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Market access: Tariff and non-tariff aspects

Developments in EU canned tuna market

Two recent publications, the Forum Fisheries Agency's (FFA's) *Globefish* market report and *Trade and Industry News*, in its special feature on the Infish tuna conference 2014, provide an overview of developments in the European canned tuna market, which grew in 2013 as a result of increasing demand. New, convenient fish products, as well as those coming from sustainable sources, were strongly promoted by EU retailers. For example, commitment from EU major retailers to use tuna caught by pole-and-line methods rather than from fish aggregating devices (FADs) – therefore produced more sustainably – has resulted in increased demand.

Demand for canned tuna in all major EU markets grew positively in 2013, including French imports from the Seychelles (+13%), German imports from Ecuador (+53%) and UK imports from Thailand (53.8%). The EU demand was met by EU canned tuna production (around 166,000 tonnes), as well as imports (534,564 tonnes). Spain remains the largest EU producer of canned tuna (68%), followed by Italy (20%). Primary processed tuna products, imported for canning, also increased in traditional EU tuna processing countries, such as Italy or Spain; Papua New Guinea (PNG) sold about 32% more pre-cooked tuna loins to Spain in 2013 than in 2012. However, Ecuador is the largest exporter to the EU, with around 88,000 tonnes.

The main EU partner for the Ecuadorian tuna processing sector is Spain. Following a meeting with the Ecuadorian ambassador in June, the General Secretary of the Spanish tuna importers and canners' association highlighted that the Galician tuna investments generate more than 5,000 jobs in Ecuador. But, the situation for the EU–Ecuador tuna trade is unclear. The Generalised System of Preferences (GSP+) is due to finish by the end of December 2014, and negotiations for an EU–Ecuador free trade agreement (FTA) have just been completed. An article in the agreement mentions that “the commercial terms negotiated between the two parties will enter into force during the second half of 2016.” If no solution is found for the interim period, it is possible there will be a gap during which EU import tariffs for Ecuadorian fish products will rise.

Thailand's exports to major markets in Europe have also grown, including to the UK (+140.8%), France (+43.7%) and the Netherlands (+42.6%), despite the halt in the EU–Thailand FTA negotiations, due to the political situation.

Other major EU suppliers – the Philippines and PNG – were warned earlier in June that they were not doing enough to combat illegal, unreported and unregulated (IUU) fishing. Both risk being identified as “non-cooperating countries” in the fight against IUU fishing. This takes place at a time when the Philippines is hoping to benefit from the GSP+ scheme, which would allow the country to export its tuna duty free. Unless measures are taken to respond and rectify the situation within the next 6 months, both countries could face an export ban by the EU of fish products.

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Comment

Fish products from sustainable sources – in particular eco-labelled products – are increasingly in demand by EU market retailers. Conversely, the EU IUU Regulation has become a key requirement to be met by ACP countries and producers. As part of the reformed Common Fisheries Policy (CFP), further requirements will soon be applied on labelling fish products, making it compulsory to mention the “method of catching” wild caught products. Meeting this increasingly complex set of requirements requires large investments by ACP governments and fish producers to ensure the legality and sustainability of fishing practices, as well as traceability “from the net to the plate”. Against this background, finding ways to streamline traceability requirements – as requested by the EU IUU, sanitary and phytosanitary (SPS) and new labelling regulation would appear necessary. Ideally, a single document should contain all necessary information showing that the product has come from an approved vessel/establishment, has been legally caught, and by what means. It should also be noted that aquaculture products are neither covered by the EU/IUU Regulation nor by the new labelling requirement on fishing gears.

Improvements are needed for the EU IUU regulation, says new study

A study entitled 'Traceability, Legal Provenance & the EU IUU Regulation', supported by the Stop Illegal Fishing Program and recently made public, notes that to date no data has been made available to suggest any decrease in the volumes of illegal fish entering the EU market as a consequence of the implementation of the EU IUU Regulation. The study also highlights shortcomings in the Regulation; for example, the Regulation relies on paper-based copies of documents, which may severely compromise document security and traceability. Although control capacities have been improved, in many cases, third countries' authorities do not have all the elements to check, particularly at sea, that the fishing products covered by a catch certificate are not from IUU sources; and the EU does not currently have the capacity to cross-check the authenticity of the certificates. At this stage, the study highlights that these are merely export certificates, not legal catch certificates.

The authors suggest that until such critical gaps in the catch certification scheme are effectively addressed, proposals that other countries should replicate the EU IUU Regulation are premature. They note that if the EU determines the Regulation and can demonstrate its effectiveness, it has the potential to become a very valuable model and tool for a global legal provenance traceability scheme.

In recommending a way forward, two strategies are considered in the study. The first presumes that the EU IUU Regulation will continue to be the main instrument for showing the legal provenance of a fish product. Therefore, addressing key weaknesses (e.g. managing catch certificates through an electronic system) would be the best immediate step towards reducing IUU fishing. The second strategy proposes the benchmarking of the various existing schemes

against five functional criteria as a means of identifying where improvements are most needed. The five criteria are:

- effective fishery management control;
- issuance of certificates for legal fish;
- maintaining the integrity of the certified quantity of fish;
- maintaining the integrity of the certified fish through processing; and
- transparency of performance.

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Comment

The ability to start controlling the legality of the catch at sea is one of the main challenges for ACP countries in order to ensure that the implementation of the EU IUU Regulation leads to a reduction of IUU fishing (thus safeguarding that investments made to comply with the Regulation will benefit their fisheries). Considerable efforts have already been made by ACP countries to reinforce their monitoring, control and surveillance means and to update their legislations, including through dialogue and support with the EU. However, in many cases, certificates are still – as demonstrated in the study – “merely export certificates” and no guarantee of the legal provenance of the fish. Further means need to be mobilised (e.g. through regional projects) and political will strengthened for the situation to improve. The other big challenge is to ensure that the information about the legality of the fish is transmitted, unaltered, all along the value chain. Managing catch certificates via an electronic system will indeed be a key step for addressing the challenges faced.

