



**DRAFT MINUTES**  
**22<sup>nd</sup> meeting of LDAC Working Group 1**  
**Highly Migratory Stocks and Tuna RFMOs**

**Wednesday 7 March 2018. From 9 a.m. to 12 noon**  
**Hotel NH Brussels EU Berlaymont – Boulevard de Charlemagne 11-19.**  
**Rond Schuman. Brussels, Belgium.**

**Chair: Mr Michel Goujon**  
**Vice-chair: Mr Julio Morón**

**1. Welcome by the chair.**

The chair of WG1, Mr Michel Goujon, opens the meeting, thanking the representatives of the Commission and the members for their attendance and participation. He next urges those present to observe a minute of silence in memory of the late Mr Michel Dion.

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

**2. Approval of minutes of the last WG1 meeting – Brussels, 20 October 2017**

The minutes of the last WG1 meeting are adopted with the modifications received in due course by Ms Gunilla Greig regarding her own interventions.

**3. Approval of the agenda.**

The agenda is approved with neither comments nor proposals for additional points. The Secretariat and the chair emphasised the lack of a point on the Indian Ocean; the Commission could not ensure the presence of any representative specialising in that subject, as all are either on assignment or unavailable for scheduling reasons.

**4. WCPFC – Western and Central Pacific**

**4.1 – Report from the European Commission on the 14<sup>th</sup> Ordinary Meeting of the WCPFC (1-7 December 2017)**

The EC representative, Ms Angela Martini, reported that this RFMO is very important for the volume of stocks it manages. Regarding management of FADs, some coastal states strongly urged banning them in the high seas, reaching extreme levels of confrontation and demanding separate management for high seas and EEZs. This is believed to be due to considerations of more economic than environmental nature, as 85% of tropical tuna catches are in the EEZs of coastal states and only 15% in the high seas.



For that reason, there were heated debates on the establishment of technical measures for tropical tuna management. Finally, a three-month closed season in summer was agreed upon, plus two additional months in the high seas, to choose between April and May or November and December. Next year this combination of two differentiated arrangements will be reviewed and studied, evaluating whether to maintain or end the two-month closed season for fishing with FADs in the high seas.

Otherwise standing out was the region's lack of transparency on fishing activities. The EU requested improved reporting, though in the end the chartering arrangements were not considered in this measure. Regarding the number of fishing days assigned in the high seas, the 403 days for the EU fleet was maintained. Conversely, other countries do not count on those limits to fish in the high seas, such as, for example, the Marshall Islands, whose fleet is growing, with the argument that conservation measures only apply in the high seas, benefiting from numerous exemptions.

Ultimately, the number is 250 active FADs. The EU wanted to include that those FADs be "non-entangling", but the motion was rejected.

Regarding the state of tropical tuna stocks, a new scientific assessment was published, indicating that bigeye tuna (BET) was in the green zone of the Kobe plot. Although assessments are usually very conservative regarding the state of fishing resources, confirmation of the improvement of bigeye is awaited.

Regarding sharks the EU's proposed fins-attached policy was unsuccessful. There is a proposal to consolidate the different conservation measures existing in the region, such as rules for on-board retention, management plans, etc. However, in the compliance committee it was shown that the 5% fin-body ration is impossible to control and therefore not practical. Japan is leading this working group, which has already circulated a first draft report.

**Action:**

**The representative of DG MARE (Ms Angela Martini) will send to the WG1 members via the LDAC Secretariat the report on the first EU draft proposal on shark management discussed in the specific WG as well as any relevant development concerning the results and recommendations arising from the last annual meeting of the WCPFC.**

Regarding the FAO Agreement on Port State Measures (PSMA), some countries pledged to comply with the minimum standards, although the resolution is non-mandatory. The EU would thus like to see something more ambitious of binding nature.

On the other hand, the EU would notably like to enhance the international aspect of this organisation, with a focus more coordinated with other RFMOs, above all on those issues that are cross-cutting.



Regarding bluefin tuna (BFT), the situation is very difficult, standing at 2.6% of biomass. A measure has been implemented, but it must now be respected. The Monitoring Committee will see how it succeeds.

