



## **MINUTES**

### **31st meeting of LDAC Working Group 1 Highly Migratory (Tuna and Tuna-like) Stocks and its RFMOs**

**Tuesday 21<sup>st</sup> March 2023, 9:30-13:00h**

**Hybrid meeting: Brussels NH Berlaymont Hotel – Zoom**

Chair : Michel Goujon

Vice-Chair : Antonia Leroy

#### **1. Welcome by the Chair.**

The Vice-Chair of WG1, Ms Antonia Leroy, opened the meeting by thanking the members and observers of Working Group 1 for their presence and participation in this hybrid meeting.

**The list of participants as members and observers is provided in Annex I.**

#### **2. Adoption of the minutes from the last WG1 meeting – 26 October 2022.**

The minutes of the previous WG1 meeting were approved without modifications or comments.

#### **3. Adoption of the agenda.**

The agenda was approved without changes.

#### **4. ICCAT – Atlantic Ocean**

##### **4.1- DG MARE Report on process and main priorities for ICCAT 2023 (Egypt, 13-20 Nov).**

The EC representative, Seamus Howard, began by taking one step back in time and move to the ICCAT Annual Meeting held on 2022, the first held in person since the pandemic. Several successful outcomes were achieved there, namely:

- A Management Strategy Evaluation for Bluefin tuna (BFT), with a new Management Procedure allowing new basis for TAC of 40 570 t for the Eastern stock with a share for the EU corresponding to 21 403 t.
- Adoption of a Management Plan for South Atlantic Shortfin mako shark (SASM): the aim of the EU proposal was to avoid that South Atlantic stock followed the same negative trend and was regulated similarly to the Northern stock. It included a total retention allowance of 1 295 t; and that the total amount of both dead discards and returns at sea alive should not exceed 2 001 t total, in accordance with scientific advice of the ICCAT Scientific Committee (SCRS).
- Reduction of Sea Turtle by-catch on longline and purse seine fisheries.
- Revision of measures of South Atlantic Swordfish (SWO) in line with scientific advice.
- A resolution on climate change and impact on ICCAT fisheries.



For 2023, Tropical tunas will stay high on the agenda for ICCAT. The EC is working on an ambitious proposal for tropical tunas, to tackle some crucial issues, such as:

- Setting of a TAC for Bigeye tuna (BET) reflecting the improvement of the stock,
- Reallocation of fishing opportunities to developing coastal states to ensure equitable distribution of the TAC.
- Better management of fishing capacity
- Improved management of Fishing Aggregated Devices (FADs)
- Growing efforts to enhance Monitoring, Control and Surveillance (MCS).

As it happened in 2021, a roll-over of current measures for tropical tuna with very minor modifications (including a slight change of TAC) was agreed in 2022, and Coastal developing States continue claiming for a greater share of the quota allocation. Therefore, for Tropical tuna, the objective is to adopt more effective measures for all fleets and better management of FADs for purse seiners, as well as a TAC aligned with scientific advice allowing allocation of BET and YFT together with capacity limitations. The discussions will begin intersessional at the Panel 1 (PA1) in the coming weeks with the aim of progressing towards a new multiannual plan for the conservation and management of tropical tuna stocks.

Other priorities for 2023:

- Pending MSE for Atlantic SWO and tropical tunas.
- Blue shark stock assessment
- Atlantic Albacore and Sailfish stock assessments.

Questions from the members:

**Edelmiro Ulloa (OPNAPA-ARVI)** asked for some clarification on the MSE proposal for SWO. The EC representative explained that the discussion has just began so the proposal is still at a very early stage and that the coming PA1 meeting in Lisbon will be an opportunity to gather your input.

**Edelmiro Ulloa** also underlined the frustration on the lack of sufficient coordination between DG MARE and DG ENV at EU level on Northern and Southern Atlantic Shortfin mako and the discrepancy of outcomes between ICCAT and CITES. The EC representative replied that even if there is coordination between the different DGs within the Commission, the work in CITES is done independently of DG Mare. **E. Ulloa** recalled that the prohibition of catching Shortfin Mako comes from the CITES Scientific Review Group from EU in September 2022 and was included under the list of species of Annex II as well as under the TAC & quota regulation of 503t in January 2023.

