



MINUTES

28th LDAC Working Group 5 Meeting HORIZONTAL ISSUES

Tuesday 19 and Wednesday 20 October 2021, virtual meeting via Zoom

Chair: Julien Daudu (EJF)
Vice Chair: Daniel Voces (Europêche)

Tuesday 19 October (10:00-13:00h)

SESSION 1 – FIGHT AGAINST IUU FISHING AND TRADE RELATED ASPECTS

1. Welcome by the Chair.

WG5 Chair, Mr. Julien Daudu, welcomes all Working Group 5 members and observers, including guests representing European Commission DG MARE, FAO, EFCA, as well as national administrations and different organisations. He then presents apologies received owing to absence by Mr. Juan Manuel Trujillo (ETF).

The complete list of attendees is included in ANNEX I.

2. Adoption of minutes of the last WG5 meeting – Videoconference, 18 March 2021.

The minutes of the previous meeting held on 18 March 2021 are approved with no changes or additional comments.

3. Approval of the agenda.

The agenda is approved with no changes to it.

4. Fight against illegal, unreported and unregulated (IUU) fishing:

4.1. Update from DG MARE on work progress.

4.1.1. Evaluation of the implementation of the IUU Regulation, the review of the Fisheries Control System and the recent LDAC Advice on Level Playing Field.

4.1.2. DG MARE update on the carding system process in 2021.

Ms. Desiree Kjolsen, representative of the unit against IUU fishing at DG MARE, explains the different developments in countries subject to scrutiny by the EU in terms of IUU fishing, informing that the Commission has issued 29 yellow cards (9 active) and 6 red cards (3 active) since the IUU Regulation entered into force. In addition, she notes that they are still working with strategic countries such as USA, Japan, China or Taiwan, among other.



Then, Ms. Kjolsen stops to comment on those countries that LDAC members have shown an interest in:

- Ghana: they were given a (second) yellow card in June 2021 mainly due to the lack of control and transparency in transshipments on the high seas and the "saiko" issue with gaps in the reporting of catch data and a lack of reliability when implementing their control system. Furthermore, deficiencies were identified in the EU mission in terms of traceability and verification of catch certificates. Finally, it was concluded that the regulatory framework is insufficient, and more specific conservation and management measures need to be adopted.

- Cameroon: they have a yellow card. They are proving with their attitude and facts that they have a collaborative spirit, so she hopes that they will overcome their deficiencies soon.

- Kiribati: the yellow card was withdrawn in December 2020. However, they are still monitoring their evolution and will pay close attention to them to prevent them from reoffending, as they did with Ghana and Panama.

- Ecuador and Vietnam: no news to report. Since the beginning of the pandemic they have been holding monitoring and coordination meetings with national authorities by videoconference mainly, but not being able to meet face to face makes it more difficult to conduct a complete assessment since they are not on the ground, especially when verifying the implementation of management and control measures.

Once she finishes the summary on the different countries, she explains progress made by the unit against IUU fishing at DG MARE:

- Regarding the electronic catch certificate, she informs that in January 2021 the unit was strengthened with a person who is exclusively devoted to relations with Member States (MS). She points out that at the end of the year, a handbook will be published on the use of the electronic catch certificate on the EC website that will also include a section on Brexit to ensure that the rules have been correctly interpreted. This document is an implementation guide with FAQs addressed to Member States' authorities, interested stakeholders and the general public in order to reach a better understanding of how rules are implemented, that is why it is so important to have a document like this one in writing.

Besides, they have started to carry out an internal exercise from a (non public) document to help MS notify import verifications and transfer them to the CATCH system. This exercise is very important, since it will serve as a common basis and once the process is automated the computing system will implement it in cooperation with the MS. DG MARE has also participated in many workshops on traceability organised by NGOs, industry and other institutions or actors. It is important to analyse the key elements present that may be used to achieve further harmonisation in the implementation of standards and to reach a level playing field. Besides, she informs that in 2022 a regional workshop will be held for the South of Asia to use the CATCH system.

- Questions asked by members and attendees and answers given by DG MARE:



Mr. Iván López, AGARBA/CEPESCA, enquires whether DG MARE is considering using the carding system in the North East Atlantic and what will happen with Norway in view of the numerous unilateral decisions that they are making in the framework of multilateral fisheries governance (NEAFC and Svalbard).

Ms. Anaid Panossian, CFFA-CAPE, asks how DG MARE works in coordination with EU delegations in third countries that are subject to scrutiny, and gives the example of the fact that Ghana has launched a programme for the fisheries sector. Moreover, she asks whether there are cooperation programmes for countries that have been given a yellow card.

The representative of the EC, Ms. Kjolsen, replies that they closely cooperate with all EU delegations in countries subject to scrutiny. In fact, they contribute with the sectoral programmes they adopt, paying special attention to fisheries. In addition, the EU funds and monitors the PESCAO Project, which is a regional governance programme in West Africa. Finally, she insists on the fact that they coordinate themselves with other sponsors such as cooperation agencies in other countries or the World Bank. They try to prioritise practical aid on the ground. Regarding Mr. López's question, she replies that years ago they had problems in the North Atlantic and that they are aware of the diplomatic difficulties with Norway owing to fisheries management issues. However, she clarifies that the EU IUU Regulation should not be used as an instrument of political pressure and she thinks that they do not intend to use the carding systems in this case.

