

DRAFT MINUTES

23rd meeting of LDAC Working Group 5 HORIZONTAL ISSUES

**Wednesday, October 24, 2018, 09:00- 16:30h
Hotel NH Brussels EU Berlaymont - Boulevard de Charlemagne 11-19.**

1- Welcome and opening of the meeting.

The Chair, Ms M^{re} José Cornax, welcomes the participants.

2- Approval of the minutes of the last meeting of WG5 - Brussels, March 8, 2018.

The minutes of the previous meeting were approved unanimously.

3- Approval of the agenda.

The agenda is approved, the order of the items is changed to adapt to the availability of the representatives of the EC.

It is approved to introduce under "any other business":

- The presentation of a FIP for the surface longline fishery targeting swordfish and blue sharks, at the request of Mr Edelmiro Ulloa, ANAPA/ANAMER/ACEMIX/AGARBA.
- Ms Despina Symons, EBCD, will provide information on the process of the Convention on Biological Diversity (CBD).
- A discussion on the social dimension of fishing, at the request of Mr Julio Morón, OPAGAC.

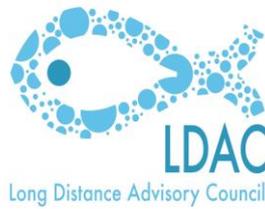
4- Report by the European Commission on Trade Agreements between the EU and third countries: aspects related to fishing on issues of interest to the fleets and the processing industry

4.1 State of affairs of the Interim Economic Partnership Agreements (EPAs) with the ACP countries; and the negotiations of full EPAs.

4.2. Negotiations of the EU with third countries (Indonesia, Japan...) and international organizations (Mercosur...) and modernization of already established trade agreements (Mexico and Chile)

4.3. Annual report on the implementation of the Generalized System of Preferences (GSP +) with the Philippines and other countries.

The Chair, Ms María José Cornax, explains the reasons given by the EC for not sending any representative to this meeting to report on the developments regarding trade agreements with third countries. The EC alleges that it already reports on such issues at the MAC,



considering that it is more pertinent to do it there than in the LDAC since it is the specific advisory council dedicated to such issues.

The General Secretary of the LDAC, Alexandre Rodríguez, recalls that the LDAC was the competent advisory council to learn about market aspects before the establishment of the MAC, and that it has developed a series of advice and recommendations in the last 10 years on labour and social issues in fishing relevant to trade agreements, or on compliance with international regulations on labour and human rights in the field of the implementation in countries with Generalized Systems of Preferences (GSP +) such as the Philippines or Ecuador.

Mr Rodríguez, in his capacity as an active observer, has participated at the latest Working Groups of the MAC and, by virtue of the mandate given by the members, has offered the possibility of organizing a joint focus group between the two Advisory Councils to address issues of common interest in terms of market access, import control and social responsibility in the value chain. He recalls that the Commission itself recommends ACs to produce joint advice if there are issues of common interest, as has been the case recently in the joint advice between the MAC and the LDAC on improvements in the implementation of the Regulation on the fight against Illegal (IUU) fishing.

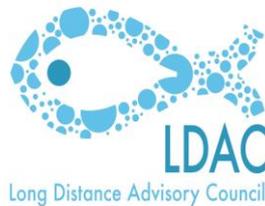
The Secretary of the MAC, Ms Sandra Sanmartín, states that the MAC is currently in the process of drafting its annual work program and that they are aware of the valuable work and experience of the LDAC in market aspects. Ms Sanmartín expresses her willingness and availability to propose the organization of a joint MAC-LDAC focus group to address these issues.

ACTIONS:

- **The members of WG5 will provide the Secretariat with the topics on trade agreements that they consider of strategic interest as well as specific aspects to be included in the agenda for the next meeting, in order to draw attention and be able to invite representatives of DG MARE and/or DG TRADE to future WG5 meetings.**
- **Once the above-mentioned topics have been received, the Secretariat will proceed to prepare a draft letter addressed to the European Commission detailing the appropriateness of dealing with trade issues at the LDAC WG5 due to the broader approach it offers. The Market Advisory Council (MAC) will be informed, offering our collaboration in order to optimize resources.**
- **Once these issues have been defined and the letter has been sent, the LDAC and MAC Secretariats will coordinate to try to organize a focus group to jointly address trade issues of common interest.**

5- Fight against illegal, unreported and unregulated fishing (IUU).

5.1-Report by the Commission on the process of “yellow” and “red” cards



The representative of the EC, Ms Desirée Colsen, reports on the card process.

Countries with yellow cards:

- Vietnam: This country was pre-identified with a yellow card since last year; there is still much work to be done. At this moment, they are in the implementation phase of the regulatory changes made to their legislation. Their traceability system is not good regarding the verification of catch certificates. Regarding the fight against IUU fishing, there are vessels that operate in the Pacific under their flag without any monitoring or control actions. The next field mission of the Commission delegates will take place in May.