Tackling IUU through trade policy: The EU's experience

The European Commission (DG Mare) has recently published an overview of the state of implementation of the EU IUU regulation by member states, the European Commission and third countries. The document includes a chapter on the coherence between the IUU regulation and several other EU policies (including the development policy and food safety/health policy), a first analysis on its impacts on trade flows, and also looks at the compatibility of the IUU regulation with WTO rules.

Regarding policy coherence for development (PCD), generally, the implementation of the regulation can be seen to have positive impacts on sustainable development. However, difficulties have arisen for developing countries in terms of enforcing the catch certificate scheme, highlighting challenges in terms of effective monitoring, control and surveillance (MCS) systems. To address these issues, technical assistance has been provided by the EU to developing countries. The report notes that this assistance “is not limited to countries that have signed FPAs”.

In terms of coherence with food safety/health policy, the study highlights that, in practice, rather than having two broadly similar reporting regimes in respect of a single fish products consignment, “the question arises as to whether the reporting procedures could somehow be combined.”

Regarding the impact of the implementation of the IUU regulation on trade, the report emphasises that the perception is that the IUU regulation has already started to change IUU

operators' practices: "this was most notable from the reduction in the number of reefers attempting to import fishery products into Las Palmas."

The document highlights also that the IUU regulation potentially raises a number of issues in terms of the compatibility with WTO rules, including "the extent to which the catch certification scheme, possible import bans and provisions on access to ports might be considered to be technical barriers to trade". However, the study notes that there is no discrimination of treatment between EU and third countries, and that the IUU regulation is also in line with measures taken at the international level: "Therefore, while the possibility of a challenge under WTO cannot be excluded, the Regulation itself is currently believed to be WTO compliant."

The latter concern was also highlighted in a recent ICTSD article, on market and trade measures taken to combat IUU fishing. The article notes that "Many fishing and exporting countries... are concerned that such schemes could become unnecessary barriers to trade," underlining that the 2013 United Nations General Assembly resolution on sustainable fisheries requested the FAO to develop guidelines and criteria relating to catch documentation schemes. At its June 2014 session, the FAO Committee on Fisheries (COFI) further requested that these guidelines do not create unnecessary barriers to trade, and that they follow the principle of equivalence, are risk based, reliable, simple, transparent, and electronic if possible. Countries are aiming for adoption of the catch documentation guidelines at COFI's next session.

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Comment

The study highlights that, in general, and taking into account the fact that the IUU regulation has only been implemented for less than 4 years, changes have already been observed: despite the challenges – particularly of the catch certification scheme – efforts from developing countries to improve MCS and to deter IUU fishing have been boosted by the implementation of the EU IUU regulation. It needs to be noted that the importance for the FAO of developing "risk-based, reliable, simple, transparent, and electronic if possible" guidelines and criteria for catch documentation schemes goes beyond ensuring that these catch certification schemes do not become unnecessary barriers to trade. Such international guidelines and criteria will be an essential tool to help gradually closing alternative markets for IUU products and make the fight against IUU fishing truly global.

Emerging issues regarding the assessment and management of seafood safety and quality

FAO has published a new technical paper on current practices and emerging issues in seafood safety and quality, including the changing regulatory framework at international level, in the context of the World Trade Organization Codex Alimentarius Commission, FAO Code of Conduct for Responsible Fisheries, and the World Organisation for Animal Health.

The paper, published in August 2014, also discusses the challenges facing developing countries, including the potential mounting pressure on developing countries to meet private standards. Developing country producers and processors have so far had relatively little exposure to such pressure, due to three key factors:

- With notable exceptions – such as canned tropical tuna or shrimps – developing countries supply proportionately small volumes to markets where private standards are prevalent, such as the EU markets of Germany and the UK.
- Developing countries supply non-processed, or minimally processed, fish and seafood, while private standards apply mainly to processed value-added products for brands or private labels. For example, developing countries' processed fish products represent less than 10% of those sales in French and Italian supermarkets. With the exception of canned products, fish and seafood from developing countries tend to be imported as frozen whole fish or fillets – and these products demand few requirements over and above those mandated by public regulation.
- Developing countries tend to operate in supply chains with low levels of integration and, therefore, limited direct interface with retailers and private standards schemes.

The latter element is discussed in further detail in the paper, highlighting that the differences in supply chain structures will result in differences in the exposure to pressure to comply with private standards. Three types of supply chains structures exist in developing countries.

- Vertically integrated supply chains: “where the chain activities of fish farming/harvesting, processing and transportation to the European wholesaler/retailer are fully under the control of one transnational company”.
- Collaborative supply chains: where larger producers or groups of small producers “work with exporters that in turn, via their relationships with importers, translate market specifications back down” to producers.
- Fragmented supply chains: “categorised by a range of small-scale suppliers”. In this case, “there are less-direct relationships by which information about food safety and quality requirements can be passed on to producers.”

The study highlights that most developing countries exports are traded through the latter type of supply chain, which limits their interface with private standards, reflecting also their inability to engage with such schemes. “The result”, concludes the paper, “is that they are missing out on the opportunities such schemes might offer in terms of the potential to produce more value-added products and to access lucrative segments of developed country markets.”

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Comment

In the EU and other profitable fish markets, supermarkets increasingly dominate the distribution of fish and seafood products, and, as a result of increased public awareness on sustainability and quality criteria, their procurement policies are increasingly demanding for producers. In the EU, the level of regulatory requirements is also increasing, including new requirements in terms of labelling, traceability and SPS standards. Ensuring that information about both retailers and public requirements flows down to ACP producers, and that necessary support is provided for them to be able to comply with these new, often costly requirements, can only take place if the various

stakeholders of the production process – fishers, fish farmers, exporters, EU importers and retailers – are better inter-linked. This is already often the case for tuna products, where the value chain is highly vertically integrated, and efforts would have to focus on small-scale fisheries and aquaculture operations – some successful experiences already exist, which could be documented and shared. Assistance in improving infrastructure and legislation in ACP countries to promote compliance with standards is also required.