Mr. José Beltrán, OPP-Lugo, voices his agreement with Mr. López and asks about the card given to Ghana. As for IUU fishing operated by purse seiners or trawlers with Ghanaian national flag but of Asian property, he asks if she knows the vessels and the flag in question.

The representative of the EC replies that she will ask her colleagues at DG MARE and will send the information related to the identity of the vessels.

* The information received after the meeting in this regard is the following:

"Trawlers fly the flag of Ghana. However, as it is stated in the Pre-identification Decision of 2 June 2021, the Commission notes that there are indications that the required genuine link may not exist and the relevant national legislation may not be complied with: "In addition, in accordance with Article 91 of UNCLOS, there must exist a genuine link between the flag State and the vessel. According to Section 47 of the Fisheries Act, 2002 (Act 625) a local industrial or semi-industrial vessel should be owned or controlled by a citizen of Ghana or by the Government or owned or controlled by a company or partnership registered by law in Ghana, having its principal place of business in Ghana and the share of which is beneficially owned by the Ghanaian Government, a citizen, a public corporation established by law in Ghana or a combination of any of them. Section 47 of the Fisheries Act, 2002 (Act 625) also states that the vessel is to be registered in Ghana. However, in case of the trawl industrial sector, as per public available information and exchange with the Ghanaian authorities, there are indications that the required genuine link may not exist and the relevant national legislation may not be complied with."

Mr. Pedro Reis, observer from MAC, informs that the Market Advisory Council (MAC) recently prepared advice (in January 2021) about Ghana that may be consulted on the following link: [MAC-Advice-Ghana-IUU-and-EU-Market-11.01.2021.pdf](#) (marketac.eu)



The response by the EC to the latter is available at: [response-MAC-Advice-on-Ghana-final.pdf](#) (marketac.eu)

Mr. Alexandre Rodríguez, LDAC Secretary, asks what happens if a country that has had its yellow or red card withdrawn becomes a repeat offender and does not comply with requirements. It is important to know whether the country continues with the same procedure and the implementation of an aggravated or accelerated regime leading directly to issuing a red card would be considered, or whether a new file is simply opened starting again with the issuance of a yellow card.

Ms. Kjolsen, EC, informs that when withdrawing yellow or red cards and giving a "green card", the EU is not waiting to see the practical effectiveness of implementing the regulation, but there is a robust regulatory framework and a structure with the capacity to implement it. In principle, the efforts and commitment of the third country are relied on. Nevertheless, surveillance and monitoring are ongoing and in case of noncompliance the process will start again, once the information on certain detected deficiencies is compiled and the capacity and efforts of the country are analysed. So, there is no big difference between the first and second time that a yellow card is issued, and a country cannot go directly from a green card to a red one. The EC conducts on-site visits, holds virtual meetings and checks whether the information received is reliable.

Mr. Julien Daudu, EJF, enquires if more information could be provided on the process of how cards are withdrawn and recalls that it is a request the LDAC already made on the advice on reaching a level playing field¹. He also asks if there is any news on the following countries: Liberia, Sierra Leone, Trinidad and Tobago and Saint Kitts and Nevis.

Ms. Kjolsen, EC, states that the green card is given based on transparency and developments by a country with a yellow card as a result of the analysis about how deficiencies found have been overcome. To this end, she would like to have more staff devoted to this analytical work. She explains that they have to decide when to visit the countries, since there is a new mandate process currently under negotiation with the European Parliament. Nothing has been decided yet, since they have to find a balance when the pandemic enables people to travel again.

The information about the countries that Mr. Daudu enquired about will be submitted in writing.

*Updated information on the countries was received a few days after the meeting:

- *Liberia: Although they are making constant progress to carry out the necessary reforms, essential issues yet to be addressed are the thorough and effective implementation of the legal framework recently adopted and effective monitoring, control and surveillance of Liberian vessels operating all over the world.*
- *Sierra Leone: DG MARE points out that progress has been made in the last few years regarding dialogue on the fight against IUU fishing with DG MARE. In fact, a new legal framework has been adopted with a new penalty system. A fisheries management plan has also been developed and Sierra Leone has ratified the relevant international legal instruments.*

¹ LDAC advice on reaching a level playing field https://ldac.eu/images/EN_LDAC_Advice_LPF_25May2021.pdf



However, DG MARE is still worried about the specific application of the new law (sanctions included) and the fisheries management plan, as well as about controlling fishing activities taking place in their waters. DG MARE wishes to ensure that adopted measures will be long-lasting.

- Trinidad and Tobago: The EU is offering technical support to this country that was pre-identified as noncompliant in April 2016. Although Trinidad and Tobago does not export directly to the EU, it is a strategic centre for transshipments in the East Caribbean region. The main deficiencies in terms of pre-identification were the obsolete legal framework, the lack of control of vessels flying the flag of T&T, the lack of inspections at port and the lack of interinstitutional cooperation. Trinidad and Tobago has shown true willingness to address identified deficiencies; in fact, they are currently reviewing their legal framework and they became part of the PSMA in October 2019. However, there are still a series of aspects, such as inspections at port, transposition of PSMA into national legislation and monitoring, control and surveillance, that need to be improved before the yellow card may be withdrawn. DG MARE wishes to ensure that adequate monitoring and control are implemented and that Trinidad and Tobago is capable of complying with its international obligations as flag, port, coastal and market state.
- Saint Kitts and Nevis has had a yellow card since December 2014. The main reasons for the country's pre-identification were the lack of management, monitoring and control of the high-seas fleet by its international registry, the recurrence of IUU vessels, trade flows and transshipments, as well its obsolete legal framework. Ever since, SKN has taken some positive steps towards the withdrawal of the yellow card; part of its legal framework has been reviewed for it to be updated according to international standards and efforts are being made to set an adequate monitoring, control and surveillance programme. However, the legal framework must be complemented with actions implementing a control and surveillance system, as well as a vessel licence/registration system to allow for robust fleet management. DG MARE must also ensure that there is effective collaboration among bodies".