It is expected that the new Sea Fisheries Act will come into force in January 2019, with regulations for the development of monitoring, control and surveillance (MCS) tools as well as its sanctioning system. The Commission's report on the progress made in the last 6 months is in the process of being finalized.

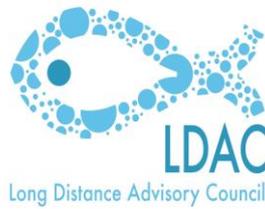
- Thailand: This country is very important in terms of fishing, both by volume of extractive fishing catches and by processing and transformation plants and the number of workers linked to these sectors of activity. There has been a constant dialogue during the last 3 years, with a lot of work on behalf of the Thai Government (creation of stakeholder groups, changes in legislation, improved monitoring...) which has enabled to create a climate of work and mutual trust during this period. There is a commitment at the highest level to correct the situation and exit the yellow card. This country has an important fishing fleet, which stands out for catching species of high commercial value in the Pacific and Indian Oceans. There has been significant progress in the MCS system which has been verified first hand by the EU mission last week.

- Taiwan: They have made noteworthy efforts in the implementation and application of the policy to combat IUU fishing. Cooperative administration, with an EU mission 2 weeks ago.

- Sierra Leone: This country holds the yellow card since 2016. The main problem lies in its legislative framework and in the international fishing vessels register for the control of its flag fleets. The dialogue is dynamic despite the lack of political commitment. The administration has made progress in MCS and in the application of FAO PSMA. There is concern about the international register since they do not show signs or political commitment to improve control. Presidential elections took place in March of this year, although the EC needs the commitment of this government as soon as possible in order to include aspects of IUU fishing on the agenda.

- Liberia: they have the yellow card, noting that there is no effective control system by the fishing authorities for vessels included in the international register.

Although they are formally members of 7 RFMOs, there is very little inter-agency collaboration and communication. Things have not improved. Once the elections were held, a high-level mission was carried out with fishing authorities of Liberia and the Ministries of Finance and Foreign Affairs to coordinate this work. The revision of their legislative framework is pending as well as working on the signature of a Memorandum of Understanding to promote inter-ministerial and inter-agency cooperation. They have already been warned of the possibility of



being served a red card if no verifiable progress is proven. This would mean that the current fishing agreement (SFPA) could risk being cancelled together with the funding provided by DG DEVCO.

- Tuvalu: Good news, withdrawal of the yellow card has been reported.

Countries with a red card:

- Cambodia: Progress in the implementation of its work plan against IUU fishing is slow.
- Comoros: Still stalled, without any evidence of progress nor reactions.

Green card countries subject to scrutiny:

- Philippines: It seems that they have not made much progress. Informal dialogues have been held with them and the Commission remains vigilant with this country.
- Ecuador: all paralysed due to the recent earthquake there.
- Malaysia: good cooperation, though with gaps and deficiencies in their legal framework and in the control of their fleet.
- Mauritius: there are a number of areas that require follow-up for this country.

Development of an Electronic Catch Certificate Verification System:

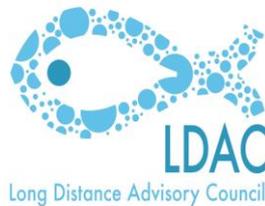
Last year, the Commission developed an electronic system to guarantee the verification of catch certificates throughout the EU, using the same technological platform as for health certificates (TRACES system). It is a user-friendly platform in which an updated risk analysis will be introduced in version 1.0 to manage the catch certificates that are entered several times, in order to account for the quota deduction.

The system identifies if such certificates originate from a country listed as being engaged in illegal fishing.

On the other hand, the official launch of the real-time database of the EU is expected for the beginning of 2019. The representative of the Commission states that some of the representatives of the operators present may have already been contacted to participate in a pilot self-learning phase in order to give feedback in the month of November.

For the time being, this electronic verification system has only been developed for catch certificates, declaration of processing and declaration of imports. Later on, other certificates will be gradually included in the same platform (for example, re-export certificates).

Time for discussion and questions by the participants:



Mr Pierre Comerre, AIPCE, asks about the expected practical implementation period for this electronic tool for catch verification, which is mandatory for the implementation of the IUU Regulation. He also asks whether the Commission has followed up countries such as Russia or China and what level of dialogue they have with these two countries.

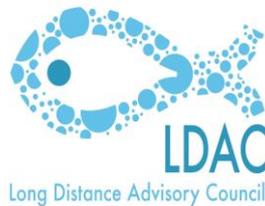
Ms Vanya Vulperhost, OCEANA, asks if the EU is involved in any discussion, in addition to China, with South Korea to develop the memorandum of understanding (MoU) signed in its day. She also asks what will happen to Thailand and what is the degree of collaboration and involvement of the Member States regarding the catch database.

Mr Roberto Carlos Alonso, ANFACO-CECOPESCA, asks about Thailand's political and marketing action and the Commission's reaction. He stresses that there are still many cases of fleets operating in clandestine conditions and suggests caution to the European Commission before lifting the yellow card for the damage it could cause to European industry.