#### **4.2- Priority working points and schedule of next meetings**

The EC representative, Ms Angela Martini, reports that at upcoming meetings the priority is to make progress on consolidating management measures for shark conservation. They have an ambitious working plan, though economic considerations weigh heavily. She highlights that it is easy to reach agreement on reference targets, but harder to decide on measures to apply to achieve those targets. She also indicates that once the harvest control rules (HCR) are agreed upon, the main challenge will be their effective application.

Another point is revision of the compliance system by making a comparative analysis of the different RFMOs (IOTC, IATTC, SPFRMO, WPCFC). The WPCFC counts a more advanced and ambitious system and has a computer platform with very detailed data compilation. However, it is understood to be an excessive workload by many states, which would prefer a simpler system. Consultants have thus been contracted to study how to simplify the system.

Regarding the annual meeting, they are studying what can be done in the future. The EU is very isolated, although the USA has shown a certain amount of support at the level of its delegation head. She indicates that although they do not share the same objectives in the different regions, with occasional disagreements, it was generally a positive experience of working together.

As for dialogues about IUU fishing, Ms Martini reported that improvements have occurred in different countries such as South Korea, Indonesia and Taiwan, which have made efforts and improved their commitments and dialogue with institutions.

The chair thanks Ms Martini for her presentation and opens the round of questions:

Mr Juan Manuel Trujillo, ETF, asks about consistency in the discourse on commitments made by the private sector, public administrations and different EU countries at the Our Ocean conference in Malta. He also asks whether industry, social actors and NGOs will have the possibility that in agreements with third-countries they can be asked for the same parameters required of European industry for the processing and extractive industry.

Regarding the agreements with third-countries in the region, the EC representative, Ms Angela Martini, indicates that she does not handle that aspect. She suggests posing the question to her colleague Emmanuel Berck in the session of Working Group 4 which will be held on the same afternoon.



## 5. ICCAT – Atlantic Ocean

### 5.1 Conclusions of the 25<sup>th</sup> ordinary ICCAT meeting (Marrakesh, 14-21 Nov 17)

The representative of the RFMOs Unit of DG MARE, Mr Arnaud Peyronet, reports on the recommendations adopted by ICCAT regarding the different stocks:

- Albacore (ALB): Recommendation number 17-04 was adopted, which includes the harvest control rule (HCR) on a temporary basis until 2020, awaiting development of a more refined HCR as well as a multiannual management plan and review of the stock assessment. Given the good stock situation, an increase of 20% of the TAC for 2018 was made, from 20,000 to 33,000 tons.

- Tropical tuna (SKJ, YFT, BET): He stressed that it is a difficult year, with many controversial points. There was an EU proposal that aimed to consider setting independent TACs, but it was unsuccessful. Similarly, Recommendation 17-01 addressing only freezer tuna seiners with respect to the landing obligation aims to expand its scope and align with the landing obligation at European level, though also applying to skipjack (SKJ), which is, however, a species not subject to quota in the EU. An assessment of bigeye (BET) stock is being conducted, along with measures to manage FADs and evaluate the effectiveness of the seasonal area closure for mortality of bigeye and yellowfin species. These questions should be taken into account before implementing management measures. Regarding the proposal to modify recommendation 17-01 for the FADs, the EU was opposed in so far as there was insufficient debate. Much information will arise in 2018 and it will be possible to see the impact of the closures and technical measures on recovery of the three target tropical tuna species.

- Swordfish (SWO): The Commission was finally able to reconcile the recommendations of the scientific opinion and the demands of the CPCs regarding FADs. Intense debates are expected in the future. The fishing possibilities are higher than TAC and there is pressure to revise the allocations of this stock among CPCs such as Canada or Morocco.

- Shortfin mako: It was not possible to amend the Convention to include direct regulation of sharks in its scope of application.

Recommendation 17-08 was nevertheless adopted to improve general scientific information on the biology of these species. Also, it was indicated that there is a list of exemptions that apply to the implemented ban. Information will be supplied on catches and discards, the aim being to evaluate the measures' effectiveness for the sake of adopting a recovery plan in 2019. Regarding the fin-attached policy, it was indicated that some countries are now more supportive of this measure, although they have not been able to progress due to the



opposition of the Asian CPCs, fundamentally China and Japan, whereby it will be very difficult to achieve a consensual agreement in the short term.

