



**REPORT**  
**MEETING BETWEEN LDAC - DG MARE - DG DEVCO**  
**DG MARE, Joseph II 99, Brussels**

**Monday 9 February 2015**  
**Time: 15:00-17:00 h GMT+1**

**Participants**

LDAC

Julio Morón (WG5 Chairman) – Sector  
Javier Garat (Executive Committee member) - Sector  
Béatrice Gorez (WG4 Vice-Chair) - NGO  
María José Cornax (Executive Committee member) - NGO  
Alexandre Rodríguez (Secretary General)

EUROPEAN COMMISSION  
DG MARE  
Valérie Laine (IUU)  
Stelios Mitolidis (IUU)  
Spanish representative (IA)  
Eduarda Duarte (IA)  
Evangelia Georgitsi (A2)  
DG DEVCO  
Isabelle Viallon

**Terms of reference**

The European Commission considers it a priority to fight against IUU fishing and to adopt a participatory approach continuously integrating stakeholders (LDAC, industry and civil society) in the decision-taking consultation process.

The Commission acknowledges the work and initiative of stakeholders in this field (e.g. the collaboration agreement with the Sector, NGOs and the Administration [General Secretariat of Fisheries] in Spain; inspection and monitoring programmes with onboard cameras and electronic observer on French and Spanish seiners; FAD selectivity and impact studies...)

1. EC Communication on the application of the IUU Fishing Regulation

*The outline of ideas included in the LDAC letter of 10 December 2014 was followed (see Annex I)*

- State of play: It is currently under internal deliberation process within the European Commission services. Its publication is expected for March/April 2015.



- Aim: Finding an effective and updated application of the IUU Regulation, without modifying or amending any of the articles.
- Main aspects:
  - Increasing compliance by Member States: Mutual assistance system (only for stakeholders)
  - Providing new tools to implement the catch certification scheme at Member State level
  - Developing procedures for risk analysis with EFCA
  - Creating a centralised Member State database with ICCAT
  - Spain highlighted as a “good student” regarding the adoption of measures to fight against IUU fishing, not only enforcing regulations but also suggesting new ideas (overfishing alert system for third countries)
  - Creating a level playing field for compliance with the latter
  - Incentives (funding) for the adoption of measures such as the electronic catch certification scheme
  - The technical issues of the Communication are solved; Member States’ political will is now required for it to become a reality.
- Consistent approach for IUU fishing and SFPAs
  - These are bilateral agreements to be negotiated.
  - In the preliminary analysis phase, it is assessed whether IUU fishing is taking place, and this situation is required to be solved before reaching an agreement.
- Fraudulent use of catch certificates
  - A traceability system is under development in coordination with DGSANCO. It is not an electronic system but, at least, it enables the registration of data and introducing them in electronic format in the future.
  - This system is expected to be ready in 1-2 years.
- Follow-up by coastal states on offenses by their nationals
  - Legal grounds: article 39 of the IUU Fishing Regulation and articles 89-90 of the Control Regulation.
  - EU Member States are ordered to follow up on IUU fishing activities carried out by vessels bearing their flag. There is a balanced distribution of responsibilities between Member States and the EC.



- The case of Spain is an example of compliance and adaptation of national regulations to the requirements established in the Community regulations.
- At the Doha Conference, the UN discussed the possibility of criminalising -through the criminal system- all IUU fishing activities, with rules on penalties and criminal legislation being left to Member States' discretion.
- Mandate of the European Fisheries Control Agency (EFCA)
  - The Commission does not intend or plan to change or extend the mandate or competences of EFCA.
  - Within its current mandate, EFCA is intended to develop new tools and a risk assessment approach for IUU fishing imports and landings.
  - In addition, optimising inspectors' training roles and the ability to work in control programmes at regional level is sought after.

#### **ACTIONS:**

- ***It is proposed that a Seminar for the Presentation of the IUU Communication be held in Brussels, led by the EC and with active participation by the LDAC and Member States.***
- ***EC services (DG MARE IUU and DG DEVCO) commit themselves to regularly meeting up with the LDAC when necessary.***

## **2. Coordination of the fisheries policy with other Community policies**

### ***2.1. Development cooperation (DG DEVCO)***

**Aim:** To develop a common strategy and to contribute to the consistency of the development cooperation policy, that in practice involves initiatives and priorities to be identified by third countries.

- New approach: To include IUU in the discussions prior to the adoption of regional cooperation programmes. The aim is to use this tool as an incentive in order to achieve that coastal states make improvements.
- The EU adopted a strategy against IUU fishing for the Gulf of Guinea in March 2014 and numerous negotiations and discussions are being carried out with regional organisations.



- It is a priority to obtain basic information in real time regarding sightings and activities of IUU vessels (transhipments at sea, at West African ports) and a coordinated effort to optimise the scarce human resources at the EC, Interpol and coastal states (police and control authorities).
- It would be convenient to develop this initiative in the context of projects with organisations such as SRFC/CRSP or ICCAT, for instance, in order to acquire working dynamics and export the model and results to other waters / RFOs / fisheries / jurisdictions.
- It is up to RFOs and Member States to come up with regional projects to the EC to fight against IUU fishing. Therefore, there must be a political will to develop this programme in practice.
- LDAC members voiced their concern and put forward issues regarding two matters: a) the need to enhance responsibility as far as the use and destination of Community public funds are concerned and b) the importance of the role of the EC (DGDEVCO) when discussing and negotiating on sustainable fisheries and good governance with third countries to include transparency criteria in projects with third countries (such as the publication of a registry or list of vessels with fishing licences). Moreover, there was in-depth discussion over the problem of emerging issues such as the new “IUU black market” routes towards African ports (Dakar, Abidjan, Tema) as a result of enhanced control in ports of reference such as Las Palmas.
- Concern was also shown regarding the lack of participation of and consultation with stakeholders in the SMARTFISH project.

