



MINUTES

24th LDAC Working Group 1 Meeting Highly migratory stocks and tuna RFMOs

**Wednesday, 27 March 2019.09:00 – 13:00 h
Hotel NH Brussels EU Brussels Berlaymont
Boulevard de Charlemagne 11-19.Brussels, Belgium.**

**Chairman: Mr. Michel Goujon
Vice-Chair: Mr. Julio Morón**

1. Welcome by the Chairman.

WG1 Chairman, Mr. Michel Goujon, opens the meeting thanking the representatives of the European Commission, invited experts and members of Working Group 1 for their attendance and participation.

Annex I includes the list of attendees participating as members and observers.

2. Approval of the minutes of the last WG1 meeting - Brussels, 23 October 2018

The minutes are approved, including the clarification made by Mr. Edelmiro Ulloa (ANAPA/ANAMER/ACEMIX/AGARBA), deleting “no supervisados” from page 3 of the Spanish version).

3. Approval of the agenda.

The agenda is approved adding a new item to summarise developments regarding FIP Blues, the Fisheries Improvement Project for Sharks, by the Spanish surface fleet.

4. Use and management of Fish Aggregating Devices (FADs)

4.1. Presentation of scientific initiatives and research projects improving the use and management of FADs - Dr. Josu Santiago.

Dr. Josu Santiago’s apologies for not attending the WG1 meeting due to a viral infection are conveyed.

4.2. Update on the FAD WATCH project: LDAC proposal to send a letter of support.

Mr. Michel Goujon, ORTHONGEL, shows interest in closely monitoring developments regarding this project. They will participate in the improvement programme and will present the project results.



4.3. EU preparatory work and prospects at the next inter-RFMO meeting on FAD management (San Diego, 8-10 May 2019) - DG MARE.

4.4. Reviewed draft of the LDAC Decalogue of good practices for the use and management of FADs in tropical tuna purse seine fisheries - Michel Goujon.

The draft shall be updated and the new version distributed for consultation via e-mail for it to be adopted at the next ExCom.

5. IOTC - Indian Ocean

5.1 Conclusions of the IOTC WG meeting on distribution criteria (Seychelles, March 2019)

5.2 Identification of relevant issues and work plan in preparation for the 23rd IOTC annual meeting (India, 17-21 June 2019)

5.3. Latest developments on the situation and progress regarding the creation of an IOTC WG on labour and socio-economic aspects of fisheries.

5.4. Exchange of comments among the members: work plan and elements to be included in a potential opinion

The representative of the EC, Ms. Angela Martini, starts her summary with the IOTC WG meeting regarding the distribution criteria. She explains that it is an extremely complex matter. She conveys there were two proposals - one by the EU and the other by G16 representing coastal countries - on the distribution formula for fishing opportunities. A consultant was hired to analyse the impact of both proposals, which are complicated since a decision has to be taken on how much to transfer, to whom and at what price... And there are many variables such as historical catch records, baselines for coastal states, etc. It should be highlighted that this exercise has been useful to show some of the negative effects that some G16 considerations might have, which aim at an immediate redistribution of a high percentage of fishing opportunities among coastal states at the expense of long distance industrial fleet countries.

Anyway, in her opinion, discussions were more constructive than in previous years, with a more favourable atmosphere oriented to trying to reach consensus. The idea is to come up with a common proposal in the medium term and not to impose any of the proposals submitted since they have not been unanimously accepted and they punish high seas fleets that have traditionally fished in these grounds.

The G16 proposal is very complicated and the general feeling is that it will not be voted on in June since it is not mature enough to be adopted. The most realistic option is for the group addressing this matter to hold another meeting.

