



DRAFT MINUTES

12th meeting of LDAC Working Group 3 Remaining RFMOs and international high-sea waters

**Tuesday, 4th of April 2017, 11 am to 1.00 pm
Hotel Renaissance. Rue du Parnasse 19. 1050 Brussels, Belgium**

Chair: Mr. José Antonio Suárez-Llanos
Vice-chair: Mr. Gerard van Balsfoort

1. Welcome and apologies made by the Chair.

The Chair, Mr. José Antonio Suárez-Llanos welcomes those present. The full list of those attending is attached to the minutes.

2. Approval of the minutes of the 11th WG3 meeting (Brussels, 19 March 2016).

The minutes of the last meeting are approved, with no additional comments.

3. Approval of the agenda.

The agenda is approved with no additions or changes.

4. Report on new aspects of the RFMOs which fall within the WG3 (EC) scope of action.

4.1. CCAMLR (Antarctic Ocean)

Mr. Luis Molledo, EC representative, informs about the 35th annual meeting of CCAMLR, held in Hobart (Australia). As an overall assessment, he states that it was a good meeting, whose main decision was to adopt, after several years' negotiation, Ross Sea as a protected maritime area. The aspects relating to its practical implementation are now pending. He also informs that there will be a meeting of the Scientific Committee in October this year.

On the other hand, he highlights that the following proposals were adopted with EU support:

- 1) Manage ice shelves that cover areas of water that could be opened to fishing activity.
- 2) Strengthen control regarding vessel authorisations.
- 3) Adopt terms of reference for the second performance review of the organisation.

Respect to measures not adopted, Japan once again blocked the EU proposal on the attached shark fin policy, but on the positive side, six contracting parties became members.



Another proposal not approved was the transshipment control proposal promoted jointly by the USA and Australia, which they withdrew as they considered the agreement reached was not sufficiently ambitious.

On the other hand, the Commission representative highlighted the conservation measures adopted for krill fishing, including an extension of the observer coverage to 100%.

Finally, the EC representative indicates that, with respect to the coming annual meeting, they have planned to organise a technical preparatory meeting with EU member states and stakeholders, anticipating questions on the performance review of the organisation, above all regarding measures adopted for Eastern Antarctica.

4.2. SEAFO (South-east Atlantic).

Report from the European Commission

The EC representative, Mr. Luis Molledo, indicates that SEAFO is a peculiar RFMO due to the limited fishing activity by the European fleet in the Convention zone. In fact, of the 2 vessels that fished in 2015, only one vessel fished in 2017, although, seemingly there is a Namibian vessel interested in fishing there.

On the other hand, he highlights that the reduction of the fishing activity has resulted in there being less data and therefore reduced quality of the scientific advice. Thus, the EU has presented a series of proposals to tackle this lack of data and develop a methodology for stocks with data deficit as well as harvest control rules (HCR).

It is reported that there has been a roll-over for the TAC for main commercial species.

He also indicates that a review of the system against IUU finishing was adopted.

However, the measure on attached fins was rejected due to the opposition from Japan. The proposals to adopt a ban on the use of drift nets and a ban on directed fishing of deep-sea sharks were rejected.

As outstanding innovations, the EC representative informs that the new Executive Secretary of the organisation has been selected and that there is a proposal to extend the Convention area to also cover zone FAO 41.

Questions from members:

Mr. Juan Manuel Liria, CEPESCA, believes that the SEAFO proposal of a possible extension of its activity area to FAO 41 is very interesting, as this is an international water zone that is not controlled by any RFMO and has undergone considerable growth in terms of presence and activity of the Asian fleet, although he stresses that there is still a political conflict regarding



the Falkland Islands. The Argentinean government has now changed and he hopes that with the new President there will be a possibility of creating a RFMO that includes the management of waters adjacent to the Falkland Islands that will be supported by Argentina.

Another noteworthy issue are the transshipments, demanding a coherent policy in the southern hemisphere respect to trawl fisheries. This is the case of Argentina, which does not allow its ports to be used by European fleets, or New Zealand or Australia that also object to foreign vessels. This means that some vessels of certain flags were not able to carry out their activity without making transshipments, with the only possibility today being to land in Montevideo, which is at a considerable distance from the main fishing grounds. In short, he highlights that the transshipments must be linked to a control policy that grants legal security by the countries of the southern hemisphere.