Mr Juan Manuel Trujillo, ETF, believes that the EU should give a boost to human rights issues in relation to the fishing sector, especially in Southeast Asia, taking an interest in knowing, for example, the state of implementation of ILO C188, among others.

The representative of the EC replies to the questions raised by the members as follows:

- Regarding the catch verification system, she replies that it is a proposal included in the Commission Communication on the Implementation of the Regulation against IUU fishing, as well as in the proposed Regulation on the Review of Control Systems. At the moment, the catch certificate is still verified manually. She highlights that until the new regulation on the review of control systems comes into force, there will not be an integrated electronic control system. In the meantime, the Commission is mandated to encourage MS to implement this catch verification system as soon as possible.
- A fluent dialogue with China and Russia is maintained on these issues and there is a spirit of collaboration at the political level. A Technical Working Group will be organized with China for the third time in December to address issues of collaboration in the fight against IUU fishing.
- Regarding Thailand, she insists that they have made important progress and that the Commission plans to make an internal decision on whether or not to continue with the yellow card in the next 2-3 months.
- Regarding the cooperation with Korea, she highlights that there is dialogue for the implementation and the procedure is similar to that followed with other countries with which an MoU has been signed such as the US, Japan or Canada. She specifies that such texts are not made public, leaving it to the power of the third country to do so.
- Regarding labour issues, she recalls that the Regulation against IUU fishing is not mandated to deal with labour issues. Although they are aware of this problem and of the need to coordinate actions between DG MARE, DG EMPLOYMENT and the EU



External Action Service (EEAS), she underlines that the fight against illegal fishing and labour issues must be dealt separately.

ACTION: At the proposal of Mr Julio Morón, OPAGAC, it was agreed to include labour conditions as an item in the agenda of WG5, inviting also DG EMPLOYMENT to participate.

5.2- Proposal to draft advice on the follow-up by the LDAC on the implementation of the IUU Regulation linked to the revision of the EU's fisheries control systems. Future actions.

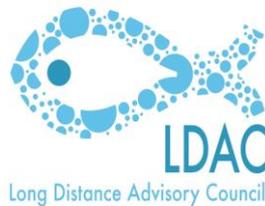
No concrete proposals were made on this item.

6- Review of the implementation of the EU Regulation on Fisheries Control and Sustainable Management of the External Fishing Fleet (SMEFF).

6.1. Analysis of the proposal for the Regulation for the Review of Control Systems by the Commission - LDAC Comments.

The representative of the EC, Ms Laurence Cordier, summarizes the proposal for legislative changes in these items:

- Electronic logbook: The EC proposes the electronic logbook to be mandatory also for all vessels less than 12 meters in length. All catches shall be recorded and no exceptions will be made below 50 kg and a 20% tolerance margin will be established instead of the current 10%.
- Prior notice for vessels landing in EU ports (Article 17). Article 19 a) requires prior notice for the access and landing of EU vessels in third country ports. They are stipulated at three days before the expected time of arrival (ETA) and for vessels of the coastal states, a shorter period of 4 hours is established.
- Transshipments (Article 20): although they are not allowed in EU waters, outside of Community waters, prior notice is required to perform them.
- Weighing (Article 60): it is all about making it easier to control and more precise when performed at the port as the basis for the landing declaration.
- Sales notes (articles 62, 64 and 65): they shall be recorded as part of the catch documentation system and such notes will be connected to a unique fishing identifier to enhance traceability. The traceability that includes information on the supply chain will allow checks or controls in the value chain from the first sale all the way to the retail sector for fishery and aquaculture products. Likewise, the information contained in the batches must be clarified. This includes both processed and imported products.



- With regard to infringements and sanctions, the entire text has been reorganized to provide it with greater consistency, and to involve a more agile, equitable and dissuasive sanctioning mechanism in order to provide a more rapid and effective response to serious infringements. For serious infringements, the list has been expanded to include obstruction of the inspection activity and criteria have been established to qualify serious infringements in order to help achieve a harmonized regime of sanctions at the state level. In addition, the implementation of the points system attributed to the holder or beneficiary of the license has been strengthened, as well as the exchange of data on infringements among the Member States.
- On the other hand, the representative of the EC reports on the changes to the Founding Regulation of the European Fisheries Control Agency (EFCA), in several of its articles (for example 2, 3, 17, 26, 29 and 39). Changes have been made to harmonize the implementation of the CFP, specify its geographical scope and align a common approach with all EU agencies as well as broaden its scope of action and mandate in international waters.

After a discussion and specific questions by the members, the representative of the EC informs that the proposal of the Commission Regulation was formally adopted in May and that the Austrian Presidency could not include this discussion until now. They expect that next year, during the Romanian presidency, the text may be revised at the Council in the first semester of 2019. At the European Parliament, the MEP Ms Isabelle Thomas is drafting a report that is expected to be published in November of this year. The representative of the EC stresses that it is important that all contributions and feedback be transmitted both to the Council and the European Parliament during this stage.