Nigeria sets sights on reducing fish imports, including developing foreign tuna fishing

A number of recent press articles have reported on Nigeria's plans to reduce its annual fish imports, and on the introduction of national strategies to guarantee the development of fishing and fish farming activities to supply the local market, boost local employment, income, and foreign exchange earnings. This initiative matches government policy to improve self-sufficiency notably in the country's rice and sugar sectors.

In recent years, foreign companies, including from the EU, have been responsible for most fish imported into Nigeria (mainly small pelagics). Some of these companies have set up cold rooms in Nigeria, both selling fish supplies to local operators and acting as direct retailers to the public. Vessa Fisheries' managing director commented that "some of these foreign companies would raise the prices of fish very high for local buyers, forced to buy from them as there was no alternative source of supply", after which they would lower the prices using their own retail structures.

As a result, Nigerian sellers were forced to operate at a loss and unable to pay back foreign companies, as most supplies were provided on credit: "Often, the foreign companies end up taking over their cold rooms," the company MD continued. This monopoly of foreign firms in supplying imports led to a situation where little attention was paid to the quality of the fish, and large quantities of rotten fish flooded Nigeria markets. To address the situation, the government established import quotas for foreign companies from late 2013, capping fish imports to 125,000 t for the first half of 2014.

To provide alternative sources of fish supply, Nigerian aquaculture and artisanal fisheries value chains are being established. Fish farmers have been provided with juvenile fish and subsidised fish feed, and the government is negotiating with investors for the establishment of large-scale tilapia farms in different parts of the country. Some EU companies and countries have also shown interest in supporting Nigeria's efforts to develop aquaculture. In August, Nigeria signed a Memorandum of Understanding with Malta to develop "industrial fish parks", with the objective of producing over 250,000 tonnes of farmed fish a year. "Several value chain industries and services will be set up around the facilities to create over a million direct and indirect [jobs]", according to the Nigerian Federal Ministry of Fisheries. A Dutch-based company, Nutreco, also announced in June that it is to invest in the local production of fish feed for Nigeria as well as the wider West African region.

A boost has also been given to wild fisheries via a number of government initiatives announced in late July by Foluke Areola, acting director of the Ministry of Fisheries. Artisanal fishermen have been provided with nets and other inputs, and value-adding industries will be encouraged particularly for shrimps, for which the ministry is embarking on the Marine Stewardship Council registration. The country is also opening up its Exclusive Economic Zone (EEZ) by encouraging companies to bring in Deep Sea Vessels into Nigeria, according to Ms Areola. In addition, in order to improve fisheries management capacities, a research vessel worth €10 million has been

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Comment

Nigeria is one of the biggest fish markets in Africa, and it is indeed vital to put in place alternative sources of fish supply, particularly for local consumption, in order to mitigate the impacts of the partial ban on imports, through the establishment of limited quotas. In the longer term, and given that small pelagic fish supplied to Nigeria are partly coming from rich West African fishing grounds (in Mauritania and Senegal), it may be of interest to consider how to improve regional trade routes between these countries. In this context, regional bodies like ECOWAS have an important role to play, and their efforts towards improving regional fish marketing could be supported by EU development cooperation.

South African hake thrives under Marine Stewardship Council ecolabel

The Marine Stewardship Council (MSC) reports that 10 years after it awarded its ecolabel to South Africa's hake trawl fishery, this fishery has demonstrated not only its environmental credibility, but also that environmental sustainability can provide long-term economic gains.

MSC mentions that recent studies have demonstrated that eco-certification of South Africa's hake trawl fishery, one of the oldest fisheries in South Africa, has helped to create opportunities for diversification to non-traditional exports markets, including in EU member states such as the UK, Germany and Sweden, where "buyer commitments to sustainable sourcing have often been the driver."

Currently, the South African hake fishery is responsible for an annual export revenue of approximately US\$187 million. The study showed that, without MSC certification, the value of South Africa's hake trawl fishery could decrease by an estimated 35% over a 5-year period. The

resultant loss in the fishery's contribution to gross domestic product (GDP) would be between 28 and 47%, with the potential loss of 12,000 jobs in the fisheries sector and supporting industries.

Improvements in fishing practices have also led to environmental gains, including a 90% decline in seabird mortalities (achieved by vessels using bird scaring lines). Moreover, as one of the elements required to maintain the MSC label, trawling grounds were charted with data provided by the sector. This information was then used to limit the grounds where trawling was to be conducted, helping to prevent damage to lightly trawled areas and to preserve natural refuges for hake. In addition, pioneering research is also being conducted by the sector in the Atlantic Ocean, 100 nautical miles off the west coast of South Africa, where the trawl industry has agreed to a 4-year fishing stoppage in certain areas to monitor ecosystem recovery in areas of closure.

Certification also contributed to closer cooperation between scientists, NGOs and industry towards managing this fishery sustainably.

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Comment

Over the years, the practice of trawling in tropical waters has given rise to much controversy, because of its impacts on the overall environment and on non-targeted species. The example of the MSC-certified trawl fishery in South Africa demonstrates that improvements have been introduced thanks to the eco-certification, with undeniable environmental and social benefits. It is not so clear however whether there have been economic benefits, particularly in the form of a premium for MSC-certified products on the end markets. In the South African case, the MSC's role has been to accompany a dynamic of change rather than certifying a fishery that was already sustainable to start with. The example also shows that there have been impressive investments in the sector, including new gear, research and data provision, as well as interaction with other stakeholders. The question remains whether such dynamic could also be successfully achieved by smaller-scale operators with less capital to invest in management-related initiatives, particularly if short-term economic benefits cannot be used to pay for the investments.

Developments in Ghana–EU fisheries relations

While visiting a Fisheries Enforcement Unit in Tema in August, Ghana's Minister of Fisheries and Aquaculture stated that "the fishing industry, if carefully harnessed can contribute meaningfully to Ghana's revenue generation." To that end, Ghana needs to address a series of challenges.

First, as emphasised by the Minister, the country has opportunities to expand its international fish markets, provided regulations on illegal fishing “are enforced swiftly”. Ghana’s Director of Naval Training told reporters that as part of the law enforcement, tracking devices have now been installed on all tuna vessels and trawlers – making it illegal for any vessel to go fishing without this device.