Mr. J.A. Suarez-Llanos, ANAMER/AGARBA/ANAPA, asks the Commission representative about their policy in terms of international relations and the rapprochement with the contracting parties of SEAFO. On the other hand, he highlights that one of the recommendations of the performance assessment of SEAFO was to extend the coverage area to FAO 41. Hence the suggestion that maybe it would be necessary to renew contacts with Argentina and other countries of the southern hemisphere about this possibility.

Mr. Pedro Sepulveda, from the Spanish Secretariat General for Marine Fisheries, and regarding the extension of SEAFO to zone 41, indicates that, in his opinion, this is highly advisable in order to improve the management and control of activity of Asian fleets. On the other hand, he informs that Spain is the only country that has carried out scientific research campaigns in the zone with the EOI.

Mr. Alexandre Rodriguez, Executive Secretary, recalls that the LDAC conducted an opinion on the need for egalitarian and non-discriminatory treatment of European and foreign fleets in international waters. In this opinion, specific mention was made of the work and effort carried out by Spain in mapping the seabed and identifying Vulnerable Marine Ecosystems (VME) in the south-western Atlantic (FAO 41) The EC issued a reply supporting this initiative and defending that this opinion of the LDAC may help achieve a favourable reaction from other Coastal and Flag States, adopting management measures in terms of VME, following UN resolution 61-105.

Ms. Carmen Paz, from the European Parliament Studies Services, suggests addressing this issue at the next FAO Fisheries Committee scheduled for 2018, as it is an international obligation.

Mr. Raul Garcia, WWF, asks what else could be done with the topic of Argentina. In addition to the FAO COFI and United Nations, in what other forums could LDAC do more to get more states to join the measures supported by the EC.

Mr. Juan Manuel Liria, FEOPE/CEPESCA, indicates that the great problem is China. He believes that it would be easy to convince Korea, but this year China has multiplied its high-level external fleet through a policy of state subsidies.



Mr. Luis Molledo, EC, responds that it would be a good thing to sound out the competent Argentinean authorities to see what they think about this proposal of extending the coverage area. There would perhaps be greater sensitivity in light of a recent article published by the Financial Times on the expansion of Asian jiggers.

Mr. Juan Manuel Liria, FEOPE/CEPESCA, explains that what they propose is to create a RFMO that does not include the waters in conflict of the Falklands EEZ.

The EC representative, Mr. Luis Molledo, concludes that in the EC Communication on international ocean governance references are made to the level playing field between fleets.

ACTIONS:

South-west Atlantic (FAO Zone 41)

- The Commission will be asked to clarify the SEAFO proposal to evaluate the extension of the territorial area of the Convention and its jurisdiction to South-west Atlantic (FAO zone 41).

The WG3 will consider preparing a draft opinion, supporting the management of this area under a RFMO (either existing or newly created) to address questions such as the control of high-sea transshipments, protection of vulnerable marine ecosystems, or management of fishing capacity.

- The responsibility of flag states in terms of the adoption of a national regulation to implement UN Resolution 61/105 for the Preservation of Vulnerable Marine Ecosystems at High Sea will be recalled at international forums in which LDAC participates (FAO COFI, UN, RFMOs, etc.), in line with the opinion sent in May 2016.

4.3. SPRFMO (South Pacific).

The EC representative, Mr. Luis Molledo, informs that the annual meeting, which was held in Adelaide, Australia, was quite positive and flexible in terms of the negotiations between the contracting parties, highlighting the absence of Ecuador. Following a debate, the distribution criteria of the main TACs were consolidated until 2021. The compulsory nature of the VMS for vessels in the area was also agreed, developing the legal framework and the measures for their implementation.

Another complex issue that was discussed were the budgetary expenditure lines for specific actions and projects.

Further, the development of an observer programme for SPRFMO was discussed, agreeing to deal with this matter in an ad hoc working group with a view to approving this matter at the next annual meeting.

4.4. SIOFA (South Indian Ocean).

Mr. Luis Molledo, EC, believes that the result of the meeting was very positive. At the last annual meeting, the plans to continue were adopted and the Executive Secretary was selected,

a post that had been a temporary one during the first 2 years after its creation. Furthermore, basic rules on fisheries management, IUU fishing vessel listing procedures were adopted. He informs that the proposals to improve the Control and Monitoring System are similar to those of SEAFO and CCMLAR. A basic package of preservation measures has been defended, which include the VMS, the application of port control measures by virtue of the PSMA or control of transshipments at sea, among others. Priorities are still being decided but he believes that progress will be proposed in these latter 3 relevant measures.

Mr. Juan Manuel Liria, FEOPE/CEPESCA, asks if China is a contracting party of SIOFA.