The following ACTION is agreed by LDAC WG5:

- The LDAC will look out for publication by DG MARE on its website at the end of 2021/beginning of 2022 of a handbook or implementation guide for Member States on the correct interpretation and implementation of the IUU Regulation. This handbook will include a section on Brexit and another one on the electronic catch certificate.

4.2. Themes and proposals for reports and discussions on individual countries:

The Chair, Mr. Julien Daudu, encourages members to indicate the countries they find more interesting so that the LDAC can work on them.

4.2.1. Morocco.

Mr. Raúl García, WWF, explains that Morocco is an ally and strategic partner of the EU, one of the largest fish exporter to the EU and, therefore, they need to work more closely. He identifies the need to improve control of fisheries products from Morocco, as well as to contribute to the effective management of shared fishing grounds in the Atlantic Ocean, the Mediterranean Sea and in the Strait of Gibraltar, including illegal fishing and the use of driftnets. In addition, he recalls that Morocco is an important and strong actor in ICCAT and GFCM.

In spite of the above and in the light of the current complex situation, since there is a ruling of the General Court of Justice of the EU, he believes that it is most convenient to delay any debate



and the preparation of advice to 2022 when this ruling is clarified and resolved. The idea would be to address the EC from the LDAC indicating a series of priorities not only for DG MARE, but also for other DGs in order to improve governance, fisheries control and management, as well as to streamline the use of funds for sectoral support and resources available for development cooperation.

In view of this suggestion, the following ACTION is agreed:

In the light of the recent ruling of the General Court of Justice of the EU cancelling Council decisions on EU trade and fisheries agreements due to the Sahara dispute, it is decided to postpone the preparation of advice until 2022 once there is enhanced legal clarity. The said advice will have a wide approach towards improved cooperation and governance with Morocco, the efficient use of funds both in terms of sectoral support and development cooperation, etc. Consideration will be given to the possibility of preparing a joint opinion or letter with other ACs such as MEDAC, PELAC or MAC through a joint Focus Group to identify specific actions to be included (e.g. zonal management measures, improvements in terms of monitoring, control and surveillance, the problem of using pelagic drift gillnets, joint actions to fight against IUU fishing, etc.)

Mr. Pedro Reis, MAC Secretary and observer, voices his willingness to jointly work on this matter, requesting the LDAC to keep him informed in this regard.

Mr. Javier Garat, CEPESCA, recalls that Morocco is still using drift gillnets, and this means there is unfair competition. The representative of the EC, Ms. Kjolsen, says she takes note of this.

4.2.2. China

The Chair, Mr. Julien Daudu, informs that EJF has compiled evidence on IUU fishing and forced work on China's distant water fleet. Alerts have been sent to DG MARE and to other authorities. In fact, they are drafting a report on the fishing activity (fishing footprint) and capacity of the Chinese distant water fleet that will be published soon.

Mr. Daniel Voces, Europêche, thanks EJF for the interesting and important work they are carrying out, highlighting that with the opacity of the actions operated by its distant water fleet and its forced work practices, China is not only harming EU countries, but also developing countries. He voices his interest in collaborating in this matter and points out that OCEANA also has a report on subsidies for the Chinese fleet operations, distorting free competition:

https://ldac.eu/images/ChinaSubsidies_ResearchSummary_Final.pdf

The European Commission is requested to comply with the zero tolerance objective regarding IUU fishing activities.

Ms. Béatrice Gorez, CFFA-CAPE, considers the initiative presented by Mr. Daudu a very positive one, and supports Mr. Voces's words, underlining that in Africa most IUU activities are carried out by Chinese fleets.

Following approval on this suggestion, the following ACTION is agreed:

EJF is drafting a report with conclusions on the global fishing footprint and the activity of the Chinese distant water fishing fleet in international waters. The idea is that the LDAC prepares



an opinion on this matter in 2022, once this report is made publicly available. The possibility of creating a focus group to this end or of discussing it directly within WG5 will be considered.

- Questions asked by the members and answers given by DG MARE:

Mr. Daniel Voces, Europêche, asks the representative of the EC about the USA, as it is a country that takes observance of human rights and non-exploitation of workers very seriously when accepting the entry of fishery products in its market, having blocked many containers with products coming from China arguing that they are committing abuses in terms of working conditions. He would like to know if the DG MARE unit against IUU fishing could consider following a similar approach regarding the social dimension. In addition, he informs that ETF and Europêche are going to analyse this issue by means of a project.

The representative of the EC, Ms. Kjolsen, replies that in the last two years the USA has been taking very much into account the issue of labour abuses to block the entry of products into their market. The problem for the EC is that labour and social aspects are not part of the mandate of the IUU Regulation and they are out of its scope.

