

Lara Manarangi-Trott

From: Angela.MARTINI@ec.europa.eu
Sent: Thursday, August 6, 2015 1:40 AM
To: akinol@fisheries.gov.pg
Cc: Lara Manarangi-Trott; Stamatios Varsamos; Desiree.KJOLSEN@ec.europa.eu
Subject: FW: WCPFC Circular 2015/16: Catch Documentation Scheme – Intersessional Working Group: Workplan for 2015
Attachments: WCPFC Circular 2015-16 CDS-IWG 2015.PDF
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Alois,

With some delay, please find our comments on the paper circulated.

First of all we would like to highlight two very important issues:

- The EU only accepts validation by flag State authorities and that such authorities are public authorities only. If the WCPFC decides otherwise, the EU would not be in any position to recognise the scheme under the EU IUU Regulation and it would merely become an additional document to the EU catch certificate upon exports to the EU.
- In addition, in order for flag States to validate a catch document it is necessary that they have access from coastal States to all information pertaining to the fishing activities of the vessel in question.

In relation to topic 1: the discussion on identifying roles and responsibilities for all the stakeholders involved, I have attached the link to our handbook on the application of the IUU regulation. Section 5.12 gives a clear overview on how the EU considers the different roles of the stakeholders.

http://ec.europa.eu/fisheries/cfp/illegal_fishing/info/handbook_original_en.pdf

As for topic 2, development of standards, specifications and procedures, including verifications, we can refer to the IUU Regulation (1005/2008), in particular Chapter II on port inspections of third country vessels (based on the FAO Port State Measures Agreement) as well as Chapter III on catch certification scheme for importation and exportation of fishery products.

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02008R1005-20110309&from=EN>

We have also some comments on the FFA paper which I believe should be also relevant to you:

- We support the idea that CDS should be linked to other existing MCS tools and that duplication and replication of existing data collection and validation mechanisms is unnecessary.
- We agree that the scope and application of the scheme should extend to all fishery products traded in the region and support the idea to trial the scheme focusing on major target tuna species in the region (BET, YFT, SKJ, ALB).

Validation Process

- Existing CDS, could be used as a basis for outlining minimum information required for the validation of catch certificates in WCPFC (refer to point 6 of FFA's discussion paper).
- We welcome the proposal to insert an additional level of verification certifying that the products are caught in line with national laws - these potentially being more stringent than CMM of WCPFC. In practice however we believe that for many countries in the region providing this additional level of certification will be problematic. This because for many countries the rules and regulations governing their national waters are outdated (e.g. outdated Fisheries regulations and Tuna Management Plans).
- Point 8 and 9 of FFA's paper refers to the steps/options a *validating member* must take to ensure that certification complies with all the relevant requirements for the shipment (e.g. coastal, port and market state rules). To recall that IUU Regulation requires countries to certify that catches were made in line with the applicable laws, regulations and international CMMs. Our experience in the region shows that rules and controls governing both catch and trade of fishery products are opaque, often inaccessible to operators and other governments and in some cases obsolete and invalid. To minimise the burden on SIDS and for this system to work in practice all data, fishery management plans and national legislation pertaining to the management and trade of fishery products would have to be updated, transparent and accessible to *validating members*.
- Our experience has shown that even at the government level exchange of information and data pertaining to fisheries management is very limited and content of bilateral agreements restricted to the parties involved. Cooperation between validating authorities of member countries is often missing. To date we have seen no record of a validating authority requesting data from another coastal state. It appears that authorities are reluctant to contact one another prior to validation of information and that these same governments are very reserved when it comes to sharing data on their nationals. Thus, it would seem very unlikely that these same authorities would support the development of a centralised database containing all fishery data for the region.
- The fisheries data management tool used by PNA members in the region – Fisheries Information Management System (FIMS) - is one example of an existing data base which lacks transparency even for use by its own members. Flag states do not have access to data concerning their own vessels operating in neighbouring coastal states i.e. VDS days allocated in one coastal state cannot be verified by the flag state through the system. The current FFA proposal refers to trip ID information which would require each operator in the supply chain to be able to verify fishing trip data, including VMS tracks. Currently VMS data is only accessible to the flag state and the coastal state in which vessels are operating.
- The current FFA proposal includes an added layer of information pertaining to rules and regulations of flag, coastal and market states. In our experience it has been difficult to obtain information on benchmarks and limits for capping of effort in some of the regional countries as they consider this information to be confidential. It would be unlikely that this information could in the future be accessible to all players in the supply chain through a centralised data base.
- With regards to the final section on validating authority, we would like to reiterate its position as to the flag state authority being the only authority in a position to validate catch certificate by

virtue of its responsibility in relation to the vessels activity at sea and the obligation of Article 94 of UNLCOS.

- Following the ITLOS No 21 case discussions the prominent role of flag States has been clearly confirmed: flag States have clear responsibilities to control their vessels and there is an obligation for the flag State to act 'with due diligence' to prevent and repress any unlawful act of their vessels;

Hope this helps. See you soon in Pohnpei, Angela

Angela Martini
Head of EU Delegation to WCPFC



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From: Arlene Takesy [mailto:Arlene.Takesy@wcpfc.int]
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Cc: *All Staff; cramirez@mire.gob.pa
Subject: WCPFC Circular 2015/16: Catch Documentation Scheme – Intersessional Working Group: Workplan for 2015

To All Commission Members, Cooperating Non-Members and Participating Territories

Please find enclosed WCPFC Circular 2015/16 on the above subject for your attention.

Respectfully,

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