The fight against illegal fishing is crucial regarding fish trade relations with the EU. In November 2013, the EU issued a ‘yellow-card’ warning to Ghana for not doing enough to fight illegal, unreported and unregulated (IUU) fishing, and gave it 6 months to address its shortcomings; if a ‘red card’ were to be attributed, sanctions would include a fish import ban. On 27 June 2014, the EC granted the country another 6 months to improve the situation on the grounds that “credible progress was being made towards complying with their obligations.”

This is taking place in a context where, in July 2014, the Interim Economic Partnership Agreement (EPA) deal was finalised in West Africa. On this topic, the Pacific Islands FFA’s *Fish Trade and Industry News* reported that Ghana, a major canned tuna producer, provided “an annual average of 4.6% of total EU volume imports in the period 2009 to 2013 (including intra-EU trade)”. The FFA also underlines that the interim EPA will give “a boost to a proposed tuna canning joint venture in Ghana involving the Taiwanese tuna trading giant FCF and the vertically integrated Korean firm, Silla. The factory is projected to annually process around 20,000mt of canned tuna, of which 25 percent is to be pole and line caught.”

Ben Czapnik, for ICTSD *Passerelles* newsletter, also commented on the IEPA topic that “despite the importance of the regional market for processed products of Ghana, this country would be unlikely to seriously consider a result any which would result in a loss of access to Europe for important commodities” – including tuna.

Meanwhile, the Ghana Fisheries and Aquaculture Minister also announced that all tilapia imports were to be banned, with immediate effect, “to help create a market for local fish farmers and encourage higher production”. More than 90% of Ghana’s annual fish demand (880,000 tonnes) is serviced by imports, which annually cost US\$2 billion. However, Ventures Africa reported that Ghana’s Agricultural Workers Union (GAWU) is voicing Ghanaian fears over the lack of an alternative arrangement to meet the consumption needs for the massive shortfalls in supply that will be created by the ban.

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Comment

As in many ACP countries, fisheries and aquaculture are crucial sectors for the nation's food security, exports earnings and jobs. In Ghana, processing tuna (canned tuna/tuna loins) for export to the EU is first and foremost a major source of jobs that do not require higher qualifications. Such exports to the EU are not only dependent upon ongoing duty-free access, but also on meeting other requirements, including those derived from the EU IUU regulation. Efforts undertaken by Ghana to address IUU challenges are welcome and timely because, as part of the implementation of the IUU regulation, the EU decision on whether to ban fish product imports may be taken at the end of the year, based on an assessment of the changes introduced in Ghanaian legislation and practices. However, in order to maximise job creation in the sector, the recent decision to ban tilapia imports to promote local fish farming, is equally important. A similar recent decision in Nigeria was taken on small pelagic imports (which also form a significant part of Ghana's fish imports).

Addressing challenges of fish feed supply

The latest *Globefish* report on fishmeal and fish oil highlights that a growing demand from the sectors using animal feed (aquaculture/agriculture) maintained pressure on fishmeal and fish oil prices. Declines in global production, due to fishing restrictions and bad weather, pushed up prices in 2013 to record high levels. To reduce their dependency on wild fish catches, fishmeal feed producers are increasingly substituting fish with plant-based material, particularly soya meal. However, the sustainability of soya production (because of genetically modified organisms /GMOs and deforestation issues) and competition from human consumption raise a number of issues.

Another avenue is also explored in African aquaculture. A recent study has examined the case of farmed tilapia production in Africa, where the demand is high but the local production insufficient. The study highlights that intensive tilapia farming is expanding in sub-Saharan Africa, in Ghana in particular, where large-scale industrial tilapia farms are developing to meet increasing local demand. In countries such as Zimbabwe, Zambia and Uganda, "commercial tilapia production is now beginning to impact onto local and regional markets."

Although small-scale farmers continue to use home-made feed from various waste and by-products, these intensive tilapia farms rely on imported commercial feed, mostly based on fishmeal. Given the rising prices of fishmeal, there is a growing demand for alternative local quality feed. Sustainable local insect production is a possibility in the region, considering the favourable environmental conditions, with fly larvae having been identified as a suitable and valuable source of protein for livestock production systems, including fish. Fly larvae (or maggot) production can be achieved at low cost from various sources of organic waste (manure, decaying fruit or vegetables, abattoir wastes, etc.) and can be incorporated into fish feed as a principal source of animal protein for tilapia diet. Experiments will be implemented in 2014 and 2015 in Ghana.

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Comment

In African countries that have high fish imports, such as Ghana and Nigeria, aquaculture could potentially play a greater role in supplying the local markets. To date, imported fish feed based on fishmeal has been one of the major limiting factors for the development of aquaculture (including for the farming of non-carnivorous species such as tilapia, because the intrinsic qualities of fishmeal ensure a balanced diet for the fish, enabling fast growth). Developing sustainable alternative sources of proteins for fish feed is a key issue to address for furthering the development of aquaculture.

ACP–EU fisheries relations: Fisheries Partnership Agreements

EU and Mauritania restart negotiations for a Sustainable Fisheries Partnership Agreement

Although the second round of negotiations for the renewal of the EU–Mauritania Sustainable Fisheries Partnership Agreement (SFPA) concluded without reaching agreement, the EU delegation in Nouakchott pointed out that “things are moving ahead in a positive way.” Various stakeholders gave their views about the remaining areas of disagreement between the parties.

There had been initial disagreement over the end date of the protocol: the Mauritanian government considered that the current 2-year agreement became effective on 31 July 2012, when it was signed and when some EU vessels were allowed to fish in Mauritanian waters. However, the European Commission emphasised that the date was 16 December 2012, when it was ratified by the EU Council of Ministers and provisionally entered in application before the European Parliament’s decision. A third round of negotiations held in July found a compromise: EU shrimp and small pelagic trawlers, which did not take licences before the end of 2013, will be able to continue fishing in Mauritanian waters until the end of 2014.

The overall costs of the agreement also raise issues. In the second round of negotiations, the EC offered to reduce the compensation, paralleling a quota reduction for small pelagics, from 300,000 to 200,000 tonnes. The argument here is that, with the changes of fishing zones for small pelagics, some stocks are now out of reach for the EU fleets. To offset this decrease, the EU also proposed to allocate a grant for sustainable fisheries development through sectoral support.