In the USA it is not implemented by the NOAA, it is up to customs authorities. She recalls that in the last speech by Ursula von der Leyen, it was mentioned that legislation instruments are being developed to cover this aspect not only regarding fisheries, but also in terms of the clothing industry.

DG MARE is in favour of not having products coming from abuses. They are following the debates by DG EMPL and DG INTPA to coordinate their actions.

Mr. Iván López, AGARBA/CEPESCA, expresses his disappointment as nothing can be done, even if they have ILO C-188. In his opinion, the EU should impose rules on those selling in EU territory and not only on those producing there.

Mr. Julio Morón, OPAGAC, believes that the LDAC should have a dialogue with those in charge of this matter, since it is essential for the EU as it involves unfair competition; so he suggests requesting to hold a high level meeting to study the best way to avoid this, open discussion and find solutions.

Ms. Anaid Panossian, CFFA-CAPE, asks about the situation in Thailand regarding the carding system and labour conditions.

Ms. Kjolsen, EC, replies that there was a dialogue with Thailand and DG EMPL about labour issues. She says that Thailand's yellow card was withdrawn as it overcame the deficiencies concerning control over its fleet, but that this has no connection with labour issues, such as the situation of migrant workers.

After some discussion, the following ACTION is agreed:

WG4 Chair, Mr. Julio Morón, suggests holding a high level meeting to open discussion and find solutions so that fishery products coming from fleets violating human rights cannot access or be sold in the UE. Communication channels need to be opened between DG MARE, TRADE, EMPL and LDAC. It is agreed that the debate on how to organise this event will be opened and it is suggested that a letter be written to the Commissionaire or the Director General for



Fisheries, Ms. Vitcheva, requesting a meeting in this regard once face-to-face meetings can be resumed.

4.3. Update on LDAC-MAC joint advice on Flags of Convenience.

The Chair, Mr. Julien Daudu, explains the LDAC-MAC joint advice on "Fostering the European Union's leadership in reducing the detrimental impact of flags of convenience in the fishing sector".

He thanks the MAC and the LDAC for the preparation of the advice informing that it was sent to the EC last 8 October.

The document is available on the following link: [https://ldac.eu/images/MAC-LDAC Dictamen Conjunto - Banderas de Conveniencia 08.10.2021 ES.pdf](https://ldac.eu/images/MAC-LDAC_Dictamen_Conjunto_-_Banderas_de_Conveniencia_08.10.2021_ES.pdf)

4.4. Way forward: actions agreed and work plan for last quarter of 2021.

The Chair, Mr. Julien Daudu, summarises all actions agreed, highlighted in bold in each item of this document.

5. Presentation of EP INI report on blue economy - MEP Carvalhais

MEP, Ms. Isabel Carvalhais, informs that she is the rapporteur for the report that is being finalised on "Sustainable blue economy in the EU: the role of the fisheries and aquaculture sectors" and that observations and comments can be included until 8 November.

She summarises the main points of the report and states that regarding the proposal of Regulation by the Commission she regrets the lack of specific objectives for resilient fisheries and aquaculture and to ensure a system to produce sustainable foodstuffs supplying marine protein for human consumption of high nutritional quality that are compatible with the protection of healthy biodiversity and ecosystems in line with the Green Deal, aligning the CFP with UN SDG14 targets.

In addition, she acknowledges the need to improve the compilation of data both in terms of commercial and recreational fisheries to build robust scientific and technical evidences that will allow for sensitive public policies in the framework of the blue economy. She finally encourages strengthening investments in fisheries and aquaculture in the framework of EMFAF, and working with the Commission and MS to promote plans for the coordinated use of maritime and land-based activities, having to analyse cross-sectional and multisectoral aspects to ensure the LPF in maritime activities.

Lastly, regarding marine governance, she highlights the work carried out by RFMOs and regional organisations such as RSCs to improve multilateral coordination of management measures and fisheries control.

The LDAC Secretary, Alexandre Rodríguez, thanks MEP Carvalhais for her detailed explanation and recalls that in December 2020 seven Advisory Councils adopted a joint opinion on the Commission's proposal on Blue Economy and invites her to take it into account in their deliberations. Moreover, he recalls that the LDAC has addressed this issue with DG MARE and FAO in numerous meetings. Bearing in mind the coincidence of multiple economic activities at sea, there is a need to integrate the considerations of the fisheries sector and its value chain and



to give complete coverage to the protection of marine biodiversity in a non-discriminatory manner. In this sense, he insists on the need to take a global adaptative approach that is consistent in areas such as Vulnerable Marine Ecosystems, with different implementation degrees and in many occasions only applicable to deep-water fisheries, but not to other catching activities with an impact on the seabed, because of the limited mandate of RFMOs. He repeats the offer made by the Chair and Vice Chairs about being at their disposal for consultations that may take place in the future in this context.

After listening to the comments by the members, the following ACTION is agreed on:

The LDAC will monitor the publication of the European Parliament own initiative report (INI) and will send Ms. Carvalhais, as rapporteur, information on the importance of bearing fisheries in mind in the international dimension of the blue economy, with special emphasis on access and priority vis-à-vis other catching activities of local artisanal fisheries in coastal countries, particularly with those with which the EU has signed sustainable fisheries partnership agreements. Mentioning the role of women in fisheries will also be suggested.