- Bluefin tuna (BFT): The TAC was increased. The plan is to have a roadmap, which was begun at the Madrid meeting, so it can be thoroughly debated and a respective proposal ready for implementation in the month of November. The most complex aspect will consist of the criteria to apply for reviewing the assignment of TAC allocations among the ICCAT member contracting parties.

The chair thanks Mr Peyronet for his presentation and opens the session for the round of questions:

Mr Julio Morón, OPAGAC, asks how the LDAC can help the ability to work with the different countries, what focus we should have.

On the other hand, Mr Alexandre Rodríguez, secretary-general, regrets that despite repeated requests, at the last ICCAT meeting the EC did not formally invite the LDAC to participate as an organisation in its preparatory technical meeting with the interested parties. Many of its members nevertheless participated on an individual or organizational basis. He recalls that the LDAC is the Commission's main advisory body on matters concerning external aspect of the CFP in general and regarding opinions on management proposals in the RFMOs and ICCAT in particular. He thus reiterates the request to the Commission that this situation not be repeated in the future, with a view to being directly involved in negotiations and debates involving this forum.

The EC representative, Mr Arnaud Peyronet, takes note of the questions and concerns put forward and apologises for the Commission not inviting the LDAC, which he blames on a problem in organising the event. He stresses his appreciation of the LDAC's work supplying expert advice on proposed measures for ICCAT. Regarding how to become more involved, he indicates that they want to hold meetings before the summer to begin the debates on focuses and preliminary positions.

In conclusion, the WG1 chair, Mr Michel Goujon, suggests that at the next coordination meeting of LDAC chairs and vice-chairs the issue of LDAC members' frustration upon learning that their opinions have the same weight for the EC after organisations on an individual basis should be dealt with. He also requests that the EC always bear us in mind by inviting us to attend significant meetings for subsequent production of our opinions, such as those of ICCAT.

## **5.2 Calendar of upcoming actions**

The EC representative, Ms Angela Martini, reports that a preparatory meeting for the ICCAT scientific working groups will be held on 23-27 April. In the month of May those working groups will hold meetings as well as a meeting of IOTC working groups. In September a specific meeting of the compliance and control committee is planned.



For tropical tuna she highlights the desire to have more coordination of scientists in the assessments. Specific technical meetings for this stock will be held in the month of April and another in September. Regarding the control rules she indicates that the different processes will be studied in a workshop planned for the month of June.

The chair thanks Ms Martini for her explanations and opens the round of questions:

Mr Juan Manuel Trujillo, ETF, asks the EC representative to inform DG MARE of the unions' concerns regarding labour conditions on board fishing vessels and reiterates the request that they take the LDAC's recommendations very much into account.

**ACTION ICCAT – International Commission for the Conservation of Atlantic Tunas:**

**The LDAC will begin consultations to advance the work on general considerations for the annual assessment of relevant Atlantic stocks before forwarding it to aid the EU's position in its negotiations at the ICCAT annual meeting in November. The Secretariat will ask DG MARE to submit its questions in due time (before the end of September/beginning of October) so that the recommendations can be prepared. The LDAC will ask the Commission to present the report of the ICCAT Scientific Council (SCRS) as soon as it is available to prepare its viewpoints for the technical coordination meeting with the Commission.**

**6. Initiatives of the South West Indian Ocean Fisheries Commission (SWIOFC)**

This issue was not dealt with because no EC representative attended to report on this subject.



## 7. Kobe process for tuna RFMOs

The EC representative, Ms Angela Martini, reports that the EU is in favour of a coordinated focus of the different RFMOs regarding specific cross-cutting issues. She indicates that Mr Depypere chairs the working group on the Kobe process, which will try along with the ICCAT secretariat to reactivate an inter-RFMOs working group on specific subjects. One of the tasks on FADs involved creation of a group of technical experts, for which Mr Josu Santiago was named chair, to work during the initial period. She also reports that in the year 2019 they want to hold another meeting on FADs, probably in La Jolla, for which the organisation already has specific funding as well as voluntary contributions.