On tropical tunas, **Raul Garcia (WWF)** asks a question on the biological status of the yellowfin tuna stock (YFT) and **Xavier Leduc (ORTHONGEL )**, questions the quota allocation process for the same species. The EC Representative explained that for 2023 it is difficult to imagine discussions on YFT allocation as there will be a detained focus on BET issues which is overexploited and subject to a recovery plan. As the situation is extremely difficult, an extra intersessional meeting scheduled this year is a good opportunity to resume work on YFT. In terms of strategy, the EC is considering on several bilateral meetings involving key players and CPCs interested in harvesting this stock. There is a suggestion to create a WG on allocation chaired by a neutral CPC. For skipjack, the EC would be quite eager to have a discussion on this species, as the stock assessment is good both for the Eastern and Western Stock, considered not overfished nor subject to overfishing.



There was an exchange on Bluefin Tuna between **Raul Garcia, Javier Garat** and **Sean Howard** on:

- How to consider, soon the differentiation of farmed bluefin tuna from aquaculture into the legislation in terms of traceability, minimum size, etc. The EU has submitted a paper on this issue in PA2 from ICCAT.
- Regarding fight against IUU fishing linked to “Tarantelo operation” and judicial ruling in Spain: Javier Garat explained that CEPESCA has joined as private accusation in the appeal. The instruction is now finished and that the hearing and ruling at the Audiencia Nacional should take place soon.
- On limitation on fishing capacity and the discrepancy between fishing possibilities and fattening capacity by EU countries: the EBFT regulation proposal for transposition should deliver some solution soon but a writing answer will be given on the potential amendment of ICCAT Recommendation on capacity transfer for BFT.

**Alexandre Rodriguez (LDAC Secretary)** recalled some elements from last [LDAC ICCAT advice](#) on fight against IUU fishing in order to know if some improvements and developments have been reached during the last ICCAT plenary. Seamus Howard explained that the key measure adopted was the recommendation 22-14 to promote compliance.

#### **4.2- Identification of topics for preparation of LDAC advice and way forward.**

#### **4.3- ToR for Inter AC work on a preparation of a joint advice (CCRUP-SWWAC-MEDAC).**

**Alexandre Rodriguez** kept members aware of an informal meeting between Chairs and Secretaries of the LDAC, MEDAC, SWWAC/CC-Sud and ORAC/CCRUP, held on 3 March 2023 to exchange views on work priorities for ICCAT (i.e., areas and stock covered, main topics of interest for advice, calendar of meetings and working procedures from each AC). This meeting served to explore avenues of collaboration for developing joint positions or coordinated views and pieces of advice in the future that might be submitted to DG MARE.

The long-term objectives of this inter-AC collaboration would be to:

- Set up a forum for dialogue (formal/informal) between Chairs, Secretariats and Members to coordinate and be aware of each AC work on this area.
- AC Chairs, Secretariats and/or designated members to participate in observer/expert capacity at each relevant AC Working Groups dealing with this subject (and follow up actions and minutes from them).
- Consider creating a joint AC Focus Group meeting (in person/hybrid/virtual) periodically to deal with topics of interest in ICCAT – each AC could rotate in terms of organization (agenda, minutes, actions...).
- Keep each AC informed on relevant consultation procedures and content of advice that can be endorsed/signed-off/incorporated in several AC pieces of advice.
- Have a coordinated voice with the DG MARE, in forthcoming technical coordination Inter-AC meetings on this topic.

**Iván López (LDAC Chair)** added that they will collate all contributions received from ACs and members in time and aim to produce a consolidated advice reflecting views from different ACs on a same stock in a nice format. The Inter-AC work will also envisage to organize 1 or 2



meetings a year based on Focus Groups/Working Groups around ICCAT and invite EC representatives for that.

This procedure was welcomed by the EC representative and perceived as positive in terms of work efficiency the possibility to discuss this topic with different ACs in one forum as well as having a consolidated version of Inter-AC joint advice.

## 5. IOTC – Indian Ocean Tuna Commission.

### 5.1. DG MARE Report on outcomes of IOTC 6<sup>th</sup> Special Meeting and FADs (Kenia)

The EC representative, **Marco Valletta**, reported on the last IOTC meeting before giving some explanation for the next plenary session.