6.2. Aspects of the implementation of the SMEFF Regulation.

The representative of the EC, Ms Laurence Cordier, recalls that the objective of the Regulation is to effectively and transparently monitor the activities of the external fleet so that the corresponding information is provided by the Member States (some have not sent it yet). She highlights that Spain is compliant with the obligation to report on the status of processing of direct authorizations and the requirements established in the Regulations on a regular basis. France has also done so and Italy has started reporting recently.

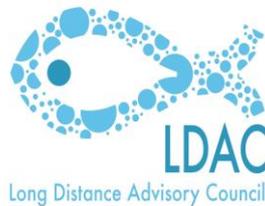
The Commission is aware that since this is a new regulation, there are still many aspects that need to be improved regarding its implementation and will require time for adjustment by the MS. The EC is working on its communications in order to facilitate its understanding and will perform periodic audits to verify the degree of compliance by the MS.

The presentation is available at:

<http://ldac.ldac.eu/attachment/34e39df9-052f-4860-995e-b233f50e2d77>

ACTION:

- **WG5 will assess the possibility of developing a position paper or advice analysing the degree of implementation of the SMEFF Regulation. The representatives of EUROPECHE and OCEANA have already volunteered to become part of the drafting group.**



7- International Ocean Governance and Blue Growth.

7.1 Presentation and discussion on mining on the seabed in international waters.

Mr Matthew Gianni, Deep Sea Conservation Coalition, makes an exhaustive presentation that is available for consultation on the LDAC website:

<http://ldac.ldac.eu/attachment/9ad000d8-f299-4f22-8ef9-e4624acc11f1>

He highlights the European Parliament Resolution of January 16, 2018, which advocates in its Recital 42 for a moratorium on this activity for as long as there is no scientific knowledge about the risks and the impact on the ecosystem of performing both exploration and exploitation activities in the prospecting. He also highlights the joint letter of 50 NGOs addressed to the International Seabed Authority (ISA) along the same lines.

On the other hand, the representative of DG MARE informs that DG MARE will launch an evaluation process on the Protection of Vulnerable Marine Ecosystems (VMEs) and its implementation in the field of fisheries and other marine activities.

ACTIONS:

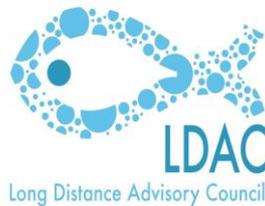
- **The Secretariat will upload the presentation by Mr Matthew Gianni (DSCC) on the management of deep-sea species and habitats and underwater mining to the meeting website, as well as the joint letter from the NGOs on this topic.**
- **The drafting group consisting of Mr Iván López, Mr Matthew Gianni and Ms Ann Dorm, with the assistance and supervision of the Secretary, will prepare a draft advice on underwater mining with a view to its approval at the Executive Committee.**

7.2 WTO discussions on the prohibition of harmful subsidies to fishing activities.

WTO discussions on the prohibition of harmful subsidies to fishing activities. The EC representative, Kristofer du Rietz, begins by stating that the UN 2030 Agenda was a milestone for improving the governance of the oceans. He emphasizes that Sustainable Development Goal 14.6¹ is specifically dedicated to the prohibition of subsidies harmful to fisheries, giving new impetus to action in this area of the WTO.

After the fiasco of the Intergovernmental Conference (MC11) of Buenos Aires in December 2017, where an agreement could not be reached for an ambitious plan such as the one proposed by the EU, the WTO held seminars and informative meetings in the first half of 2018 with a view to prepare the next Conference scheduled for 2019. However, he believes that progress is slow since there is little willingness for a political commitment by many members of

¹ SDG 14.6: "By 2020, prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the World Trade Organization fisheries subsidies negotiation."



the WTO, which often have conflicting interests. For example, there is a lot of tension in the negotiations aimed at agreeing on a dispute resolution system.

On the other hand, he reports that the EU has submitted a proposal to prohibit subsidies that contribute to the increase of fishing capacity and another proposal to know where they are produced. They hold meetings regularly so they expect to be able to submit their conclusions on time.

Regarding the debate on fuel subsidies, he points out that the specific proposal of the WTO includes a footnote that indicates the exclusion of fuel subsidies, although this proposal was very much criticized in its day. He states that fuel subsidies affect the economic behaviour and profitability of the fleets but it is a fiscal problem, so they lack the mandate to change this item in the trade negotiations at the WTO.

Mr De Rietz concluded his intervention by pointing out the importance of engaging civil society in the achievement of SDG 14.6.

The Chair, Mr Iván López, points out that there is a broad consensus within the LDAC on the main lines to define subsidies which are harmful to fishing, with the exception of the fiscal regime granted to the acquisition of fuel for ships, in which an extensive discussion is envisaged.