In an interview, the Mauritanian chief negotiator responded that “It is not a rule of three where you pay less if you fish less.” The financial compensation is a right of access, reserving a quota for EU fleets that cannot be allocated to another party, despite the risk that Mauritania may lose amounts corresponding to the ship owners’ fees if they do not come. It provides EU fleets with access to an area that has abundant fish, is safe and is close to the EU and African markets. The EU also pays for having priority access to the resource over all other foreign partners. This financial compensation should not be confused with the fees paid by each vessel per tonne caught.

For the Mauritanian authorities, another major benefit of the current protocol is that it forces fishers to unload their catches in Mauritanian harbours. However, the Spanish fisheries sector considers such compulsory landings a disadvantage – as voiced during a visit of the EU negotiators to the Canary Islands, during which they highlighted that the current protocol resulted in the loss of 3,000 jobs and about €40 million. A platform of operators has been created with a requested a

5–10 year transitional period, during which time they would (with EU support) cooperate with Mauritania, transferring technologies, infrastructure, procedures and know-how to develop landing/processing infrastructures in Mauritania, while finding business alternatives for their own facilities.

Finally, the fishing ban for European cephalopod vessels is still a problem for the Spanish fishing sector, which thinks that with a new management model proposed by Spanish scientists, “there would be octopus for everyone.” On the contrary, the Mauritanian artisanal sector recently demonstrated, urging the government to continue implementing the agreement regarding the protection of octopus. In the report of its latest meeting, the EU–Mauritania SFPA Scientific Committee notes that details provided by Spanish scientists so far do not allow them to validate this new management system.

The EU and Mauritania will meet in Brussels for a fourth round of negotiations.

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Comment

The discussions about the renewal of the complex EU–Mauritania SFPAs highlights issues that are significant for all ACP countries undertaking an SFPAs. Undoubtedly, the former EU–Mauritania protocol included aspects that many see as conducive to local fisheries development, including compulsory landings of all catches. An often-mentioned relevant matter is the need to address the lack of local infrastructure and know-how in the third-country partner states concerned, in order to maximise benefits from such landings. The initiative proposed by Canary Islands operators (i.e. to plan with their Mauritanian counterparts the transfer of technologies, infrastructure, procedures and know-how in order to develop value-adding landing/processing infrastructures in Mauritania) is an interesting path to explore. As some NGOs have argued, desirable joint ventures between EU and ACP fishing operators – something which is promoted through SFPAs – may be more about value addition and processing in the ACP country than about catching fish. Sectoral support as well as European Development Fund support could play a facilitating role in achieving this.

Another key issue discussed here is the basis on which the financial contribution level should be fixed. Should it be proportionate to the level of fishing possibilities, to ensure value for money for the use of EU taxpayer money? Should new SFPAs features (e.g. the fact that the EU has priority access to surplus before third countries) be encompassed in the setting of compensation and, if yes, how? How should the sectoral support be made complementary with other EU development funds? These and other questions suggest that there is a need for ACP countries that have an interest in SFPAs and the EU to open a dialogue about how the reformed EU external fisheries policy will be implemented.

Guinea Bissau and the EU reactivate the procedure for an SFPAs

Following the national elections in April 2014, the EU Commissioner for Maritime Affairs and Fisheries met the newly appointed Prime Minister from Guinea Bissau and the Secretary of State for Fisheries to discuss cooperation in fisheries. Both parties agreed to reactivate the ratification procedure of the SFPAs. A 3-year protocol was negotiated in 2012 but never entered into force following the military coup in Guinea Bissau in April 2012.

The 2012 protocol provided the EU with fishing opportunities for tuna, cephalopods and shrimps. The EU agreed to pay Guinea Bissau annual compensation of €9.2 million, including €3 million earmarked to support the Guinea Bissau fisheries policy. France, Portugal and Spain are the EU member states with the most interest in this fisheries agreement.

Other topics of mutual interest were raised during the meeting, notably the need to enhance cooperation in the fight against illegal fishing, to establish transparency and to ensure proper implementation of the EU's support to the fisheries sector in Guinea Bissau.

In terms of transparency, it should be noted that Guinea Bissau has published the agreements it has with foreign countries or companies, including the EU, Senegal and China.

The country's 4-year agreement with China to catch shrimps, cephalopods and demersal fish in fact covers only the activities of vessels from one Chinese company: China Fisheries National Corporation (CNFC). Other vessels of Chinese origin are also active in Guinean waters: in June, four Chinese vessels from the company Shi Hai started fishing in Guinea Bissau under chartering arrangements. Their activities will primarily supply the domestic markets. The press announced that the chartering transaction has been made for about €100,000.

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Comment

The 2-year EU–Guinea Bissau agreement contained provisions that only access to a surplus of resources such as shrimps and cephalopods should be granted to EU vessels, taking into consideration the need to maintain a sustainable fishing effort. This was based on the best scientific data available and in line with the United Nations Convention on the Law of the Sea (UNCLOS) and the reformed Common Fisheries Policy (CFP) (although the reform was not finalised at the time). One crucial element is the need to create full transparency of the overall fishing effort exerted by all fleets fishing in Guinean waters; the Guinea Bissau initiative to publicise its fishing agreements with third countries is, therefore, a commendable step. However, the context has changed since 2012, particularly with the arrival of Chinese-origin vessels, not covered by the Guinea Bissau–China/CNFC fisheries agreement protocol, which represents an additional fishing effort. The future SFPa protocol needs to take this into account, to ensure that EU vessels operations will be both viable and sustainable.

EU and Madagascar agree new SFPa protocol

The EU and Madagascar initialled a 4-year protocol to the SFPa with Madagascar. The EU financial compensation for this agreement is about €6 million over the period; fishing opportunities will be provided to 40 purse seiners and 54 longliners to target tuna and associated species (including sharks). A bigger proportion of the costs of access will be paid by the ship owners: the European Commission informs that “the conditions laid down will help double the share paid by ship owners.” There will be an overall increase of the price paid per tonne, and the share of the contribution earmarked for sectoral support has also increased to €700,000 a year, compared to €550,000 a year in the previous protocol.