The EC representative highlights that the EU's priority is to develop a management strategy evaluation (MSE) process, for which they will hold a technical meeting with the group of experts.

She also reports that they have worked with the FAO on this matter, and that that organisation is studying how to revitalise the Kobe process by having a permanent secretariat in charge of monitoring that work, and so the FAO can also control how the work is progressing. The EU nevertheless believes that this organisation should be within the framework of the ABNJ process. In any case, it wants this process to move forward; while the FAO believes it should extend beyond the tuna RFMOs, the EU prefers to focus first on tuna and see if it works appropriately.

A three-day meeting will be held at the end of the year in Croatia, right after the annual ICCAT meeting; the agenda is still being prepared.

Finally, she announces that Mr Depypere will retire very soon, probably before the summer, although he will continue chairing the Kobe Process Steering Committee. ICCAT is very interested in the Kobe process and will use the FAO's CoFi to also debate this issue.

The chair thanks Ms Martini for her presentation and opens the round of questions:

Mr Julio Morón, OPAGAC indicates that after the three conferences that were held he had the feeling that there was a certain reluctance, especially by the Pacific – not being very much in favour of harmonising management of the three tropical tuna species with the other RFMOs. He highlights that the tuna RFMOs have much to contribute, but that the debates should be framed in broader discussion at the level of the UN, High Seas and high seas governance. He indicates that the third countries and the WCPFC have viewed it as a sort of imposition by the EU and FAO, whereby in their opinion the focus should be changed. He highlights that the WCPFC has economic objectives ahead of conservation, whereby a way should be sought to involve them, as it is the main tuna fishing ground.

The EC representative, Ms Angela Martini, indicates that any contribution the LDAC can make on the Kobe governance process will be welcome.



On the other hand, Mr Julio Morón believes a way should be sought to include the interested countries with a view to insisting in the context of oceanic governance, though different from Kobe as well. Regarding international consistency, he indicates that a working group could be set up with countries to defend the RFMOs' work, joined to the fight against IUU fishing, in order to seek an alliance with the different partners and led by the EC.

Ms Despina Symons, EBCD, reports that there are many initiatives concerning revision of the UNCLOS and also of the IUCN regarding the ABNJ project; one of them is collaboration between different RFMOs. They met in Korea and the meeting is held every two years. Last year representatives of DG MARE and DG ENV attended, among others; she recommends that they coordinate their actions.

Mr Josu Santiago, AZTI/TECNALIA, reports that the working group on FADs is still being set up, with an agreement adopted among various RFMOs, barring the WCPFC. There is a proposal for the group to begin as soon as possible. ICCAT proposed him to chair the joint inter-RFMOs group for tuna, with the primary purpose of creating a joint agenda for all. Regarding the Kobe process and the importance of counting on the Pacific RFMOs, he also agrees that it is important for the WCPFC to enter as a significant partner.

#### **ACTIONS:**

##### **Impetus and institutional design of the Kobe process for the tuna RFMOs**

The Secretariat will ask Ms Martini to supply updated information on progress made by the FAO in creating a secretariat dedicated to handling the new Kobe process, to work on horizontal issues for the tuna RFMOs. The LDAC will make contributions and comments on the proposals and questions presented by the Commission, which will be dealt with under this new institutional process. The LDAC offers to meet with Mr Depypere and a DG MARE delegation to consider those matters informally in Brussels, with representation of the chairs of the working groups and Bureau (chair and vice-chair of the Executive Committee).

##### **Action for international governance of the oceans and fishing:**

The LDAC steering group will evaluate the inclusion of a reference to this process when preparing a draft opinion or conceptual note on international fishing governance, the role of RFMOs and United Nations involvement in this process. The LDAC chair will contact his counterpart on the Pelagic Advisory Council (PELAC) to coordinate the work and consider the possibility of holding joint meetings on this subject, in so far as they have impacts and consequences for both advisory councils.