#### - Allocation Criteria Technical Meeting

Long work that is finally giving some results: most of the IOTC delegations agreed to work on one text and on the general structure on the allocation system. The next difficult part to come will be when putting this down to numbers. Maybe 2024 will be the year for a resolution on it.

#### - Special session on FADs

For EC, the meeting was highly disappointing. The EC objective was to have a FAD resolution acceptable and implementable for everybody based on a fair share of quota. Unfortunately, many CPCs simply decided not to negotiate with the EU and/or with countries fishing in FADs. There were alternative solutions that could have been adopted by all CPCs.

**Marco Valletta** recalled that EC came to the meeting with a proposal extremely ambitious, that could have solved most of the issues: introduce compulsory requirement of FADs biodegradability, reduce the number of FADs in a number never discussed in other RFMOs, etc. However, the proposal was not even considered, and the other candidate resolution was adopted by vote of 2/3 majority. This resolution introduces a 72-day closure of FAD in 2024, even in the absence of scientific assessment. The EU is not a priori against the idea of closure, but it needs to be based on scientific evidence to find out when, how long and where it should be closed. Also, science is required to assess if the closure must be adopted only to drifting FADs (dFADs) or also other gears such as anchored FADs. Furthermore, in the Indian Ocean, estimated catches of purse seiners represent only one third of the total catch of tropical tuna – therefore there are 2/3 of the total removals that have not been taken into account. Anchored FADs have impacts on juvenile mortality which is similar or even worse than drifting FADs.

The EU proposal to have a scientific evaluation on FAD closure was not even considered. On FAD register, EU could have been in favor with the notion. However, the implementation is de facto a phasing out of FADs, because FAD cannot be replaced according to the proposal. On supply vessels, if you ban them, you make Purse Seine activity much more time and fuel consuming and take out the possibility to retrieve FADs. And last, the resolution introduces real time monitoring system for FAD, while VMS is still in discussion for vessels.

On the method, if adoption by a majority is admitted, it will be the first time that a group of CPCs which does not have fleets fishing with FADs votes against another group of CPCs which does have fleets using FAD. For the EC, the resolution adopted was not designed to reach sustainable objectives but for commercial reasons, i.e., to exclude one fleet segment from IOTC. The main

beneficiaries of this FAD closure (e.g., Indonesia), are clearly behind the adoption of this resolution. Indonesia is also objecting all resolutions on setting a management plan for tropical tuna since several years.

The EC is considering different options. Discussions are currently ongoing with Council and EP:

1. Fix the mistakes by amending the IOTC resolution 23-02 adopted in February, during the plenary meeting to be held in May. Some part of the resolution can be acceptable: biodegradability, but rest needs to be scrapped.
2. Consider the growing number of objections to this resolution formulated by different CPC.
3. Possibility to work on unilateral measures to apply to our own fleet independently to IOTC resolution.

On the other hand, these discussions on FADs prevent any in-depth discussion on tropical tuna and catch limitation while some stocks remain in bad shape. Every CPC should do efforts to align the catches to the scientific evaluation.

EC priorities are similar as last year, in relation to the compliance procedure.

#### Questions from the membership:

**Xavier Leduc, Raul García, Ivan López**, have questioned the EC representative on the future of IOTC in relation with the outcomes of the last meeting on FADs and knowing that CPCs acting against EU are not declaring their catches.

**Raul García** has some practical questions on the FAD resolution, i.e., whether it could be amended and if it would be possible to work on FAD to reduce juvenile catches having in mind socio-economic arguments.

**Ivan López** stated, that the EC must react by reviewing import conditions and ATQs coming from those non-compliant CPCs. He also accused a member organization (IPLNF) of working for its own profit under the guise of sustainability, when in fact they are using technical arguments and liaising with third countries with conflicting interests from those of the EU to achieve their own commercial objectives.

**Marco Valletta** replied to the questions and comments raised by LDAC members as follows:

On the future of IOTC, he shared the same fears because there was not willingness to find a common solution to a common problem. The problem could not be solved by amending IOTC Agreement because it is a very difficult procedure and because the problem is the absence of willingness to find a consensus.