The Vice President, Béatrice Gorez, expresses her agreement with the intervention of the Chair and is confident in working on a consensus proposal to define harmful subsidies to fisheries for their contribution to fishing overcapacity and illegal fishing, among others. Regarding the fuel, she doubts that a unanimous agreement will be reached though she agrees that it is convenient to discuss it.

ACTION: The Secretariat will update and distribute version number 3 of the draft opinion on harmful subsidies to fisheries with a view to its adoption in 2019.

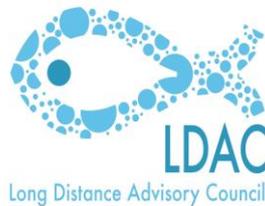
7.3 Draft of the position paper by the LDAC on the promotion of the effective implementation of the External Dimension of the CFP.

The Secretary of the LDAC, Alexandre Rodríguez, summarizes the content of the document and explains the changes introduced as well as the remaining gaps in the structure of the same as well as the need to eliminate the section on Trade Agreements (FTA) as they lie outside the scope of implementation of the external dimension of the CFP.

Ms Mireille Thom, the author of this document, agrees with the Secretary's proposals and asks members what they wish to do with this draft.

Vanya Vulperhost, Oceana, proposes adding an introductory page summarizing the purpose of this document and including general recommendations.

The Vice President of the LDAC, Ms Béatrice Gorez, agrees with the proposals by the participants and suggests adding a paragraph related to the sustainability of fishing investments by companies with Community capital in third countries.



Daniel Voces, EUROPECHE, proposes to mention the Europe Aid fund to help develop projects related to the value chain in the fisheries sector and decent working conditions on board fishing vessels.

ACTION:

- The author of the initial draft, Ms Mireille Thom, and the LDAC Secretary, Alexandre Rodríguez, will jointly review the draft of the governance advice, incorporating the agreed changes and proposals made (deleting the heading on FTAs, adding a paragraph on sustainability of fishing investments) and adding an introductory page with the general and specific recommendations of the document with a view to make it easier to understand. The document will be distributed for consultation among the members of WG5 and the feedback will be integrated with a view to its adoption by the Executive Committee.

8- Update on the Fisheries Transparency Initiative (FiTI)

Mr Kristofer Du Rietz, EC, reports that the Secretariat of FiTI (the German Foundation Humboldt Viadrina) have referred to uncertainties regarding the continuity of the FiTI Secretariat due to lack of funding. The European Commission is open to dialogue and to follow up on this initiative, there is not much motivation to support it as long as there is no evolution that allows seeing the degree of rigour and seriousness in the information provided by signatory countries such as Mauritania.

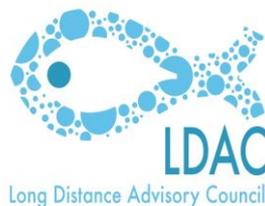
Ms M^a José Cornax, OCEANA, informs that in Seychelles they are considering hosting the headquarters of the Secretariat as well as developing an annual country report that includes information equivalent to that which is stated in the standards set by FiTI. On the other hand, in Mauritania, the group has been established. Ms Cornax offers to continue reporting as an elected member of its Steering Committee.

ACTION: María José Cornax will report at the next meeting of WG5 on the progress in relation to the fisheries transparency initiative (FiTI).

9- Progress reports by the Secretariat on complementary actions:

9.1 Project FARFISH H2020.

The Executive Secretary, Mr Alexandre Rodríguez, summarizes the aim of this project, of which the LDAC is a member with its own funding. He recalls that six case studies have been included in the project in which the LDAC participates as a representative of the operators/stakeholders: Mauritania, Senegal, Cape Verde, Seychelles, Southwest Atlantic (ASW FAO 41) and Southeast Atlantic (SEAFO FAO 47). An internal coordination meeting took place between the partners and project leaders in preparation for the seminar to launch the study cases scheduled for the month of June 2018 in Vigo. The meeting noted the lack of data on targeted catches and by-catches as the main problem for the selected fisheries (southern hake and squid in ASW, swordfish and sharks in Cape Verde, black hake in Mauritania and Senegal, tropical tuna in Seychelles...). At present, the management objectives of each case study are



being defined, so he encourages members to channel their contributions or feedback to the management plans zero (MPO), already sent through the Secretariat.

He then states that there were two key meetings: the annual meeting of the project that was held at the University of Southampton in May and the launching workshop for the validation of the referred case studies, which took place in Vigo in the month of June.

ACTION:

- **The Secretary will attend the coordinating meeting of project leaders and the case studies of the FARFISH project in Mindelo (Cape Verde) and will duly inform the stakeholders on the progress in the work via email and in future meetings of WG5 and of the Executive Committee.**

9.2 STECF annual economic report for 2018: Distant Water Fleet of the EU

Mr Alexandre Rodríguez, Secretary-General of the LDAC, recalls that the presentation made by Mr Michael Keatinge during the last Executive Committee of the LDAC served as the basis to draft and then send a letter in order to have a more reliable current snapshot of the distant water fleet categorized by regions/sub-regions. The letter requested the review of data and methodology in the Annual Economic Report of the Scientific, Technical and Economic Committee on Fisheries (STECF) for a better description of the economic activity of the distant water fleet by fisheries and regions or sub-regions.