The *ex ante*, *ex post* evaluation highlighted a series of recommendations, including on the validation mechanism for tuna catches, which required “improvements in the delimitation of the Malagasy fishing zone and in the transmission of detailed and aggregated data”.

To address this issue, the new protocol spells out a number of technical improvements related to monitoring and declaring catches:

- quarterly statements of catches and fishing effort;
- establishment of conditions for daily electronic transmission of catch data;
- use of observers; and
- a clear definition of the Malagasy fishing zone limits.

The definition of areas accessible to the EU fleet in Malagasy waters also allows the interests of small-scale fishing activities to be preserved.

Protective measures relating to sharks prohibit fishing for the most vulnerable species and introduce management measures for the authorised ones, with maximum authorised catches of 250 tonnes per year.

The EC emphasised that the initialled protocol is fully in line with the recently adopted Madagascar national strategy for tuna fisheries with the support of the EU-funded regional programme Smartfish.

Compared with the current situation, these financial benefits will be increased by 20%.

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Comment

Past uncertainties about the delimitation of some areas of some ACP countries' EEZs have led to various incidents, whereby it has been difficult for the coastal country to assert whether a vessel has been fishing outside or inside an EEZ – in which case the vessel needs an appropriate licence to do so. The existence of these 'grey areas' makes it more difficult for countries to police their waters appropriately. Clarifying the situation through the SFPA process is a welcome step, not only for the EU–Malagasy relationship, but for all fishing operations taking place within Madagascar's EEZ. Other measures to improve catch declarations, such as the establishment of daily electronic transmission of catch data, are positive steps that it would be most welcome replicating.

EU–Morocco SFPA finally signed by Morocco: European fishermen hope to restart fishing in August

Morocco's King Mohammed VI took advantage of Spain's King Felipe VI's visit to announce that, at last, he will be signing the fishing agreement with the European Union. This will allow EU boats, mainly Spanish, to return to fishing in Moroccan waters, from where they were expelled in December 2011. Morocco's signature has been pending since February. Up to 120 vessels from 11 EU countries (mainly Spain, but also Portugal, Italy, France, Germany, Lithuania, Latvia, Netherlands, Ireland, Poland and the UK) will be fishing under the new protocol.

The European Commissioner for Maritime Affairs and Fisheries, Maria Damanaki, welcomed the signing, and emphasised that: "we made sure that the EU's fishing rights do not exceed the scientifically sound limit that ensures sustainable fisheries, and that European vessels do not

compete with local fishermen. I am confident that the EU's financial support will help build a sustainable future for Moroccan fisheries through the targeted sectoral support."

The EU has negotiated access by Morocco for species that are not fully exploited (or are overexploited), a consequence being that Morocco's Mediterranean fishing area is reserved for Moroccan operators, as well as some fisheries such as octopus and crustaceans.

The Spanish fishing industry generally welcomed the new agreement because the "closure" of fishing in Guinea Conakry, "the lack of implementation of the agreement" with Guinea Bissau, and the "non-start" of the fisheries agreement with Senegal all meant that their fleets' fishing grounds end at Gambia and Sierra Leone, which are "much poorer in fish resources". Therefore, they are hoping to be able to restart fishing operations in Moroccan waters in August, and also hope that other fisheries, such as octopus, could be opened up to them in the future.

The Moroccan fishing sector estimates that a few aspects need to be reviewed for the next protocol. "The landing of catches in Moroccan ports would be a good way to ensure that fishing quotas are respected," said a fishing sector representative. "As long as Morocco will not be able to obtain it, a large part of Moroccan fisheries resources are likely to escape all control."

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Comment

The opening up of Moroccan fishing grounds will somewhat ease the situation for fleets currently unable to access some other fishing grounds in West Africa (Mauritania, Guinea, etc.). This highlights that all foreign fishing fleets (e.g. European, Asian) – even those fishing for stocks that are not migratory – rotate between different fishing grounds in a region, depending on the availability of fishing possibilities or the conditions made by the coastal country. This suggests it is necessary for ACP countries in a given region to share data about which foreign fleets operate in their waters, and under what conditions, to be able to anticipate any issue that may arise from the displacement of vessels from one fishing ground to another: potential competition with the local sector, increased pressure on some resources, etc. To avoid such issues, coastal countries in a region will ultimately need to harmonise access conditions made to all foreign fleets, including, but not restricted to, those fishing under fishing agreements. The West African Sub-regional Fisheries Commission's efforts to ensure that its eight members implement the Convention on

Minimal Access Conditions (CMA) are commendable. This Convention could become a useful reference for future agreements signed with foreign countries or entities (e.g. China, Russia, and the EU).

EU and Mozambique open talks on the renewal of Sustainable Fisheries Partnership Agreement Protocol

The EU and Mozambique met in Maputo to launch negotiations for the renewal of the SFPA protocol due to expire on 31 January 2015. The current protocol, which came into force fully on 13 June 2012, secures access to the Mozambican fishing zone for 43 EU purse seiners and 32 surface longliners. It was agreed that the next round of negotiations would be held in Brussels by September 2014.

Meanwhile, Mozambique Fisheries Minister announced that the Mozambican tuna fishing company Empresa Moçambicana de Atum (Ematum) is expected to start fishing before the end of 2014, following the arrival of the first five fishing vessels ordered from France – due in September – which are expected to catch 1,500 tonnes of tuna per year. According to Mozambican daily newspaper *Notícias*, Ematum, which is 67% state-owned and 33% owned by private investors, would only be fully operational in 2015, after the expected arrival of another 16 fishing vessels.

This is part of Mozambique's Strategic Plan for Tuna Fishing Development aimed at increasing benefits for Mozambique. A Mozambican Fisheries Ministry representative emphasised that "of the US\$60 million resulting from tuna fishing, only a million stays in Mozambique." Tuna fishing in Mozambique is currently carried out by over 100 fishing vessels, almost all of which are foreign, notably from Japan and Europe; there is just one Mozambican tuna boat.