In any case, Ms. Martini declares that it is very important to find a balance between the different interests at stake of coastal states and flag states. She highlights that many members are only interested in the economic amount and not in the sustainability of fisheries. She points out that, while the EU proposal wishes to find a balance between catch allocations for coastal and flag states, the G16 proposal suggests that the historical catch allocation ought to be granted to the coastal state and not to the flag state. In her opinion, they have to find alternatives to respond to the aspirations of developing coastal states. In fact, she stresses



that the G16 penalises members that have been historically fishing. However, she highlights that countries such as Spain or France provide socio-economic value through fisheries investment in third countries.

In this sense, the Commission is working on the compilation of information on the socio-economic benefits that the activity of the European fleets and European investments bring to local economies (e.g. processing plants and canning industry). In addition, other aspects shall be taken into account in the negotiation, such as rules of origin and rules to access the EU market.

Questions asked by the members and answers given by the Commission

WG1 Chairman, Mr. Michel Goujon, ORTHONGEL, says that, in his opinion, there are historical fishing rights that ought to be granted to those effectively fishing in the area, and not to coastal countries where the government may decide to sell fishing rights to the highest bidder, since these countries may sell them to fleets with more relaxed environmental sustainability criteria and labour and social standards. In any case, he is grateful that other countries with industrial fleet, such as Japan and Korea, have engaged in the debate to defend their interests and those of the EU. Therefore, the recently set up socio-economic working group shall reflect upon this and bear this point in mind to clarify the EC proposal. This should be prevented from going against the European fleet. He recommends that DG MARE put these ideas in an information document and question some elements of the G16 proposal.

Ms. Angela Martini, EC, agrees with Mr. Goujon on the need to consider the historical activity in the allocation and transfer of fishing rights. One of the ideas is to link these rights to the fisheries development plans of all coastal countries in the region. It would also be worth introducing harvest control rules (HCR) and setting TAC owing to scientific criteria, as well as taking into account the importance of the economic value of each of the parties in the distribution. Therefore, she believes that it is important to review the EU proposal to include all these aspects. She informs that on 12 April a technical meeting will be held with the Member States, encouraging the industry representatives to engage in this debate. She points out that a series of proposals shall be submitted for discussion among EU stakeholders prior to the meeting, so that the strategy to be followed in the negotiation is determined.

Ms. Béatrice Gorez, CFFA-CAPE, highlights that it is important that the hired consultant's study takes into account the small-scale fleet in this debate, including the results of the SMARTFISH project, prioritising sustainable fisheries criteria in the allocation of quota.

Mr. Edelmiro Ulloa, Anapa/Anamer/Acemix/Agarba, asks whether they have studied the socio-economic impact that these measures could have on the surface longline fleet, stressing that it is very different from the European tuna purse seine fleet but that they have reported catches in countries with SFPAs such as Madagascar or Mauritius.

The representative of the EC, Ms. Angela Martini, says that the idea is to carry out distribution per species, although the other members have not given a clear opinion in this regard yet. The consultant entrusted with the study has been requested to include in it a tool to calculate



the simulation of the allocation of the distribution formula, so they hope to have more items for discussion on 12 April.

Ms. Katrin Vilhelm, WWF, asks whether the IOTC has collaborated with other tuna RFMOs to exchange experiences and any work carried out in this field.

The representative of the EC, Ms. Angela Martini, says that it is another feasible option. However, the quota allocation involves in turn the adoption of complementary management measures together with an effective monitoring and control system. She adds that quota systems are applied to species such as yellowfin tuna.

Mr. Michel Goujon, ORTHONGEL, points out that at ICCAT level several meetings were held on this same topic. He gives the example of what happened last year with bigeye tuna and the fleet in Brazil, as they fished without declaring or reporting their catch data for years, so he thinks that it is essential to find a solution to this type of cases. He believes that the situation in the Indian Ocean is very complicated and, for the time being, they do not have the tools to manage their fishing effort.

Mr. Alexandre Rodríguez, General Secretary, suggests the representative of the EC send us the most recent G16 proposals to analyse them carefully and consider the possibility of having a specific focus group with the LDAC to address this issue and deal with specific topics by fleet segment, type of gear and species.