As a result, the Secretary participated as a designated expert to review the methodology and economic data provided by the MS within the framework of the EU Data Collection Framework (DCF) relating to the activity of the Distant Water Fleet (DWF).) in 2016 with a view to the publication of the sectoral/regional chapters.

The result of this work will be presented at the LDAC Executive Committee in December.

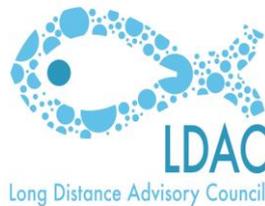
The annual report has been published and is available for consultation on the LDAC website: <http://ldac.ldac.eu/attachment/4f8352fc-d532-49f4-9104-c4ed16eb0e59>

10- Update by the European Commission on the first session of the United Nations Intergovernmental Conference on Biodiversity Beyond National Jurisdiction (BBNJ) (New York, 4-17 September, 2018)

The EC representative, Mr John Brincat, thanked the LDAC for the invitation to this meeting as well as their collaboration for another year in the process of preparing and consulting the Annual Resolution of the UN General Assembly on Responsible Fisheries.

He reports that this first substantive session was held to follow up on an organizational preparatory meeting in March to resolve procedural aspects.

One of the main results of this meeting was the co-sponsorship by more than 120 states of UN Resolution 72/249, adopted in 2017, which has given it relevance and political visibility. This



resolution declares the RFMOs as competent bodies to learn and decide in their regulatory areas, as well as addressing four basic thematic areas related to marine genetic resources, spatial management tools, environmental assessment, capacity building, and marine technology transfer.

At the moment, he states that progress is being made on the issues by consensus, which is a relatively positive novelty. The meetings are organized by the Chair and a Bureau of 3 members. It is expected to be flexible, establishing the necessary committees and avoiding, as much as possible, simultaneous sessions in parallel so as not to harm the delegations from small countries.

The Chair of the First Session drafted a document for the September meeting that is publicly available on the DOALOS website: <https://www.un.org/bbnj/>

He highlights several essential elements for the development of a “zero draft” Treaty:

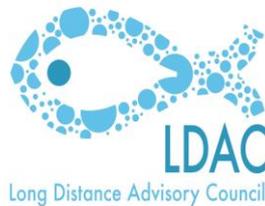
- Capacity building: This is a key pillar on which the general goals of the Treaty will be built, for which a mechanism must be agreed upon by consensus that is adaptive to include the demands of the developing countries. The debate on funding remains pending, which will depend on the goals to be achieved.

- Zonal management tools: here the Aichi targets as well as the SDG2030, and the marine protected areas (MPAs) already designated and functioning, as well as the VMEs, come into play. It is necessary to adopt measures to carry out an evaluation of their effectiveness as well as the socio-economic impact for each of them. The position of the EU is clear: wherever there are RFMOs, they must take charge of fisheries management measures, including these.
On the designation of new Marine Protected Areas, there are different opinions to be considered. Although there are countries like Iceland that request the status quo, that is to say, that a purely national and/or regional approach be adopted, the EU thinks that this is not enough and should be approached from a more global and holistic perspective.
They also agree that inclusive and complete consultations should be carried out in which the coastal states themselves, civil society, as well as the competent authorities, participate.

- Conducting environmental impact assessments: he states that there is much to be done since it is necessary to take into account the obligations of UNCLOS and the regulations of the different RFMOs, and to be clear about how they should be carried out. It is necessary to define how this evaluation will be developed, the parameters and criteria, the internalization by the MS, etc.

- For marine genetic resources, he states that it is still to be decided if their spatial extent refers to all waters (including EEZs of countries) or only to the high seas. Issues regarding access to resources and intellectual property rights also fall under this scope.

To conclude, he states that there will be two new meetings next year (in March/April and in August/September) and they expect to have the full text of the zero draft in January 2019.



- Questions raised by the members

Mr Iván López, Chair of the LDAC, thanks Mr Brincat for his collaboration with the LDAC. He emphasizes that being a part of the fishing industry they are very concerned about this process. He states that there is discrepancy among the States regarding underwater mining. In fact, he wonders how the regulation will be regarding this activity in the following areas: within the 200 miles, in the extended continental shelf and in international waters.

The representative of the EC, Mr John Brincat, states that one of the problems is that there are areas that have been closed for fishing and not for other activities such as mining. Therefore, it is necessary to find a system to solve this type of conflicts. Although this was not something that stood out during the debates on UNCLOS, he believes that it will have to be discussed.