The draft report can be found here:

https://www.europarl.europa.eu/doceo/document/PECH-PR-697834_ES.pdf

6. Trade policy aspects:

6.1. Follow up of the LDAC opinion on level playing field between EU and non-EU operators on capture, processing and marketing of fishery products.

The Chair, Mr. Julien Daudu, recalls and summarises the advice on reaching a level playing field as well as the reply by the EC.

- LDAC advice:

https://ldac.eu/images/EN_LDAC_Advice_LPF_25May2021.pdf

- EC reply:

https://ldac.eu/images/EC_Reply_LDAC_Advice_on_Level_Playing_Field_R-03-21_WG5.pdf

6.2. Future EU GSP scheme:

6.2.1. Presentation by DG TRADE on CMO's proposal dated 22 September

The Chair, Mr. Julien Daudu, informs that it was not possible to get any representative from DG TRADE to participate in this meeting in spite of efforts carried out by the Secretariat in coordination with DG MARE.

He reminds attendees that in 2020 the reply to the public consultation was sent to the EC, which may be consulted on the following link:

https://ldac.eu/images/LDAC_Advice_Response_EC_Questionnaire_GSP_2020_25May2020.pdf

The proposal by the EC is available at:

https://ldac.eu/images/Propossal_GSP_22-09-2021.pdf



Finally, he says that the EC, by means of its proposal, was not very receptive to the LDAC comments, so he voices his disappointment and encourages them to resume this matter and monitor it.

6.2.2. Way forward: actions agreed and work plan for last quarter of 2021.

The Chair, Mr. Daudu, explains that this matter is of interest to the members as it covers international issues affecting RFMOs, it falls within the LDAC scope and is linked to the level playing field (LPF).

After discussing this issue, the following ACTIONS are agreed:

- **To examine the Commission document on the review of the generalised system of preferences (GSP):**

https://trade.ec.europa.eu/doclib/docs/2021/september/tradoc_159803.pdf

Those LDAC recommendations issued during the public consultation period that were not reflected on this document will be identified. It is agreed that a list of all relevant questions that LDAC members may have is to be compiled, so that they can be submitted to DG TRADE and invite them to participate (through DG MARE coordinators) in the next WG5 meeting to reply to them.

- The LDAC General Secretary will attend the MAC WG2 meeting, planned for January 2022, in his capacity as permanent LDAC observer, to follow up on matters of common interest for both Advisory Councils with the possibility of requesting a coordinated and complementary approach for the preparation of future advice on trade aspects that may affect distant water fleet operations.

END OF SESSION I



Wednesday 20 October 2021 (10:00-13:00h)

SESSION II – SOCIAL DIMENSION, LABOUR ISSUES AND INTERNATIONAL OCEAN GOVERNANCE

1. Social Dimension of CFP and labour issues linked to imports and trade:

1.1. Update on work of EU Social Dialogue Partners.

Mr. Daniel Voces, Europêche, makes a wide summary about developments achieved by social partners in their work at the European Social Dialogue Committee (ESDC).

- He explains the initiative "Fishers for the Future", which was adopted at the ESDC Plenary. He highlights the importance of improving socio-economic and labour conditions in the fisheries sector in order to attract youngsters and ensure the generational replacement.

- He summarises the Resolution on "Seafood social standards and supply chains" to certify the commitment to sustainability of the fisheries value chain. He points out that ILO Convention 188 should be implemented in all fisheries and fleets and should not be a private certification niche. This is very important for distant water fleets, and he insists on the fact that social partners should also be involved and participate in the development of these standards.

- He summarises the findings of the EU-funded project "Pillars of the Sea I"², which is over, and underlines the identification of guidelines for shipowners on decent recruitment conditions for migrant fishers in order to prepare a model contract that helps preventing abusive and fraudulent practices. Therefore, practical guidelines are needed for shipowners on how to ensure that private employment and recruitment agencies observe human rights and comply with international and EU labour standards.

- He explains the content of "Pillars of the Sea II"³, the main aim of which is to prepare guidelines aiming to assist those persons authorised by the relevant authorities to conduct medical check-ups and issue medical certificates. These guidelines are based on ILO and IMO joint guidelines on medical check-ups, but applying health standards and suitability criteria adapted to the specificities of the work of fishers.

- He informs about the possibility to develop "Pillars of the Sea III" in the future, that is expected to start in 2022 and would focus on making a legal analysis of the market and the different tools there are to fight against forced labour in industrial fisheries, such as banning imports coming from fleets performing forced labour. The idea is that the EU can establish a similar procedure to that set in the IUU Regulation, even considering the possibility of applying a carding system based on social issues. The necessary time frame expected to complete this work will be of 2 years.

² <https://europeche.chil.me/pillars-of-the-sea>

³ <https://europeche.chil.me/pillars-of-the-sea-ii>



Finally, he thanks the LDAC for their interest in collaborating with the ESDC regarding these issues and shows his willingness to continue working with this Advisory Council in order to manage to send a message to the EC and the MS on this matter.

Mr. Andrea Albertazzi, in his capacity as representative of the European Transport Workers' Federation or ETF, complements Mr. Voces's comments by underlining that there are very important issues that will be addressed at the ESDC plenary meeting in November that are jeopardising the economic viability of the European fleet, and that the impact on workers, employment and local communities dependent on fisheries needs to be taken into account.

Then there is a round of questions and comments. Afterwards, actions listed under point 1.3 are agreed.

Daniel Voces's presentation is available on the LDAC web site.