The representative of the EC, Ms. Angela Martini, informs that the documents are on the IOTC website and may be freely accessed. She insists that they hope to be able to send a response before 12 April to enable LDAC members to submit comments.

Regarding the compliance issue, Ms. Martini thinks that the most important thing is to know how to justify that failure to comply and to study what can be done in this regard. They are going to suggest strengthening the compliance proposal on satellite monitoring. The IOTC agrees to have a centralised or regional VMS system, and they would also like to work with observers. She thinks that the best way is to find someone that can help them implement it and to assume that this is all useful for the IOTC.

Something that she is also worried about is small-scale fisheries. She points out that within IOTC, vessels of less than 24 metres in length fishing in the EEZ of their flag states are excluded from the monitoring programme. Thus, the great lack of data. She adds that the capacity of countries ought to be controlled, but it is still a sensitive issue.

On the other hand, regarding tropical tuna, the scientific council has not issued a clear opinion on the stock state. Particularly, in the case of yellowfin tuna, reviewing the assessment will be considered. In addition, in the case of skipjack, control measures also ought to be adopted, since catches have increased significantly.

Regarding other measures, there are no strict capacity measures, or measures to mitigate discards or time-area closures, since there are no data supporting them or enabling to analyse their impact on fisheries recovery. In terms of FAD management, a proactive discussion is expected to take place.



Messrs. Raúl García, WWF, and Michel Goujon, OTHONGEL, share their concern for the increase of the fishing capacity in the area, highlighting the lack of data and the adoption of unilateral development plans by Member States.

Mr. Julio Morón, OPAGAC, thanks the EC for the work carried out, pointing out that in the IOTC WG on distribution criteria they have managed to reverse the situation. Then, he asks whether the EC has planned to draft a management measures proposal, encouraging them to do so if nobody else suggests it. He says that the European tuna industry wishes to continue negotiating and recommends that the EU submit their proposals together with other countries, since that would increase the likelihood of them being successful. In addition, he highlights that they support the management and control measures proposed by the EC, including that on capacity control for purse seiners and longliners. In his opinion, they are relatively urgent and they should start with one of the fisheries. Therefore, the obligation to implement regional VMS for capacity management is essential.

Regarding the regional observers programme, he believes that it is worthwhile insisting, even though proposals have not progressed so far due to objections by countries such as Kenya or Tanzania. He recalls that, on its part, all of the European purse seine fleet already has observers on board.

Regarding tropical tuna management, he thinks that if management measures are not renewed, when they are over there will be operational problems. He highlights that the Indian Ocean is an example for the whole value chain, employing over 10 000 people (purse seine fleet) and with over 3 000 jobs in European fleet vessels, and that there have been complaints from local canneries in Seychelles, Mauritius or Madagascar due to the fact that European vessels have interrupted their supply since they have stopped several times to comply with quota consumption. He insists that regional coordination of the EU with its counterparts in those countries is essential.

Ms. Antonia Leroy, WWF, informs that in June WWF will launch a document regarding transparency and the fight against IUU fishing. In addition, she points out that WWF has a network of offices in G16 countries to collaborate.

The representative of the EC, Ms. Angela Martini, expresses her interest in the WWF document. She highlights the problem of transparency.

Mr. Raúl García, WWF, explains that, even though progress has been made throughout the years in tropical tuna management, there was a turning point last year, as the European purse seine fleet did not reach an agreement because they had different positions in terms of management. An example of this is that last year it was not possible for the LDAC to draft an opinion for the ICCAT annual meeting. He believes they should keep trying to adopt a common approach in order to draft a robust opinion for 2019.

He then says that the next IOTC technical group meeting will be held on 12 May.



Finally, Ms. Martini informs about the creation of an IOTC working group on labour and socio-economic aspects of fisheries, and that they have received a questionnaire on the creation of this WG so far.