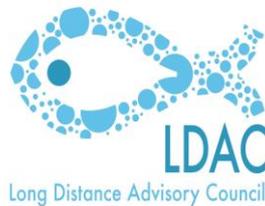
He adds that, although the RFMOs are the fisheries management bodies, it is the ISA (International Seabed Authority) that has the power to manage deep-sea mining. These are issues that are sometimes discussed simultaneously due to their impact on the seabed but correspond to two separate legal channels. It is important for civil society, not only NGOs but also the fishing sector and citizens, to express their opinions and influence in the discussion to give shape to the EU's proposals for the full protection of marine ecosystems.

Mr Anton Gazenbeek, the representative of DG MARE, explains that the EU is funding the ATLAS project to fill the knowledge gaps on environmental risk analysis related to underwater mining. In addition, the API Project has just been launched jointly with the ISA to offer impact evaluations on the extraction of polymetallic sulphides. It is a way to parameterize the extraction of minerals and develop environmental management plans prior to the granting of exploitation licenses for the subsurface. Three types of deposits are currently being analysed: manganese nodules, cobalt crusts and polymetallic sulphides from hydrothermal vents. The main study areas are the Mid Atlantic Ridge, the Indian Ocean and the Northwest Pacific.

ACTION: In response to the invitation made by the DG MARE representative at the meeting, the LDAC will seek to contribute its specific sector knowledge to the EU API Project on the impact assessment of underwater mining in international waters.

Another issue highlighted by Mr Brincat is the problem generated by the noise caused by mineral extraction operations from the marine subsurface which could have an impact on fishing. Although the court rejected the request (outside the scope of the BBNJ agreement), they expect to be able to create a management framework that includes the cumulative impacts, and in fact, the RFMOs should take them into account.

Ms Despina Symons, EBCD, is concerned about the influence of the issues addressed in the CBD on the negotiation process of the future BBNJ Treaty, especially in the establishment of a network of MPAs in the high seas and the development of the new post-Aichi 2020 indicators. She asks whether DG MARE is following this process closely and in coordination with DG ENV, which is the DG of the European Commission that participates at the CBD meetings.



Mr Brincat highlights that both DG MARE and DG ENV act in a coordinated manner and consult each other as this is a global discussion that affects us all. He emphasizes that marine pollution has a global impact in all countries and that it will certainly affect future generations. The BBNJ Treaty presents another structure and goes beyond the Aichi objectives in terms of global discussion on sustainable development.

Finally, the fight against IUU fishing on the high seas is addressed, with a diversity of approaches such as the European approach, rooted in the Regulations for Control and Fight against IUU Fishing, which basically limits sanctions to administrative channels; and categorises this activity as criminal and classifies it as organized transnational crime with other annexed crimes (illegal trafficking of species at risk of extinction, slavery on board, environmental crime) prosecuted by criminal courts in countries such as Norway, USA or Australia.

ACTION:

- **LDAC WG5 will continue to obtain information and give feedback to the European Commission on the negotiation process of the Treaty on Biodiversity in Waters Beyond National Jurisdiction (BBNJ).**

11- Any other business (AOB)

11.1. The process of the Convention on Biological Diversity (CBD).

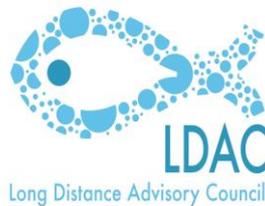
Ms Despina Symons, EBCD, states that several topics and issues addressed in the meetings of this Convention are relevant to the LDAC, such as the ongoing processes related to Biodiversity Beyond the Waters of National Jurisdiction (BBNJ), or the implementation of the UN Sustainable Development Goals (SDG).

She reports that in November there will be a CBD conference which includes in the agenda topics related to marine protected areas, fishing or Aichi targets, highlighting Objective 11 that establishes reaching 10% of MPAs worldwide “and other effective analogous conservation measures” (which is an ambiguous concept and it is not clear whether they will be part of the 10% or will go further) by the year 2020.

Regarding what will happen after 2020, the CBD has already begun to identify goals for post-2020 biodiversity, both regionally, nationally and internationally. In this same direction, dialogues are taking place at the FAO Committee on Fisheries (COFI) and in EBSA, as well as within the framework of the RFMOs that are responsible for establishing management measures for high seas fisheries.

At the moment, there are many open discussions which DG Environment is following closely. That is why Ms Despina asks the EC representatives if DG MARE is also aware of this process and how they think the LDAC may contribute to it.

ACTION:



Ms Despina Symonds will follow up on the process of the Convention on Biodiversity (CBD) and will report on this at future meetings of WG5.

11.2. Presentation of the Fisheries Improvement Program (FIP) of the Spanish Surface Longline Fleet for Swordfish and Blue Shark - FIP BLUES.

Mr Edelmiro Ulloa, Anapa/Anamer/Acemix/Agarba, explains that the four Galician surface longline producers' organizations (OPROMAR, ORPAGU OP-Lugo and OPPC-3) have established a FIP for the swordfish and blue sharks fisheries. The Spanish surface longline representation is of 4 shipowners' associations representing 90% of the catches of the EU fleet of such species. 13 companies account for 80% of the EU supply chain and 160 vessels that make up 95% of the EU fleet (in relation to such species) in the Atlantic, Indian and Pacific oceans.