## **8. Ideas to develop a decalogue of good practices in use and management of Fish Aggregating Devices (FADs) for tropical tuna fisheries.**

The chair of WG1, Mr Michel Goujon, ORTHONGEL, summarises and introduces the actions of past meetings. He also highlights that the different organisations representing the tuna seiner fleet of Spain and Portugal have committed to a plan to improve the tropical tuna fishery (FIP) with WWF, whereby the aim is to promote more comprehensive reflection on practices of the tuna fishing industry.

Mr Julio Morón complements Mr Goujon's explanation, indicating that a debate document has been drawn up to consider the problem with the FADs, inspired by conclusions of the symposium or special session that the LDAC held early last year and whose participants included scientists, sector, NGOs and administrations. Specifically, the document drew from contributions of the Madrid Inter-RFMOs Group of 2017 as well as reports from Pew and ISSF.

The document presented for debate is a first draft with specific allusions to parameters or indicators to achieve sustainable fishing in the three RFMOs working on the tuna FIP. They want this proposal to be able to become a reference in the middle term for the future of those fisheries. It is built around three principles inspired by the MSC criteria: 1) sustainability of stocks; 2) minimising economic impact; and 3) effective management of stocks.

- **Debate and comments by members and participants**

The chair of WG1, Michel Goujon, thanks Mr Julio Morón for producing the first draft of the document presented, adding that he has some doubts about whether as an advisory body we should follow the standards of private certification entities or bodies, such as the case of MSC. He also indicates that it is important for the document to include aspects such as a common definition of FADs, their track record and monitoring by satellite radio beacons, their composition and the materials used to make them, and their design to ensure they are non-entangling, as well as problems that may arise regarding the impact on ecosystems of FADs that are lost or adrift, e.g. when they run aground on coral reefs. He specifically recommends referring to SECOFAD's work on the definition of FADs.

The EC representative, Ms Angela Martini, is interested in knowing what status the LDAC document will be given, because for the Commission it would be very useful for it to serve as inspiration or incentive to promote specific actions. She also indicates that besides thinking of coral reefs, it would be very positive to introduce environmental conservation aspects such as reduction of marine debris and plastic in the sea.

Mr Yvon Riva, head of ORTHONGEL, suggests that the document should include a point about the importance of increasing the means of control we count on, which are actually used. He highlights that in fisheries management there is no shortage of regulation, but rather of control. He indicates that European fleets are highly controlled, an aspect which is not the same in the other fleets.

Mr Edelmiro Ulloa (Anapa-Anamer-Acemix-Agarba), indicates that the FIPs are referenced based on the MSC to conduct their pre-assessment processes, though this does not mean they should later necessarily be submitted to its certification. He holds that these good practices guides should also consider other questions such as audits of existing control measures and level playing field with respect to, for example, high-seas transshipment by other segments of the fleet such as surface long-liners from Asian countries, to obtain a broader view of the tropical tuna fishery.

Mr Bjorn Stockhausen, SAR, requested that the text envisage mechanisms for revision or correction to introduce stricter requisites if necessary in the future.

Mr Juan Manuel Trujillo, CCOO/ETF, highlighted that it would be desirable for the FAD certifying entities to be of public or legislative nature rather than being subject to private interests. He indicated as a good example AENOR standard on responsibly fished tuna recently achieved by the OPAGAC fleet.

Culminating the above-mentioned statements, Mr Julio Morón, OPAGAC, indicates that the main goal of this document is to improve and aid coordination of effective measures by the RFMOs. By means of this practical guide the LDAC could establish a reference for sustainable fishing with FADs in different areas of the world subject to regulation by the RFMOs.

## **ACTION**

### **Fish aggregating devices (FADs) for the tropical tuna purse-seine fisheries:**

**The LDAC Secretariat will invite Mr Josu Santiago to supply a detailed update on the work of the joint group of RFMOs on FADs at the next WG1 meeting.**

**In coordination with the Secretariat, drafters from working group 1 will produce a conceptual note or some revised guidelines on good practices in use and management of FADs, the departure point being the document presented by Mr Julio Morón at the meeting and including the comments received by Mr Michel Goujon and other participants during same. The draft will be debated at the next coordination meeting between the chairs and vice-chairs of the LDAC and WG1.**