As part of efforts to ensure that tuna fishing is carried out mainly by Mozambican operators, the Fishing Minister stated that a total of 15 tuna fishing projects have recently been presented by potential Mozambican and foreign investors from countries such as Indonesia, China, South Korea and Portugal, which also include processing plants. This will contribute to job creation, helping to reduce poverty in some coastal regions, such as the Nampula region. Further investments in the region's fishing sector are estimated at approximately US\$10 million by companies from China and Portugal to catch shrimp, lobster and grouper, for export.

Sources

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Comment

Fisheries relations between EU and EU member states' operators and Mozambique go much further than the access of EU tuna vessels to Mozambican waters, which is the basis for the negotiation of the new SFPA protocol. In particular, private EU companies are involved in fisheries investment projects for tuna, but also in other fisheries (shrimps, lobster, grouper) to be exported to international markets, including most probably EU markets. Given that the protection of EU private investments in third countries is, since the entry into force of the Lisbon Treaty, an EU

competence, the question arises whether the EU has a role to play, to ensure that such EU investments in ACP fisheries are protected. This may translate into ensuring that these investments are compatible with sustainable exploitation of fisheries. It could be argued that the sectoral support provided under SFPAs – and increasingly complemented by actions undertaken under the EDF – focusing on improving the capacities of the partner country for developing sustainable fisheries (e.g. research, MCS, support to the artisanal sector, compliance with SPS regulations) may help to provide the partner country with the tools it needs to ensure that such private investments do indeed deliver long-term social and economic benefits.

EU and Spanish support FAO work for a global register of fishing vessels

Commenting on the outcome of the 31st Session of the FAO Committee on Fisheries, the EC noted that there was broad support for the establishment of the global register of fishing vessels – including the use of the International Maritime Organization number as a unique vessel identifier for phase 1 of the register – promoted by the FAO. For this project, the FAO has an annual budget of around US\$500,000, and Spain announced it will contribute €250,000. Spain's Secretary General of Fisheries stressed that it is “an essential tool in the fight against illegal, unreported and unregulated (IUU) fishing, since it makes it possible to know which vessels operate legally”.

To achieve this, the global register has the objective of centralising data from fishing vessels, refrigerated transport and support vessels. Only certified, up-to-date vessel records provided by the authorities in charge will be used. FAO's immediate priority is with the system development and implementation at this initial stage. The global register development road map has three main pillars: robust and cost-effective system development, capacity development and awareness-raising. The FAO project has been undertaken in collaboration with the European Commission (DG Mare) to define specifications with the aim of standardising the vessel information.

Spain will not only fund the project, but also participate in the Project Advisory Committee “providing expertise in this field, in which the inspection services of the General Secretariat of Fisheries have been working since 2000”.

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Comment

The establishment of a global register of fishing vessels, based on the use of a unique vessel identifier, will be a useful tool to ensure not only that vessels engaged in IUU fishing are uncovered, but also to improve the traceability of fish products. This global register will ultimately help all actors in the fish supply chain to verify that the fish they are using is not coming from a vessel engaged in IUU fishing operations. In this sense, this initiative will help tighten up catch certification schemes, like the one set up under the EU IUU regulation, which should be rooted in a robust traceability system.

Common Fisheries Policy and its implications

Call on the EU to ban subsidies for high seas fishing

The Global Ocean Commission (GOC), an initiative composed of 17 government and business leaders, called for an international governance system for high seas management as it released its report entitled 'From Decline to Recovery: A Rescue Package for the Global Ocean'. In order to strengthen high seas governance, the GOC is joining the call for a new agreement under UNCLOS to protect biodiversity beyond national jurisdiction. "Less than one per cent of the high seas is currently protected, so it is crucial that this new agreement includes provisions for creating protected areas in the high seas," says a GOC member.

In particular, the GOC urged governments to phase out fuel subsidies for fleets fishing on the high seas, including tuna fishing fleets, over the next 5 years.

The report highlights that industrial fleets from 18 countries are "plundering the high seas" through government subsidies, particularly on fuel for these fleets. Several EU member states are included in the list: Spain – which allocated US\$1,073 million in fuel subsidies in 2013, France, UK, Denmark and Italy heavily subsidise fuel costs for their high seas fishing fleets. China, Japan, South Korea, the Philippines and the USA also provide large subsidies to their high seas fleets. The NGO Oceana commented in a press release that without this financial support, industrial fleets would probably not fish the high seas.

During a press conference, the GOC co-chairs called on EU countries "to cease all financial support for deep sea fishing". The European Fisheries Commissioner, Maria Damanaki, relayed the call to the member states. She emphasised that the new CFP, starting 1 January 2014, has ended subsidies that allowed fleets to increase their capacity, "but we must also reckon with subsidies from member states". Her call was echoed by the former UK foreign secretary, co-chair of the GOC, David Milliband, who supported an end to subsidies for high seas fishing. The GOC report said governments should cap and eventually phase out fuel subsidies over 5 years. However, if oceans continue to decline, governments should consider banning industrial fishing on the high seas entirely, with the exception of those areas where action by regional fisheries management organisations is effective.

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Comment

The GOC request to eliminate fuel subsidies for high seas industrial fishing – including industrial tuna fishing – comes at a time when WTO negotiations to reach an agreement to curb harmful fisheries subsidies have stalled. Several similar calls – by scientists and NGOs – have recently been made, in an attempt to unlock these negotiations by focusing measures on industrial high seas fishing, which, supposedly, would be supported by those developing countries not having industrial fleets. Although some references are made to “developing countries small-scale fisheries interests”, the GOC agenda is first and foremost an environmental conservation agenda: suppress subsidies to high sea fishing in the next 5 years or close them to industrial fishing (i.e. more realistically, design and implement high seas marine protected areas). It will be necessary for ACP countries to monitor developments of these discussions, and envisage the impacts of the designation of high seas protected areas on the sustainability and the revenues from tuna fisheries within their EEZ, so that they can make their voices heard in this debate which, up to now, only involves developed countries having fishing activities on the high seas and environmental groups.