They are in the prospective phase (Prospective FIP) but they expect to move to a Comprehensive FIP in a short time and so within a time frame of 5 years they intend to achieve the implementation of sustainable practices, with stricter sustainability standards and improving the biological knowledge of fisheries through greater collaboration with the scientific sector.

11.3. Regulation against IUU fishing and labour issues.

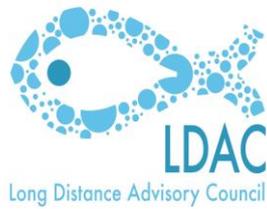
Mr Julio Morón, OPAGAC, believes that DG EMPLOYMENT should be sensitized so that the EC becomes aware of the importance of this matter. There is already an initiative by the employers (EUROPECHE) and European trade unions (ETF) in this regard through the European Social Dialogue Committee, so he suggests that it would be appropriate to collaborate with them as well as to send a letter to DG EMPLOYMENT with a copy to DG MARE explaining the importance of social issues at the international level, showing that there are already many stakeholders concerned about this issue such as employers, trade unions and civil society.

ACTIONS:

-WG5 will discuss the content of a future letter to be sent to DG EMPLOYMENT to raise awareness on the importance of the social dimension in fisheries, with a copy to DG MARE. The aim is to increase the profile and visibility of this dimension .

- The LDAC will propose to organize a joint technical meeting with designated representatives of the EU Social Dialogue Committee to identify issues of common interest (eg ratification of international instruments such as STCW-F, ILO C188). To this purpose, a preparatory meeting will be convened with EUROPECHE and ETF at the end of the year.

- Once the above-mentioned meeting has been held, an action plan will be agreed upon to organize a high-level event on labour rights in fishing to promote the social dimension. The event will be organized after the elections to the European Parliament, once the members (MEPs) and the new cabinet of the Commission have been appointed. Representatives of the ILO, FAO, European Commission and international organizations will be invited to the event.

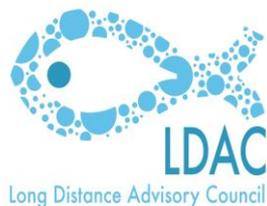


12- Place and date of the next meeting.

It is announced that the next meeting of the WG5 will be in Brussels in the month of March or April 2019.

The Secretariat will convene the members as soon as the date is set.

BORRADOR



ANNEXE I. LIST OF PARTICIPANTS AT WG5

Brussels, 24 October, 2018

WORKING GROUP MEMBERS

1. María José Cornax. OCEANA
2. Beatrice Gorez. CFFA-CAPE
3. Anna Boulova. FRUCOM
4. Olivier Hottlet. FRUCOM
5. Edelmiro Ulloa. Anapa / Anamer / Acemix / Agarba (ARVI)
6. Julio Morón. OPAGAC-AGAC
7. Despina Symons. EBCD
8. Marc Ghiglia. UAPF
9. Orestis Kargotis. EBCD
10. Iván López. AGARBA/CEPESCA
11. Rocío Béjar. CEPESCA
12. Juan Manuel Liria. CEPESCA
13. Roberto Carlos Alonso. ANFACO-CECOPECA
14. Georg Werner. EIJ
15. Sergio López. OPP-07-Lugo
16. Ann Dom. Seas at Risk
17. Juan Manuel Trujillo. ETF
18. Daniel Voces. EUROPECHE
19. Sara Fröcklin. SSNC
20. Raúl Garcia. WWF
21. Pierre Comerre. FIAC/AIPCE
22. Luis Vicente. ADAPI
23. Frédéric Le Manach. BLOOM
24. Mathieu Colléter. BLOOM
25. Vanya Vulperhorst. OCEANA
26. Rosalie Tukker. EUROPECHE

OBSERVERS

1. Désirée Colsen and Cristina Pichel. DG MARE (INDR-IUU)
2. John Brincat. DGMARE (BBNJ)
3. Laurence Cordier. DG MARE (EU Fisheries Control Systems)
4. Sofía Villanueva. DG MARE (Deep Sea mining)
5. Anton Gazenbeek. DGMARE (Deep Sea mining)
6. Kristopher Du Rietz. DG MARE (Subsidies, CFP external dimension and FiTI)
7. Ylva Mattsson. Swedish Agency for Marine and Water Management
8. Mireille Thom. Consulting (Former WWF UK)
9. Sandra Sanmartin. Secretary of the MAC
10. Matthew Gianni. Deep Sea Conservation Coalition
11. Benoit Guerin. BGSEA CONSULTING
12. Carlos Ossorio. MAPA – Spanish Administration
13. Alexandre Rodríguez. LDAC Secretary
14. Manuela Iglesias. LDAC Secretariat
15. Marta de Lucas. LDAC Secretariat