### *2.2. Health (DGSANCO)*

- Cooperation and joint inspection missions between SANCO and MARE.
- Exclusion from the list of companies and establishments approved to export into the EU of non-cooperating companies or vessels by the national control authorities.

### *2.3. Trade (DGTRADE)*

- Lesser degree of coordination.
- Free trade agreements (FTA) and the system of preferences GSP+ are autonomous and they follow a series of rules among which IUU fishing is not included.
- A coordination mechanism is sought after in order to avoid or minimise policy inconsistencies.



#### 2.4. Labour (DGLABOUR)

- The material scope of the IUU Regulation does not include rules relating to the defence or protection of human rights or decent working conditions.
- There is no direct way of enforcing a State to comply with provisions established in the IUU Regulation, but failure to comply with working conditions is not a requirement or reason *per se* to include a country in the IUU “black list”.

**--END--**



## **ANNEX I. LDAC LETTERS (NOVEMBER AND DECEMBER 2014)**

Madrid, 26<sup>th</sup> of November 2014

### **Subject: Policy Coherence for Development and Fisheries – Atlantic Ocean**

*Dear General Directors from MARE, Ms. Evans, and from DEVCO, Mr. Fructuoso de Melo,*

On behalf of Long Distance Advisory Council (LDAC) we would like to reiterate our compromise, deep interest and concern about EU policy coherence between development and fisheries.

As we informed you in a previous communication, LDAC is already aware of the EU funded Smartfish project, currently running in the Indian Ocean under EU financial assistance. In fact, our organisation is trying to cooperate further and informed them about the Tuna Transparency Initiative (TTI), launched by the EU tuna sector, in order to increase transparency, harmonization of access conditions to tuna and tuna like species and help the creation of a level playing field and to improve MCS systems in the Indian Ocean at regional level.

Our Advisory Council is making efforts to improve the policy coherence, for that reason, LDAC has signed a Memorandum of Understanding<sup>i</sup> with the COMHAFAT (Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean) to improve the fight against IUU fishing, promoting the conservation of marine biodiversity and the sustainable use of fisheries resources and assist Coastal countries to improve Good Governance and advance on the MCS system at regional level.



Therefore we would like to propose, to both of your DGs, to launch a fisheries cooperation project concentrated on Regional MCS in the Atlantic Ocean (through COMHAFAT in association with ICCAT) as you already have done in Indian Ocean through IOC. In order to further explain the efforts and compromise of the LDAC members on improving Good Governance in the Coastal Countries of the Atlantic Coast and the practical terms to achieve this objective, we would like to ask for a joint meeting of both DGs and LDAC at your earliest convenience.

We remain at your entire disposal to any help, advice or cooperation you may need.

Yours sincerely,

Antonio Cabral

LDAC Chairman



Madrid, 10<sup>th</sup> of December 2014

**Subject: Meeting about the upcoming Commission Communication on the implementation of the IUU regulation**

Dear Ms. Evans,

In my quality of president of the Long Distance Fleet Advisory Council (LDAC) I would like to convey the interest of our members to meet with your DG, at your best convenience, in order to receive clarification about the upcoming Commission Communication on the implementation of the IUU Regulation of the IUU Regulation.

In the last meeting of our working group 5, DG Mare representatives informed us about the upcoming Commission Communication on the implementation of the IUU Regulation. In that context, and in order to inform our future discussions in the LDAC on this topic, we would like to have your views on how some issues could be tackled in the future, including:

- How to ensure effective implementation of the EU IUU Regulation and improve compliance by Member States.
- How to ensure a harmonized implementation with other EU policies notably on Development, Sanitary, Trade and Labor.
- How to ensure a coherent application of the IUU Regulation with DG Mare actions in relation to SFPAs and RFMOS.
- How to significantly reduce the opportunity for fraudulent use of catch certificates.
- How to promote/ensure that Member States take action to identify and sanction nationals involved in IUU fishing.
- What possible improvements to the current provisions can be made through EC implementing powers or by changing the mandate of the European Fisheries Control Agency (development and implementation of risk-based import and port control processes, etc.).
- How to improve transparency regarding the criteria applied for putting/removing a third country on the list of non-cooperating countries
- How to continue to incentivize the leadership of the EU in generating change across the world to strengthen efforts to combat IUU fishing.

We remain at your disposal,

Yours sincerely,

Antonio Cabral

LDAC Chairman



## **ANNEX II. SITUATION OF IUU COUNTRIES (on 10 February 2015)**

### Yellow Card

Ghana  
Philippines  
Papua New Guinea  
Curacao  
Korea

### Red Card

Sri Lanka  
Salomon Islands  
Tuvalu  
Saint Vincent and the Grenadines  
Guinea Conakry  
Cambodia

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