1.2. Development of the new legislation on due diligence in the value chain. Importance for the social and environmental sustainability of EU fisheries value chains.

Ms. Béatrice Gorez, CFFA-CAPE, explains that the sustained growth of international value and supply chains has contributed huge benefits to developing countries, but has also had some negative consequences, for example those related to violations of human and labour rights, environmental damage, farmland grabbing or landings, and administrative and political corruption. In addition, after decades of voluntary sustainability programmes and standards, they have not contributed the production desired from a sustainability point of view and have not improved access to the market by local communities.

She states that the Commission is moving towards the transition of voluntary measures into a more robust regulatory framework, proposing a mandatory due diligence system in the whole of the EU, linked to the Green Deal as a core sustainability element (Farm to Fork). Moreover, she informs that the European Parliament approved an initiative report on this matter in March 2021 and that the Commission proposal is expected to be adopted on 27 October 2021.

She then explains the content that the latter may have (based on EC and EP reports) highlighting the following ideas:

- Human rights and the environment are two fields where this legislation would be more necessary and effective.
- This legislation would also set equitable competition conditions among all companies operating in the EU market.
- This legislation would improve legal certainty and clarity, clarifying companies' responsibility and establishing effective implementation and penalty mechanisms, at the same time that it could improve access to resources by local communities, as well as remedial measures for affected people and communities.
- The establishment of a due diligence process at EU level in fisheries would force companies in the value chain to identify, prevent, mitigate and inform about the actual or potential impacts that their own operations or acquisitions of raw material and/or transformed and processed products have on human rights and the environment .



- Standards would be applied to all companies contributing to the supply chains of the EU market, including those from third countries.
- The legislation could include banning imports of products linked to serious violations of human rights.
- Due diligence would imply a flexible approach depending on the company's activity sector, type and size. There is a need to define sectoral guidelines, as in the case of fisheries⁴.
- Combating the negative impact of companies producing fishmeal not intended for human consumption and threatening coastal communities' food security.

The Chair, Mr. Julien Daudu, shares the following link:

<https://webcast.ec.europa.eu/eu-trade-policy-dialogue> with interesting comments by DG TRADE in this regard. He thinks that this issue needs to be closely monitored, and after listening to the comments voiced by the different members, actions noted in point 1.3 of this document are agreed.

1.3. Actions agreed: way forward.

The following **ACTIONS** are agreed:

- **CFP Social Dimension: LDAC WG5 will continue working with the members of the European Social Dialogue Committee on the priorities identified in the joint roadmap to send key messages to the EC and the MS.**

Ms. Béatrice Gorez suggests that the two main messages to be conveyed in the next months are about:

- 1) Entry and marketing in the EU market of fishery products coming from countries not respecting human rights;**
- 2) Getting to know the specific needs of the fleets and deciding the best way to proceed as AC, e.g.: model contracts for migrant workers to be applied to third-country workers on board European vessels.**

Mr. Raúl García suggests setting some social and labour objectives with indicators such as the creation of employment and jobs onshore and at sea, with quality information to be able to study the different ways to do it and to achieve a fair, equitable and socially constructive transition. He mentions the WWF study on this matter:

<https://www.wwf.eu/?4028941/Socio-economic-impacts-of-the-eu-common-fisheries-policy>

- **ACTIONS regarding due diligence in the fisheries value chain:**
- **WG5 will monitor the development of the EC proposal indicating that current voluntary measures are not enough and cannot be used to replace legislation. Furthermore, a focus group will be set up that will include all those interested to analyse the EC proposal and decide on the next steps.**
- **Aspects related to food security (e.g. fishmeal not intended for direct human consumption) or to the link between human rights and the environment will also be included.**

⁴ More information available here:

[https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/659299/EPRS_BRI\(2020\)659299_ES.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/659299/EPRS_BRI(2020)659299_ES.pdf)



- Moreover, WG5 will work together with WG4 to progress on the preparation of advice on the importance of the social clause in fisheries agreements, showing their link with the strategy and origins of the different products accessing the European market.
- The interest of other Advisory Councils to participate in the preparation of joint advice on this matter will be explored.

2. International Ocean Governance: ongoing processes

2.1. Update by DG MARE on outcomes of IOG in 2021.

The representative of the Unit on International Fisheries Governance at DG MARE within the EC, Mr. Marc Richir, recalls that at the beginning of 2021 a third IOG Forum was held and that several consultations took place that were reflected in the Commission report, after which he summarises the main messages: the need to pay more attention to climate change; broadening sustainability of industrial policies; showing the importance of blue economy and making further investments in IOG elements (enhancing technology and marine knowledge capacities, and control).

They are currently preparing the Communication that will include the new IOG agenda in order to present it in June 2022. In addition, he underlines that there will be an agenda full of events in 2022, something that is positive but that will require attention to convey a coordinated and consistent message. He mentions the main events as follows: the One Ocean Summit organised by France that President Macron announced for January, as well as the Our Ocean Conference organised by Palau in February 2022, the United Nations Conference in New York in June or July and the Lisbon Conference on SDG14 in July, co-chaired by Portugal and Kenya.

Their three main objectives are:

1. To update the strategy of a large world deal with the main ideas and conclusions of the forum.
2. To ensure consistency with the BBNJ process, bearing in mind COP 26 results on climate change, as well as the CBD process to set a framework with post-2020 global biodiversity objectives. Regarding this last objective, he says that since there are no specific targets for fisheries it is difficult for DG MARE to act as it falls under the remit of DG ENV.
3. To present specific actions to promote an effective governance framework in developing countries.