ACTION: An LDAC delegation will participate in the meeting to be held on 12 April and will respond to the European Commission proposals regarding the distribution formula in a correct and timely manner so that they can be included in their formal position at the next IOTC Working Group meeting on this topic planned for 12 May.



6. DG MARE Report - 14th UN Meeting on the Implementation of the New York Agreement (UNFSA) on the performance review of tuna RFMOs (May 2019).

7. ICCAT - Atlantic Ocean

7.1 DG MARE Report on the Results of the 21st extraordinary annual meeting (Dubrovnik, 10-19 Nov. 2018): recommendations and management measures for Atlantic stocks.

The representative of the EC, Mr. Xavier Vázquez, declares that the first technical meeting of the Commission with the Member States will be held on 9 April.

He says that even though there is general consensus on the priorities to be identified by the EU, he foresees that negotiations will be tough since there are many divergent interests.

The inclusion of specific shark species in CITES Appendix II is under consideration, with particular attention being given to shortfin mako based on ICCAT Circular 1620/2019, as well as that of other highly migratory stocks.

Regarding the marlin recovery plan, he adds that no agreement was reached with the USA on the proposal to introduce amendments to its recovery plan.

Concerning the attached fins policy, we still face the usual opposition of the Asian fleets.

Then he explained the priorities of the EU for this year's ICCAT annual meeting.

- He highlights the recovery plan for bigeye tuna and, probably, for yellowfin tuna. Moreover, a new scientific assessment will be carried out for Northern shortfin mako in order to adopt a specific recovery plan for this species.
- As for Mediterranean swordfish, the scientific council is reviewing the indicators. Following a global approach, he conveys the importance of focusing on priorities, moving forward on progress made last year on consensus-based areas.
- In addition, he informs that they had a meeting with COMHAFAT-ATLAFCO on 21 and 22 March to discuss collaboration possibilities and that the yellowfin tuna assessment will be discussed from 8 to 16 July.

Mr. Vázquez's presentation is available for consultation on the following link:

https://ldac.eu/images/Presentation-ICCAT_X.Vazquez.pdf

7.2 Identifying the main issues and preliminary comments of members. Implementation of the work plan and procedure to prepare a draft on management measures for tropical tuna, swordfish and sharks.

Mr. Javier Garat, CEPESCA, points out the importance of shortfin mako not being included in the CITES list, as it is stated in a report drafted by the FAO expert group.

Mr. Michel Goujon, ORTHONGEL, thinks that it is very positive that the EC has COMHAFAT-ATLAFCO in this negotiation to be able to establish partnerships with African coastal states,



and he insists on the fact that it would be very positive to collaborate with this body regarding other issues as well.

Mr. Raúl García, WWF, explains that bigeye tuna management has not improved at all and that the yellowfin tuna stock is at risk of being overfished. He shows his concern for tropical tuna, as even though the EU has a great capacity for action, no measures may be taken due to the existing disparity among the positions of the different operators. He thinks that a way to analyse priorities and work together should be found so that an LDAC opinion may be drafted including proposals on multiannual management plans for blue shark or shortfin mako.

The representative of the EC, Mr. Xavier Vázquez, highlights that it would be very valuable for the EC to receive an LDAC opinion in October, even if on a minimum basis.

8. WCPFC – Western and Central Pacific Ocean

8.1. Results of the 15th WCPFC Regular Session (9-14 December 2018)

The representative of the EC, Mr. Orlando Fachada, informs that some important measures were agreed at the meeting, although the most controversial discussions focused on tropical tuna. He recalls that around 55% of world catches of tropical tuna take place in that area. He points out that since 2017 skipjack catches decreased by about 10%, with yellowfin tuna and bigeye tuna increasing by around 6%. For its part, albacore tuna in the South Pacific reached maximum historical catch levels.