The answer of the EC representative, Mr. Luis Molledo, is no, but seemingly Taiwan is interested in participating.

5. News about commercial agreement and access to Chilean ports

Update from the European Commission

Mr. Luis Molledo, EC, informs that they are in permanent contact with the Chilean Administration in the context of negotiating the update of the commercial agreement between the EU and Chile. It has been decided to associate the update of the agreement with lifting the ban on entry of European flag vessels to carry out their transshipments in ports without the restrictions that currently exist for the swordfish fleet. This is considered to be a technical barrier to trade.

Chile has evolved in this regard and he believes that they are showing positive signs. He informs that last year there was an intergovernmental commission to address this topic, whose aim was for Chile to commit further by forming part of the CIAT, the RFMO that governs swordfish stocks. He highlights that Chile participated in the last two meetings of CIAT as a cooperating non-contracting party and that the EC coincided at the annual meeting of SPRFMO with the Chilean delegation and that they talked about this issue. Legally, Chile has the obligation to pledge to the high-sea and swordfish resources, so they are hoping that there will be results.

Round of questions from members:

Mr. Javier Garat, CEPESCA, believes that although progress is being made, the topic is never fully solved, and asks if, as a fisheries sector, they can help unblock the situation.

The EC representative, Mr. Luis Molledo, responds that they prefer to discuss this issue at an institutional and diplomatic level such as EU, but if the sector knows of any measures where the sector can collaborate, it would be a good thing to propose them and submit them to evaluation.



Mr. Javier Garat, CEPESCA, informs that SONAPESCA, which is the equivalent organisation to CEPESCA in Chile, proposed, some time ago, to hold a joint meeting between the representatives of the Spanish and Chilean fleet in order to raise awareness of the importance of this matter.

ACTIONS:

- **The problem of the Chilean ports will be monitored, requesting, in the negotiations with this country, that the ban on access to their ports for landings and transhipments of swordfish by the European fleet should be demanded. It is essential, therefore, to link the renewal/update of the commercial agreement to these fisheries questions.**
- **Likewise, attention will be paid to the evolution of Chile in terms of its participation in the CIAT, and if it will request the status of CNCP (cooperating non-contracting party) for the coming annual meeting that will be held in Mexico in mid-July.**

The Commission will be asked to bring us up to speed regarding the two questions at the next WG3 meeting.

6. International organisations:

The EC representative, Ms. Sofia Villanueva, apologises on behalf of the heads of unit of DG MARE who have been unable to attend this working group due to being on a mission in the 3rd preparatory committee of the negotiations of the BBNJ process.

6.1. UNFSA – Conclusions of the III UN Review Conference on the New York Agreement (1995) – New York, 23-27 May 2016.

Ms. Sofia Villanueva, EC representative, highlights the continuous support of the EU regarding the effective application of the application of the United Nations Convention (UNCLOS) on straddling fish stocks and highly Migratory Stocks (known as New York Agreement).

According to FAO information, the state of the major stocks has still not improved. The overcapacity of the world fleet and the subsidies that contribute to this overcapacity are an added problem. She highlights China's reluctant stance on this matter. She indicates that the recommendations that were adopted by full agreement with EU proposals focused on implementing the Agreement and on improving the management of sharks.

6.2. Preparation of the high-level UN Conference on Application of the Sustainable Development Goal (SDG) 14 – New York, 5-9 June 2017.

The EC representative, Ms. Sofia Villanueva, reports that this conference will be held in June in New York, and it will be attended by the EU Fisheries Commissioner, Mr. Vella.

It will also coincide with the World Oceans Day on 8 June.

The EU will hold a specific side event on IUU fishing, including an inter-governmental statement as well as a summary of the voluntary commitments acquired in this field.



She points out that the Our Ocean Conference in Malta as well as the New York conference are complementary and pursue the same goal of achieving SDG14. She encourages LDAC members to actively participate in the preparation and attendance to these conferences.

ACTION: United Nations Sustainable Development Goal 14

- **WG3 will contribute to the position paper that an LDAC delegation will present at the preparatory meeting with the European Commission on the UN Conference on the Implementation of Sustainable Development Goal 14 (SDG14), which will be held in New York in June.**

6.3. Recommendations Meeting on UNGA Resolution 69/292 on Marine Biodiversity in Areas beyond National Jurisdiction (BBNJ) – April 2016.

The importance for the European Commission of the UNCLOS regulation being fully developed is highlighted, to promote sustainable management in the different maritime jurisdictions. A follow-up meeting is scheduled to be held in August 2018.