The EC is now working on all these summarised elements.

The Chair, Mr. Julien Daudu, thanks Mr. Richir for the information, and expresses his eagerness to learn about new developments in the next few months. Therefore, the following **ACTION** is agreed:

- **The LDAC Secretariat will closely follow any new developments on International Ocean Governance (IOG) by DG MARE in the next few months, especially regarding the evolution of a specific agenda as a result of the publication of the report with the conclusions of the IOG forum held in February 2021.**

2.2. Update on the draft LDAC Advice on deep-sea mining in international waters.



Mr. Alexandre Rodríguez, General Secretary, explains the work carried out by the specific Focus Group led by the LDAC on underwater mining, where the NWWAC, SWWAC and PELAC also participated, highlighting that it was set up in May and had another follow-up meeting in October 2021. After comprehensive work, there is a draft agreed by consensus to be soon sent to WG5 members for review and comments in order to adopt it in November and send it to the Commission prior to the meeting between the Council and the International Seabed Authority (ISA) planned for the beginning of December.

The representative of the EC, Mr. Marc Richir, informs that the EU opened discussion some months ago with the Member States through COMAR to prepare its position at the International Seabed Authority (ISA) and that it is quite complicated since there are shared competences. In fact, there are some member states that are wondering whether the EC has competence to represent countries regarding this matter. He says he is very interested in receiving the LDAC advice and reading it carefully. He informs that the EU decided to request a moratorium until there is scientific evidence available and that a similar approach has been adopted for the Arctic communications policy.

Mr. Matt Gianni, DSCC, asks whether the EC intends to attend the ISA meeting to be held in December and highlights his concern since he does not think many countries will attend face to face and so believes that it will be undermined and will leave them in a position of weakness. As for the review of art. 155 of ISA, the truth is that it is carried out every 5 years and that the next one should take place in 2022, so it would be a good opportunity for the EC to prepare some Terms of Reference with numerous documents it has at its disposal, including advice by representatives of stakeholders and civil society such as the LDAC, NGOs, EP, Council, that have already mentioned deficiencies in ISA's functioning and decision-making mechanisms.

Mr. Richir, EC, replies that the EC has not yet decided whether it is going to participate in the ISA meeting to be held in December as they are waiting for the approval of the Council-Coreper.

After a round of questions and some discussion, the following **ACTION** is agreed:

- The LDAC draft advice on underwater mining will be distributed among WG5 members for their approval and, if appropriate, it will be submitted to the Executive Committee for its formal adoption in October/November at the latest. This draft will also be shared with the NWWAC, PELAC and SWWAC Secretariats, inviting them to join in to issue joint advice.

2.3. Summary of main outcomes of IUCN World Conservation Conference (Marseille, 3-13 September 2021) and update on CBD process about MPAs.

Ms. Despina Symons, EBCD, makes a presentation containing a summary of the main outcomes of the IUCN World Conservation Conference and gives an update on the CBD process.

Ms. Symons's full presentation is available at the following link:
https://ldac.eu/images/Despina_Symons_Presentation_IUCN.pdf

3. Outreach and partnerships.



3.1. Report on LDAC participation at EFCA Advisory Board.

The Chair, Mr. Julien Daudu, explains the meeting of the European Fisheries Control Agency (EFCA) Advisory Board, where he acted as appointed representative of the LDAC together with the General Secretary. Both of them prepared a summary note that is available on the following link:

https://ldac.eu/images/LDAC_Summary_Note_EFCA_Advisory_Board_Meeting_8_Oct_2021.pdf

He then informs that EFCA Executive Director, Ms. Susan Steele, has accepted the LDAC invitation and will attend the next Executive Committee meeting planned for 30 November.

3.2. Identification of potential areas of work with FAO for 2021.

Mr. Audun Lem, FAO, summarises the work they have been carrying out in the last four years, pointing out that the draft guide on social responsibility in the fisheries and aquaculture value chain was presented in Vigo in 2019. It contains a series of voluntary and inclusive guiding principles that have been developed in consultation with stakeholders. Although the guide as such was not adopted, the work procedure was. First it was validated by the Sub-Committee on Fish Trade COFI-FT in 2020 and later by the Committee on Fisheries (COFI) in 2021.

A scoping paper is currently under preparation and could be adopted in May 2022. This document will include all relevant existing regulations in terms of maritime safety and security and will contain several appendices: industrial, processing, distribution and sales. They hope to be able to continue with this work and speed up the process by means of a consultation prior to the next COFI meeting in September 2022.

He then points out that they are very happy to be able to participate in the LDAC meetings. FAO believes that the work carried out by this Advisory Council is very useful, as well as their recommendations, so they would like to strengthen their relationship. As for the question on whether there is a need to formalise collaboration by means of a Memorandum of Understanding (MoU), he says that unless there are very specific actions and results it would not be necessary in principle, since FAO is increasingly opting for informal collaboration and reducing the number of MoU to adopt a more flexible and practical approach to operate in.

Mr. Iván López, LDAC Chair, is pleased to see the level of collaboration they have had with FAO so far. He highlights that they have collaborated in matters of mutual interest such as the promotion and implementation of ILO C-188 in the EU, as well as the analysis of social certifications and improvement of the level playing field.

