defining the fishery.

In addition, Mr. Juan Manuel Liria, FEOPE/CEPESCA, says that attention should be drawn to the importance of studying the consequences and implications of the Regulation in terms of species and fisheries.

Moreover, it is necessary to review any possible contradictions among regulations, as it is in these cases when the EC ought to publish a delegated act. Another aspect worthy of mention is the scarce information there is concerning data on discards, since vessels are not reflecting them in detail.

Mr. Liria adds that in December 2015 he carried out a presentation at ARVI headquarters, as part of a conference focusing on the landing obligation, where he concluded that the Spanish fleet mainly operates in three areas:

1. International waters in the South Western Atlantic (ASW): There are no species subject to catch limits, so art. 15 is not applicable in this area.
2. NEAFC: There are several fisheries, many under Norwegian regulations, so art. 15 is not applicable either. The problem lies in the species with zero quota or catch limit, since this would bring about choke species.
3. NAFO: There is already a set of rules and a consistent policy. In his opinion, the EC ought to create a delegated act where it is clearly indicated that NAFO regulations prevail.

ACTIONS:

The LDAC will send a letter to the relevant EU Member States with long distance fleets encouraging them to set up a specific Working Group to give the landing obligation a consistent approach, suggesting the creation of subgroups by RFMOs to improve their effectiveness.

The LDAC will continue working on a technical note to identify the fisheries and species where there are problems in terms of discards and that would be affected by this measure. This matter will also be addressed within Working Groups 2 and 3.

10- EU Public Consultation on International Governance of the Oceans and the Seas.

Mr. Alexandre Rodríguez, LDAC, conveys that the input of this consultation has already been published on the EC website and that a representative will be invited when there are significant monitoring actions.

11- AOB.

- **New EU customs rule on transshipments in 3rd countries: replacement of T2M form.**

Mr. José Antonio Suárez-Ilanos, ANAPA/ACEMIX, explains that, owing to the new regulation, there will be a change in the document “T2M”, that ought to be replaced by a note on the electronic logbook. He suggests the EC should be requested to postpone the coming into force of this regulation on 1 May 2016.

Ms. Juana Rodríguez, ORPAGU, declares that no consultation work has been previously carried out with the fleet operating in third countries’ waters. She points out the importance of having practical legislation that is enforceable, since at this moment in time there is not an official model of the new certificate to be issued by third countries.

ACTIONS:

The LDAC will draft a document expressing its concern for the application problems that Commission Delegated Regulation No. 2446/2015 and its Implementing Regulation No. 2447/2015 can cause to the EU long distance fleet (especially to tuna purse seiners and longliners). The aforementioned Regulation establishes that the T2M form will no longer be used and will be replaced as of 1 May 2016 by a new model that has no standard form or action protocol for the validation of this transshipment with the tariff and health authorities of third countries.

In the letter, DG TAXUD and DG MARE will be requested to carry out the necessary actions to adapt UCC legislative provisions to the reality of fisheries, providing a formula that enables the prompt issuance of transshipment authorisations that do not depend on the unjustified delayed reaction of authorities in third countries.

- **Veto to maritime transport of sharks by freight companies.**

Mr. José Antonio Suárez-Ilanos, ANAPA/ACEMIX, describes the problems encountered in this regard and suggests that the manager of the European Community Shipowners’ Associations should be invited in order for him/her to explain the veto to maritime transport of sharks.

Ms. Juana Parada, ORPAGU, points out that the EU is a pioneer in that it has a regulation with a shark integrated management system (body and fins), highlighting that legal fleets are compared to other that do not comply with the regulations.

Mr. Raúl García, WWF, explains that the ban on shark trade by freight companies is due to a consumption campaign launched in Hong Kong aimed at Asian countries, where cases of serious practices involving CITES-listed species have been reported in the South Pacific.

Mr García points out that, at the beginning, it was a medium-term strategy with two main objectives: to attract attention in order to improve shark management and improve their traceability, but freight companies have decided to act independently and got ahead of themselves with this unilateral measure. He states that there are still traceability problems in general terms with rays and sharks and that the EU needs to develop management plans.

Ms. Juana Parada, ORPAGU, does not agree with this last comment. She informs that, with the traceability system used since 2013 and its labelling system (on each body and fin), traceability of the European fleet is complete throughout the whole chain and you can tell the FAO catch area and follow the destination of the fins and bodies of each shark.

ACTION: Discussions on this matter will continue within the LDAC until it is solved, and the manager of the European Community Shipowners' Associations will be invited to future LDAC meetings to explain the reasons for this decision.

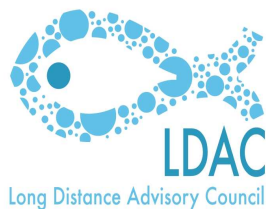
- **EC proposal to review Regulation 1881/2006 on maximum levels of mercury in food products.**

This item was not discussed due to lack of time.

12- Date and place for next meeting.

The exact date is yet to be decided, but it will probably be held in Brussels in October.

The meeting is adjourned at 13:50h.



ANNEX. LIST OF ATTENDEES

LDAC Working Group 5 Brussels, 10 March 2016

WORKING GROUP MEMBERS

1. María José Cornax. OCEANA
2. Julio Morón. OPAGAC
3. José Carlos Castro. ANFACO-CECOPECA
4. Beatrice Gorez. CFFA-CAPE
5. Hélène Bours. CFFA-CAPE
6. Raúl García. WWF
7. Sandra Sanmartin. EBCD
8. Despina Symons. EBCD
9. Juan Manuel Liria. FEOPE/CEPESCA
10. Pierre Commere. FIAC
11. Juana Parada. ORPAGU
12. Juan Manuel Trujillo. ETF
13. Katarina Sipic. CONXEMAR
14. Erik Olsen. Living Sea
15. José Antonio Suárez-Llanos. Anapa / Acemix
16. Vanya Vulperhorst. OCEANA
17. Mercedes Rodríguez. OPP-Lugo
18. Juan Pablo Rodríguez. ANABAC
19. Aurora Vicente. AIPCE
20. Laura Koene. EUROTHON
21. Rita Santos. WWF
22. Rob Banning. Dutch Pelagic Freezer Trawler Association.
23. Irene Vidal. EJF
24. Luis Vicente. ADAPL
25. Iván López. AGARBA
26. Marta Llopis. CONXEMAR
27. Marc Ghiglia. UAPF

OBSERVERS

- 28. Desiree Kjolsen. EC
- 29. Manuela Musella. EC
- 30. Nicolas Dross. EC
- 31. Pawel Swidereck. EC
- 32. Jesús Iborra. EP
- 33. Emmanuel Berck. EC
- 34. PF Thibault. EC
- 35. Daniel Voces. EUROPECHE
- 36. Lea Lebechnech. EBCD
- 37. Konstantino Kalamantis. EP
- 38. Michael Earle. EP
- 39. Anabel Andujar. EP
- 40. Alexandre Rodríguez. LDAC
- 41. Manuela Iglesias. LDAC
- 42. Marta de Lucas. LDAC

DRAFT