EU member states that have exceeded their fishing quotas in 2013 will face reduced quotas in 2014

According to a press release by Maria Damanaki, EU Commissioner for Maritime Affairs and Fisheries, “The 10 EU Member States that declared having exceeded their fishing quotas in 2013 will face reduced fishing quotas for those stocks in 2014.” The EC has announced these deductions in order “to immediately address the damage done to the stocks overfished in the previous year and ensure a sustainable use by Member States of common fishery resources”. In comparison to last year, “the number of deductions made went down by 22%.”

Ms Damanaki commented that “If we want to be serious in our fight against overfishing, we need to apply our rules by the book – and this includes the respect of quotas. I'm glad to see that we did a better job in 2013 than in previous years when it comes to staying within quotas. That said, to achieve healthy fish stocks across Europe we also need efficient controls to enforce the rules in place.”

The Commissioner noted that the quota deduction affected Belgium, Denmark, Greece, Spain, France, Ireland, the Netherlands, Poland, Portugal and United Kingdom and 45 fish stocks, adding that “Any quota deductions apply to the same stocks that were overfished in the previous year, with extra deductions made for consecutive overfishing, overfishing above 5%, or if the stock concerned is subject to a multiannual plan.”

It was noted that where a member state has “no fishing quota available to ‘pay back’ their overfishing, the quantities will be deducted from an alternative stock in the same geographical area, taking into account the need to avoid discards in mixed fisheries.” In such cases, there is consultation with the member states concerned, and the results of these consultations are to be published later in 2014. Where there is insufficient quota, “pay back” quantities will be carried over to 2015.

Member States that have been sanctioned are: Spain, Belgium, Denmark, Greece, France, Ireland, Netherlands, Poland, Portugal and the UK.

Sources

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Comment

Quotas systems – whether or not they involve transferability of quotas among operators – have been put in place or are being proposed for managing various fisheries in ACP countries (Namibia, South Africa, West Africa, etc.). The example of the EU shows that recording the true levels of fishing, and whether quotas have been respected or not, is of key importance. It shows also that “pay-back”/penalties systems have to be put in place to address such situations where quotas are not respected and overfishing takes place. This suggests that the successful implementation of a quota system necessitates efficient monitoring, control and surveillance systems – something that is still not entirely satisfactory in many ACP countries. Other complementary actions can also be taken by fisheries managers to detect when quotas are not being respected, such as inconsistencies between catch data and sales data. This calls for improved cooperation between national fisheries and trade ministries.

WTO and international developments

WTO framework for international market access in fisheries and aquaculture

Delegates from 11 countries participated in a joint workshop organised by FAO and Info-SAMAK, on a 'WTO framework for international market access in fisheries and aquaculture'. An FAO presentation, made available with the report, looked at 'Market measures in fish trade to promote sustainable fisheries'. It first considered reasons why seafood ecolabelling has been developing, which include:

- growing public awareness and demand for sustainable seafood;
- vertical integration along chain of custody, which facilitates documentation and labelling;
- global retailer requirements for sustainable seafood, to attract consumers/expand market share;
- increasing legal requirements of importing countries.

Four common factors have been identified in ecolabel markets (principally EU and US markets):

- consumers in these countries are 'environmentally aware';
- these countries have a high level of active urban populations;
- supermarket chains (rather than traditional fish markets) dominate these countries' seafood retail sector;

- the consumption patterns are based on few seafood species, with a preference for processed seafood products that lend themselves to (eco)labelling.

To this end, the Global Seafood Sustainability Initiative (GSSI) is presented. This initiative gathers more than 30 stakeholders (private seafood companies, NGOs and national government agencies such as GIZ); and FAO provides technical expertise and sits on its Steering Committee. The GSSI's mission is "to deliver a common, consistent and global benchmarking tool for seafood certification; to raise consumer confidence in seafood; to promote sustainable fisheries practices, and to encourage improvement in seafood certification schemes."

This global benchmarking tool is based on FAO certification guidelines and FAO evaluation frameworks (minimum criteria), ISO standards, etc. Pilot studies will be carried out on selected certification schemes in 2014. Expected release of the benchmarking tool is planned for 2015.

Sources

FAO *Globefish*, WTO framework for international market access in fisheries and aquaculture, 4 September 2014

<http://globefish.org/wto-framework-for-international-market-access-in-fisheries-and-aquaculture.html>

FAO/Info-SAMAK, 'Market measures in fish trade to promote sustainable fisheries', June 2014

<http://www.globefish.org/upl/Diary/FAO-Infosamak%20Joint%20workshop%20WTO/papers/FAO%20Market%20mechanisms%20in%20fish%20trade%20Casablanca%20June2014.pdf>

Comment

If the WTO framework plays a major role in governing international fish trade, including EU-ACP fish trade, other issues such as the use of ecolabels (and related traceability requirements) on markets (e.g. the US and the EU) present both opportunities and obstacles to be addressed for fish exporting ACP countries. It would be advisable for interested ACP countries' stakeholders to become part of the GSSI current initiative, so that their specific concerns are duly taken into account in the development of this global benchmarking tool for seafood ecolabels.



Launched by CTA (Technical Centre for Agricultural and Rural Cooperation ACP–EU) in 2001, the Agritrade website <http://agritrade.cta.int> is devoted to agricultural trade issues in the context of ACP (Africa, Caribbean, Pacific) – EU (European Union) relations. Its main objective is to better equip ACP stakeholders to deal with multilateral (World Trade Organization – WTO) and bilateral (Economic Partnership Agreement – EPA) negotiations. Thus it provides regular and updated information and analysis on technical aspects of the trade negotiations, developments in the CAP and their implications on ACP–EU trade, as well as on major commodities (banana, cereals, sugar, fisheries, etc.).

The Technical Centre for Agricultural and Rural Cooperation (CTA) is a joint ACP–EU institution active in agricultural and rural development in African, Caribbean and Pacific (ACP) countries. Its mission is to advance food and nutritional security, increase prosperity and encourage sound natural resource management. It does this by providing access to information and knowledge, facilitating policy dialogue and strengthening the capacity of agricultural and rural development institutions and communities in ACP countries.

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