Finally, he points out that they wish to have a more active participation with FAO so he says that the LDAC remains at their disposal for any consultation or matter they may need.

Mr. Marc Richir, EC, underlines the importance of artisanal fisheries and the potential creation of a specific subcommittee in the EU to help organisations like FAO.

Mr. Raúl García, WWF, states that artisanal fisheries have a lot to contribute and is happy with the commitment to devote 2022 to artisanal fisheries. In his opinion, FAO guidelines for artisanal fisheries need to be fostered and their practical application promoted with tools and knowledge



to improve their sustainability. He thinks it is very important to contribute to the good governance of these fleets.

The General Secretary, Mr. Alexandre Rodríguez, informs that some actions where the LDAC and FAO could work together in 2022 have already been identified and he sums them up:

- Common Oceans ABNJ Programme: Deep-water fisheries and tunas
- Impacts of climate change on fisheries
- Traceability of fishery products
- Social responsibility of fisheries value chains
- Regional cooperation between RFMOs/RSCs - Multilateral dialogues
- Fight against IUU fishing and implementation of FAO PSMA
- Links between FAO and the EU blue growth strategy
- The role of artisanal fisheries in food security and the development of local communities

Dr. Mariana Toussaint, FAO, says she totally agrees to explore more areas of work between the LDAC and FAO in addition to those related to social aspects, and so she offers the possibility to organise a virtual or face-to-face workshop at the beginning of 2022 and to hold meetings with different FAO departments.

Mr. Julien Daudu, Chair, voices his conformity with the suggestions put forward by FAO representatives and summarises the **ACTIONS** agreed taking into account the comments made by the different members:

- To strengthen the relationship LDAC-FAO in 2022: To identify different elements where the LDAC can work together with FAO beyond the merely social domain and explore the possibility of organising a virtual or face-to-face coordination meeting at the beginning of 2022.

- FAO will be invited to attend the Executive Committee meeting on 30 November and the coordination meeting for Chairs and Vice Chairs on 1 December to settle collaborative work.

4. Final remarks and closure

The Chair, Mr. Julien Daudu, thanks all attendees, the representatives of the EC, the interpreters and the LDAC Secretariat for the work put into this meeting and closes the meeting.

END



ANNEX I. LIST OF ATTENDEES to the LDAC Working Group 5 meeting

Tuesday 19 and Wednesday 20 October 2021

MEMBERS OF WORKING GROUP 5

1. Julien Daudu. EJF
2. Daniel Voces. EUROPÊCHE
3. Iván López. AGARBA
4. Béatrice Gorez. CFFA-CAPE
5. Rob Banning. DPFA
6. Juan Manuel Liria. CEPESCA
7. Julio Morón. OPAGAC
8. Javier Garat. CEPESCA
9. Katarina Sipic. AIPCE-CEP
10. Christine Adams. Seas at Risk
11. José Beltrán. OPP-Lugo
12. Anertz Muniategi. ANABAC
13. Eduardo Míguez. Puerto Celeiro
14. Rosalie Tukker. Europêche
15. Despina Symons/Jacopo Pasqueiro/Ricardo Alfaro. EBCD
16. Luis Vicente. ADAPI
17. Pierre Commere. FIAC
18. Raúl García. WWF
19. Louis Lambrechts. WWF
20. Sara Fröcklin. SSNC
21. Joelle Philippe. CFFA-CAPE
22. Anaid Panossian. CFFA-CAPE
23. Martina Zurli. FRUCOM
24. Andrea Albertazzi/Juan Manuel Trujillo. ETF
25. David Troncoso. ANASCO
26. Edelmiro Ulloa. Opnapa/Anamer/Agarba/Acemix

OBSERVERS

27. Marc Richir. DG MARE (point 6.1) International Ocean Governance
28. Desirée Kjolsen / Laura García. DG MARE – IUU fishing
29. Pawel Szatkowski. DG MARE – Trade Policy
30. Anais Demaille/Maria Ferrara. DG MARE – IOG and social dimension
31. Arianna Broggiato. DG MARE – International Ocean Governance
32. Matt Gianni. DSCC
33. Isabel Carvalhais. MEP – European Parliament
34. Bruno Castanho. Parliamentary assistant to MEP Carvalhais
35. Audun Lem. Deputy-Director of the FAO Fisheries and Aquaculture Department.
36. Mariana Toussaint. FAO
37. Jesús Iborra. Secretariat of the Committee on Fisheries of the European Parliament
38. Irene Vidal. EFCA
39. Petra Spaniol. EFCA
40. Carmen Paz-Martí. Secretariat General for Fisheries (SGP), Spanish Government.



41. Isabel Teixeira. DGRM – Ministry of the Sea - Portugal
42. Carla Baz. MarInnLeg Foundation
43. Ana Sedenko. Ministry of Agriculture – Republic of Lithuania
44. Vytautas Danilevicius. Ministry of Agriculture of Lithuania
45. Pedro Reis. MAC Secretariat
46. Michael Cohen. ISSF
47. Alberto Martin. MSC Spain
48. Annika Mackensen. GIZ - Germany
49. Sonia Doblado. FARFISH Project
50. Alexandre Rodríguez. LDAC Secretariat
51. Manuela Iglesias. LDAC Secretariat
52. Marta de Lucas. LDAC Secretariat