Regarding FADs, he says that there will be changes and that a resolution was adopted for the use of low-risk non-entangling FADs to be compulsory in 2020. This resolution was a minimum agreement regarding the initial EU proposal, which was more ambitious but was rejected by some contracting parties.

The existing additional closure banning fishing with FADs is kept. The Longliners fishing rights for bigeye tuna were also maintained.

He also draws attention on catches fished in the EEZ, since this debate is not included in discussions in spite of the fact that they account for up the large majority of catches. No progress has been made regarding fishing rights for tropical tunas.

Regarding the adoption of a new Compliance monitoring scheme, there was some reticence among FFA member countries (the adopted proposal still addresses compliance by individual vessels) and next year the measure will be revisited.

He adds that for the South Pacific Albacore socio-economic interest prevail over strict biology and conservation. He points out that in the last few years catches have increased, together with the reduction of CPUE (catch per unit of effort), which affected small-scale fisheries direct interest, despite the stock is in good shape, not overfished and not subject to overfishing. FFA requested to reduce catches in order to raise CPUE and keep some of the small-scale fisheries in the business.



With regard to mitigation, measures on sea birds some areas within developing countries and territories EEZs are exempted to apply the mitigation measures adopted. However, fisheries in the exempted EEZ are marginal and having almost no impact on sea birds. There will be some additional measures to protect turtles.

He highlights that the WPCFP agreed to participate in the Joint Tuna RFMOs FAD Working Group, although with no interest in participating in KOBE process in general.

Finally, he states that, it is possible that the participation of DG MARE representatives at some technical meetings will be reduced in the near future. The next annual meeting will be held in December 2019 in Papua New Guinea.

The WCPFC summary report is available on that organisation's website.

8.2. Questions by the members and identification of relevant issues.

The Chairman, not finding any more issues to address, ends the meeting thanking the interpreters for their effort, the Secretariat for their work and attendees and participants for their contributions.



Annex I: List of participants

LDAC Working Group 1 - Brussels, 27 March 2019

WG1 MEMBERS

1. Michel Goujon. ORTHONGEL
2. Julio Morón. OPAGAC
3. Caroline Mangalo. CNPMEM
4. Orestis Kargotis. EBCD
5. Marc Ghiglia. UAPF
6. Edelmiro Ulloa. Anapa / Anamer / Acemix / Agarba
7. Sergio López. OPP-Lugo
8. Javier Garat. CEPESCA
9. Juan Manuel Liria. CEPESCA
10. Iván López. AGARBA/CEPESCA
11. Beatrice Gorez. CFFA-CAPE
12. Anertz Muniategi. ANABAC
13. Raúl García. WWF
14. Antonia Leroy. WWF
15. Caroline Mangalo. CNPMEM
16. Frédéric Le Manach. BLOOM
17. María José Cornax. OCEANA
18. Haydeé Fernández. CONXEMAR
19. Daniel Voces. Europêche
20. Ricardo Valeiras. ETF
21. Juana Parada. ORPAGU
22. Vanya Vulperhorst. OCEANA
23. Sophie Nodzinski. EJJ
24. Katrin Vilhelm. WWF
25. Rosalie Tukker. Europêche
26. Gerard van Balsfoort. DPFTA

OBSERVERS

1. Angela Martini (FADS and IOTC) DG MARE
2. Orlando Fachada (WCPFC) DG MARE
3. Xavier Vazquez (ICCAT) DG MARE
4. Michael Earle. CFFA
5. William Davies. NEF Consulting
6. Justine Guiny. Birdlife International
7. Irene Kingma. NSAC Vice Chair
8. Tamara Talevska. NSAC Secretary
9. Yaiza Dronkers. International Pole & Line Foundation
10. Justyna Szumlicz. Ministry Maritime Economy Poland

LDAC SECRETARIAT:

1. Alexandre Rodríguez, LDAC General Secretary
2. Marta de Lucas, LDAC
3. Manuela Iglesias, LDAC