## **9. Scientific presentation on harvest control rules (HCRs) and management plans for tropical tuna stocks.**

Mr Josu Santiago, AZTI/TECNALIA, and coordinator of the EU's SECOFAD project, gives a presentation analysing different HCR and management measures for tropical tuna fisheries in the world's different tuna RFMOs. He indicates problematic cases of stocks found in the red zone of the Kobe plot, such as yellowfin tuna (YFT) in the Indian Ocean or bigeye tuna (BET) in the Atlantic. Among other aspects, he summarises the schedule of meetings and working plan in this scope by the ICCAT, IOTC, WPFC and IATTC, and compares the measures for limiting the number of FADs as well as control measures and seasonal/area closures in each of the RFMOs.

The presentation can be downloaded via the following link:

<http://ldac.ldac.eu/attachment/d4aae2fb-6e30-478e-9d34-69953661ca86>

### **ACTION**

#### **Harvest control rules and management plans for tropical tuna management in RFMOs:**

**The Secretariat will post in the meetings section of the LDAC website Mr Santiago's presentation and owing to the lack of time to go into further detail at this meeting will invite him to complete this presentation at the next WG1 meeting in the last quarter of 2018.**

## **10. Updated of the CITES Convention on Conservation of Migratory Species**

Despina Symonds, EBCD, as representative of the IUCN Fishing Committee in CITES, presents this issue. She indicates that the FAO has set up a panel of experts to make proposals for a list of threatened marine species to include in the CITES annex. They could include species of shark and tropical tuna and it is hence appropriate to monitor this process which began through the FAO, in coordination with the IUCN and the CITES Secretariat. She asks the Commission to coordinate the action of DG ENV, which has a standing committee in charge of this issue, with officials from DG MARE.

The DG MARE representative, Mr Arnaud Peyronet, indicates that if marine species such as sharks are involved, then the Commission's internal competence would pertain to DG MARE.

### **ACTION**

**The Secretariat will invite a representative of DG ENV to future WG1 meetings to provide information on this point.**



**11. Information on external meetings relevant for WG1 attended by members.**

No summaries of additional meetings were made.

**12. Date and place of the next meeting.**

The Secretariat announced that the next meeting will be held in the month of October in Brussels. The registered observers and members will be informed as soon as the precise date is confirmed.

**The meeting ended at 12 noon.**

BORRADOR



## **ANNEX I. LIST OF PARTICIPANTS**

### **LDAC Working Group 1**

**Brussels, 7 March 2018**

#### **MEMBERS – WORKING GROUP 1**

1. Michel Goujon. ORTHONGEL
2. Julio Morón. OPAGAC
3. Despina Symons. EBCD
4. Jessica Demblon. EBCD
5. Edelmiro Ulloa. Anapa / Anamer / Acemix / Agarba
6. Sergio López. OPP-Lugo
7. Rocio Bejar. CEPESCA
8. Juan Manuel Liria. CEPESCA
9. Iván López. AGARBA/CEPESCA
10. Beatrice Gorez. CFFA-CAPE
11. Juana Parada. ORPAGU
12. Luis Vicente. ADAPI
13. Frédéric Le Manach. BLOOM
14. Anna Boulova. FRUCOM
15. Rob Banning. PFA
16. Irene Vidal. Environmental Justice Foundation
17. Bjorn Stockhausen. Seas at Risk
18. Juan Manuel Trujillo. European Transport Federation
19. Yvon Riva. ORTHONGEL
20. Emil Remisz. North Atlantic PO

#### **OBSERVERS**

1. Angela Martini. EC. DG MARE Unit B2. WCPFC – Western and Central Pacific
2. Arnaud Peyronet. EC. DG MARE Unit B1. ICCAT – Atlantic Ocean
3. Sandra Jen. PEW Charitable Trusts
4. Gunilla Tegelskär Greig. Swedish Agency for Marine and Water Management
5. Hector Villa. REPER Spain
6. Josu Santiago. AZTI
7. Daniel Voces. EUROPECHE
8. Alexandre Rodríguez. LDAC Secretariat
9. Manuela Iglesias. LDAC Secretariat
10. Marta de Lucas. LDAC Secretariat