BBNJ ACTION

- **The Commission will inform LDAC about the results of the 3rd Negotiating Committee for a Treaty that will regulate Biological Diversity Beyond Areas of National Jurisdiction (BBNJ).**

6.4. International governance / Our Oceans Conference – Malta, October 2017

Report from the European Commission

The EC representative, Ms. Sofia Villanueva, points out that this world conference is a priority for Commissioner Vella. A public consultation was launched to improve aspects of the legal framework, the quality of the scientific data and the recovery of stressed fisheries and marine resources. The Malta Conference is based on 6 themed priorities:

- Protected marine areas
- Climate change
- Sustainable fishing
- Marine pollution
- Maritime security
- Blue economy

Round of questions from members:

The Chair of WG3, Mr. Suarez-Llanos, frames these discussions within a comprehensive holistic approach. He explains that SDG14 addresses different intricate and complex aspects, and highlights the following as priorities regarding which ARV1 has already taken a stance: fight against illegal fishing, fisheries subsidies and small-scale vs industry fishing. He also recalls that the fishing activity and the blue economy are encompassed within the Integrated Maritime Policy, which also affects global governance, not only for the EU.



Mr. Raul Garcia, WWF, asks which countries are currently allies with the EU in this area of international ocean governance, as normally Europe is quite alone in initiatives of this type.

The EC representative, Ms. Sofia Villanueva, responds that for the moment, they are in conversations with countries such as the USA, Australia, New Zealand, Canada or Chile, among others. The idea is not only to count on countries with which the EU has political, economic or commercial agreements, but also with developing countries with which there are international cooperation programmes. In fact, she highlights that yesterday, the Council adopted a formal statement with conclusions on ocean governance.

Mr. Alexandre Rodriguez, Executive Secretary, refers to the documents of the inaugural opening session of these working groups that addressed these topics. They are available for download and consultation on the respective website of LDAC:

<http://ldac.ldac.eu/post/sesion-de-apertura-aplicacion-de-la-dimension-exterior-pcp-y-gobernanza-internac-131182>

The EC representative, Ms. Sofia Villanueva, responds that the Community Regulation is applicable for IUU fishing; and for fisheries subsidies, these are being discussed within the framework of the WTO. On “Our Oceans”, she invites industry stakeholders and NGOs to send their proposals of voluntary, tangible and quantifiable commitments as soon as possible as they have just published the zero draft. Mr. Björn Stockhausen, Seas at Risk, believes that the EC should dialogue with the different ACs and not call industry and the NGOs separately.

6.5. Follow-up of the LDAC letter on UN Resolution 61/105 on Vulnerable Marine Ecosystems in the South-western Atlantic (ASW41)

This issue has already been addressed in detail in point 4.2.

7. Other issues

No new issues are added.

8.- Date and place of next meeting.

The Secretariat will notify the date and place of the next meeting.

The Chair thanks the Secretary and the interpreters for their work, and the participants for attending.

The meeting is adjourned at 12.35 pm.

ANNEX. LIST OF THOSE ATTENDING WORKING GROUP 3 MEETING Brussels, 4 April 2017

MEMBERS

1. José Antonio Suárez-Llanos. ANAMER/AGARBA/ANAPA.
2. Iván López. AGARBA/CEPESCA

3. Björn Stockhausen. Seas at Risk
4. Gerard Van Balsfoort. DPFA
5. Jane Sandell. NFFO
6. Juan Manuel Liria. FEOPE/CEPESCA
7. Erik Bjørn Olsen. Living Sea
8. Luis Vicente. ADAPI
9. Marc Ghiglia. CNPMEM
10. Javier Garat. FEOPE/CEPESCA
11. Juan Manuel Trujillo. ETF
12. Marta Llopis. CONXEMAR
13. Sandra Sanmartin. EBCD
14. Vanya Vulperhorst. OCEANA
15. Francisco Portela Rosa. VIANAPESCA

OBSERVERS

16. Luis Molledo. EC B2 (RFMOs and Chile)
17. Katren Herren. RARE
18. Harry Sampson. DEFRA
19. Sigita Meskeleviciute. Lithuanian Administration
20. Aivaras Labanauskas. AHSFC
21. Pedro Sepúlveda. Secretaría General de Pesca
22. Daniel Voces. EUROPECHE
23. Carmen Paz Marti. EP
24. Alexandre Rodríguez. LDAC
25. Manuela Iglesias. LDAC
26. Marta de Lucas. LDAC