On FAD resolution, the number of objections received from several CPC show that there is a real problem. But if CPC want to continue to impose measures by majority, they can at the expense of the continuity and legitimacy of the organization as a multilateral body.

On trade aspects, even if DG Mare are not responsible for trade aspects, every DG are aware of what happened in Mombasa and what are the consequences for the EU. Everybody is also aware of who are behind the resolution.



The EC is in favour of having a collective and mature reflection on FADs, as it was the aim when tabling its proposal. However, the EC representative hope that the future discussions in IOTC Annual Meeting in May do not focus solely on FAD.

The Annual Meeting starts on 8 may, and the EU proposal must be submitted by 8 April. With this calendar in mind, the LDAC advice should be given as soon as possible.

## **5.2. Proposal from EUROPECHE Tuna Group (Anne-France Mattlet).**

**Anne-France Mattlet** explained the proposal for LDAC recommendation to invest more resources into cooperation in the Indian Ocean.

This proposal is structured upon three recommendations:

1. Better collaborate with Indian Ocean countries throughout the year for better results within the RFMO, using its own network of EU external services (e.g., EEAS, permanent delegations of the EU).
2. Use relations with third countries on SFPAs and preferential trade agreements as opportunity to better analyse and prepare for IOTC's negotiations and works towards reasonable proposals based on science with IOTC countries, including by tabling common proposals to the IOTC.
3. Invest more human and operational resources in science not only for strengthening European physical participation to RFMO's scientific meetings and workshops, but also for establishing regular exchanges with Indian Ocean's countries scientists, including by organizing events on fisheries and environment resources and by financing projects for sustainable fisheries.

**Daniel Voces (Europeche)** asked for the EC intention on objecting or amending the IOTC resolution on FADs and on the message it would give to other CPC.

**Béatrice Gorez (CFFA)** indicated that, for the artisanal fishers in the Indian Ocean, the dynamic between the coastal states is positive. However, they complain about an increasing displacement of fishing effort perceived from the high seas to the EEZs. She remarked that the key question here is about access rights and quota allocation. Sustainable fisheries must be rewarded looking at objective criteria such as selectivity of fishing methods, adequate reporting of catches and logbook accuracy, and contribution to coastal economies.

**Raul García** asked for the difficulties of the Scientific Committee to propose measures on FAD closure, and on juvenile catches reduction. He also wanted to know where the studies on biodegradable FADs are.

The EC representative, Marco Valleta, replied on the proposal made by Europeche, that they are working in coordination with their EU delegations in coastal states to articulate dialogue and actions. In this regard, they already had a first exchange with Coastal States on EC proposals. However, it is not always easy to include them as co-sponsor for IOTC.



On reviewing the resolution, the main subject is that EC has four “red lines” or points that are unacceptable for the negotiations (namely FAD closure, limit on supply vessels, imposition of real time FAD monitoring system and a static FAD register). These points should be either amended, deleted, or redrafted so the current resolution is not acceptable as it stands now.

The EC representative also considered that the most important issue is on allocation and how much you fish. He also recalled some elements highlighted on the scientific committee work:

1. The Scientific Committee was not able to give a clear advice because the IOTC Commission did not give them a clear demand, since certain Coastal States did not want to have some advice on all kind of FAD (drifting and anchored).
2. The SC is formally asked to provide a scientific advice by December 2023 on FADs to give to the Commission some idea of range of FADs closure, how long, when, where the closure will take place. It is expected that by then, according to scientific advice, the Commission will have all the elements to take a decision, even using the precautionary approach.

**Julio Morón (OPAGAC)** agrees with the approach adopted by the EU. Many IOTC countries are not complying with their obligation of catch limit and reporting of all harvested tropical tunas. As a result, they have objected to many IOTC resolution and even used forbidden gear such as large-scale driftnets. We should focus on improving management by compliance and level playing field and not be obsessed with FADs acting as smokescreen.

**Martin Purves (IPLNF)** made some comments on the EC position on IOTC raising IPLNF concerns on the EC contradiction re FAD closure comparing its position on different RFMOs. He does not understand why the EC does not want to push for adoption of Precautionary approach in view of the lack of science, as stated in the CFP, in the case of IOTC FAD management. In his view, the purse seiners on FADs are the main responsible of high levels of juvenile mortality of BET and YFT. These stocks are overfished and subject to a critical situation. Regarding the proposed duration of the closure of 72 days for 2024, he stressed that in other RFMOs such as WCPFC there are longer periods, and the EU has backed it. Last, Mr. Purves asked if IOTC Res 22-03 is considered unacceptable, whether next measures proposed at IOTC AM be in line with both PA and EBAFM principles, as they are fully incorporated in the CFP.

The EC representative, Laure Marot, focus her answer on the fact that in the Indian Ocean, unlike in other Oceans such as the Pacific, purse seine catches represent only 30% of the mortality of the tropical tuna and that industrial catches of Yellowfin tuna represent 50% of total catches, being the other 50% of catches coming from artisanal fisheries in developing countries. For example, Indonesia has thousands of vessels using anchored FADs, and this is not even considered here. Therefore, without taking the issue globally and all the fleets into account, no result will be reached in terms of long-term sustainability of the fishery.

Ms. Marot also explained that in the case of FAD management plan, the precautionary approach is not applicable in this case because there is a lot of data available and that can be used. The reason that there is no scientific advice yet is because some of the Parties have refused to ask for it.



### **5.3. Way forward: preparation of a LDAC Advice for IOTC 27<sup>th</sup> Annual Session (Mauritius, 8-12 May 2023)**

*ACTION: The Europêche proposal on IOTC will be shared and circulated amongst LDAC working group 1 members. In view of the feedback/reaction received, the Secretariat will consider the feasibility of scheduling a dedicated focus group.*

## **6. WCPFC – Western and Central Pacific Fisheries Commission.**

### **6.1- DG MARE Report on the outcomes of the 19<sup>th</sup> Regular Session of WCPFC (27 Nov – 3 Dec 2022): key actions to be completed in 2023.**

The EC representative, **Laura Marot**, made a quick review of last WCPFC plenary meeting held in November-December 2022. This meeting addressed scientific, technical and conservation discussions. After a long negotiation the management procedure for skipjack has been adopted, unfortunately the binding procedure could not be agreed. Instead, it was decided to take into consideration a decision-making process. Revised measures for sharks were also adopted, concerning mitigation measures to protect silky sharks and whitetip sharks in longline (LL) fisheries.

On electronic catch reporting (ERS/logbook), even if a measure has adopted, it has been really watered down by a lot of parties do not prepare to use this kind of electronic procedure.

On South Pacific SWO, the proposal was not adopted but it might come back this year. It focuses on extending the scope of measures, establish time zone management and allocate FO in all CPCs. This is an important stock for EU longliners. The proposal from Australia was going too far without being based on science. A discussion was on the extension of the scope to cover all sources of mortality. The EC is thinking about making a proposal for 2023, but the EU position is complex in WCPFC.

Another point of importance solved is the compliance monitoring review because it was put on hold in 2021 to develop a new system to assess compliance in WCPFC. During the next annual meeting, the compliance review will be possible.

A new Executive Secretary was chosen, Dr Rhea Moss Christian. She started in February. There will be also a new Chairperson.

The issues for the next annual meeting I Cook Islands will be mainly the revision of tropical tuna measures in WCPFC – this is the flagship measures which are revised every 2 years. The allocations in the high seas will probably be at the core of the discussions. There will be two workshop to prepare scientific work before annual meeting.

**Dr. Iris Ziegler** (Seas at Risk / Sharkproject) showed concern that the adopted measure to reduce bycatch mortality of vulnerable oceanic whitetip and silky sharks caught by longliners has not been applied to the complete area of competence of the WCPFC. As long as the gear is allowed on board monitoring of compliance with this new measure will be challenging in face of the low observer coverage on longliners in the Pacific.





For the EC, it is a question of principle as the scientific advice focus only on a particular area. On control aspect, all the measures in place should help the compliance in all the fleet.

The question of **Raul García** IS on the EC work program on Blue shark. Since this species in the Atlantic has already been included in the CITES Appendix II, what will happen in the Pacific? This could be an opportunity to adopt a coherent approach backed by science, improve traceability of catch origin, and reflect best practices from compliant fleets that store on board and trade both the carcasses and the fins.

The EC representative, Laure Marot, replied that she will check with relevant colleagues and a reply will be provided in writing form She precised that what is necessary for protecting sharks in one area does not necessarily applies to other areas.

## **7. IATTC – Inter-American Tropical Tuna Commission.**

### **7.1. DG MARE update on follow up and pending actions of IATTC meetings.**

### **7.2. Open discussion and questions from the floor: way forward.**

There was no time left for this point. It was agreed that specific questions or remarks from the members can be channelled to the relevant DG MARE representatives via the Secretariat.

## **8. Closing**

The Vice-Chair of WG1, **Antonia Leroy**, closed the meeting recalling that the next WG1 meeting will be held in October 2023.

**--END--**



## **Annex I: Attendance list**

### **LDAC Working Group 1**

**21 March 2023**

#### **WORKING GROUP MEMBERS (in person)**

- |                               |                               |
|-------------------------------|-------------------------------|
| 1. Antonia Leroy. WWF         | 10. Rosalie Tukker. Europêche |
| 2. Béatrice Gorez. CFFA-CAPE  | 11. Andrea Albertazzi. ETF    |
| 3. Iván López. AGARBA/CEPESCA | 12. Javier Garat. CEPESCA     |
| 4. Edelmiro Ulloa. OPNAPA     | 13. Raúl García. WWF          |
| 5. Ángela Cortina. OPNAPA     | 14. Daniel Voces. Europêche   |
| 6. Erik Olsen. DSLS           | 15. Alexandra Philippe. EBCD  |
| 7. Julio Morón. OPAGAC        | 16. Despina Symons. EBCD      |
| 8. Xavier Leduc. UAPF         | 17. Vanya Vulperhorst. OCEANA |
| 9. Marc Ghiglia. UAPF         |                               |

#### **OBSERVERS (in person)**

- |                                     |                                  |
|-------------------------------------|----------------------------------|
| 18. Seamus Howard. DG MARE (ICCAT)  | 22. Laura Marot. DG MARE (WCPFC) |
| 19. Eva de Bleekek. DG MARE (ICCAT) | 23. Alexandre Rodríguez. LDAC    |
| 20. Eliot Valverde. DG MARE (ICCAT) | 24. Manuela Iglesias. LDAC       |
| 21. Marco Valleta. DG MARE (IOTC)   |                                  |

#### **MEMBERS OF THE WORKING GROUP (present via ZOOM)**

- |   |                                       |
|---|---------------------------------------|
| 25. Aivaras Labanauskas. LLFA           | 35. Florie Hovine. Earthworm Foundat. |
| 26. Amélie Giardini. EIJ                | 36. Carlos Barciela. ORPAGU           |
| 27. José Beltrán. OPP-Lugo              | 37. Umair Shaid. WWF                  |
| 28. Juan Martín Fragueiro. ANACEF       | 38. Anaid Panossian. CFFA-CAPE        |
| 29. Anne-France Mattlet. EUROPECHE      | 39. Hilario Murua. AZTI/ISSF          |
| 30. Rocío Béjar. CEPESCA                | 40. Amelie Giardini. EIJ              |
| 31. Rob Banning. DPFA                   | 41. Iris Ziegler. Seas at Risk        |
| 32. Héctor Fernández. Bolton Food       | 42. Octavio. ANACEF                   |
| 33. Emilia Dyer. IPLNF                  | 43. Martin Purves. IPNLF              |
| 34. Tom Pickerell. Global Tuna Alliance |                                       |

#### **OBSERVERS (present via Zoom)**

- |                                       |                                  |
|---------------------------------------|----------------------------------|
| 44. Alberto Martín. MSC Spain         | 49. Michael Cohen, ISSF          |
| 45. Ismael Yagüe. SGP Spain           | 50. Naji. ATLAFCO-COMHAFAT       |
| 46. Annika Mackensen. GIZ-Germany     | 51. Bennabbou. ATLAFCO-COMHAFAT  |
| 47. Carolina Silveira. CCRUP          | 52. Francisco Fernández. OPROMAR |
| 48. Xoan Lueiro. FIP BLUES -Technical |                                  |