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## FISHERIES TRADE-RELATED REGULATION

### *Early steps in reform of EU Fisheries Partnership Agreements*

The EU's 2009 report on 'Policy Coherence for Development' reviewed the status of the EU Common Fisheries Policy, including its Fisheries Partnership Agreements (FPAs) with third countries.<sup>2</sup> The report concluded that while the shift to FPAs offers a more development-friendly policy framework than the pre-FPA access agreements, there are still concerns over the sustainability and social consequences of FPAs.<sup>3</sup> The EU identified the greatest virtue of FPAs as being that they regulate European fleet access to developing countries' waters, contributing to fisheries governance. Because of this, the EU indicates that FPAs are not just about fisheries access, but broader cooperation in the sector.

However, the EU identifies shortcomings in the EU's record of meeting the *development* objectives of FPAs. FPAs have so far made little progress in generating investment and joint ventures in developing countries where the EU fleet is active. The EU maintains that poor infrastructure, investment climate and market access contribute to this failure. Further, job creation onboard EU fishing vessels is minimal; the most job creation has emerged in countries with large tuna canning industries. Though FPAs take scientific advice into account when negotiating agreements, data, reporting and illegal fishing<sup>4</sup> remain significant concerns.<sup>5</sup>

In the forthcoming reform of the Common Fisheries Policy, the EU seeks to re-evaluate the impacts of FPAs with a view to making them more development-friendly. The EU invited comments on specific issues associated with sustainability, equity and governance between April to December 2009 (actual reform will take at least two years). Fishing partners and advocacy organisations weighed in on the issues to be reformed.<sup>6</sup> For example, in early November 2009, the Mauritanian National Fisheries Federation organised a workshop on improving governance in EU-West African FPAs. The resulting 'Nouakchott Declaration' highlights key areas in need of reform in FPAs, including: resource access and ecosystem management, investment, artisanal participation, transparency and communication, regional and international management and coherence with EU development policy.<sup>7</sup> Participating organisations have been circulating the Declaration, planning

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follow-up events, and developing feedback to inform the CFP reform process. In addition, the International Collective in Support of Fishworkers (ICSF) launched an intervention stating that the reformed Common Fisheries Policy 'must be rooted in justice and equity' and provide 'an ethical framework for EU fisheries'.<sup>8</sup> While the Brussels-based Coalition for Fair Fisheries Arrangements (CFFA) provided a detailed analysis focusing on EU fleet overcapacity, trade and markets, and the 'external' dimension, including FPAs. The CFFA submission is available to download here: [http://ec.europa.eu/fisheries/reform/docs/cffa\\_en.pdf](http://ec.europa.eu/fisheries/reform/docs/cffa_en.pdf)

The EU's Advisory Committee on Fisheries and Aquaculture (AFCA) has also released an opinion paper on the proposed CFP reform process. The AFCA is the only formal stakeholder consultation body in the fisheries and aquaculture sector at the EU level and is comprised of representative from fishing enterprises, downstream companies (processors and traders), worker organisations and non-professional groups concerned with the impacts of fisheries and aquaculture.<sup>9</sup> AFCA's opinion paper proposes a distinction between the costs of access for the EU fleet which would be covered by ship owners and represent a fair portion of the catch value, and the sectoral support for research, control and development that the EU pays to coastal states through FPAs. AFCA urges that EU sectoral support should be consistent with EU development policy objectives, particularly poverty alleviation.<sup>10</sup> This proposal, agreed upon by AFCA members, would delineate access fees (paid by the fleet) and associated development funds (paid by the EU). On one hand, this delineation increases the accountability of the fleet by making it responsible for paying for its fishing. On the other, it is unclear how the split stands to influence transparency in the industry segment of access agreement. If this proposal is formally incorporated into FPAs, it will be critical that coastal states share information that will prevent EU fleets from playing coastal states off against each other.

Meanwhile, FPAs, and disputes over them, continue. In January 2009, the Seychelles temporarily suspended the EU from fishing in its waters when dispute over the license fees stalled renewal of the FPA. Seychelles sought to increase revenue, and Spanish vessels threatened to relocate to other ports if the matter was not resolved.<sup>11</sup> The dispute was resolved when the EU agreed to pay €9 million (the same fee as for the previous year) plus €1.7 million in compensation for excess catches in 2006 and 2007.<sup>12</sup>

***Fishing partners and advocacy organisations emphasise the need for coherence between EU development policy and Fisheries Partnership Agreements***

***The formal stakeholder consultation body in the fisheries sector at the EU level (AFCA) proposed a distinction between access costs (paid by industry) and development assistance (paid by government) in FPAs***



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The EU, not traditionally a major fishing force in the Western and Central Pacific Ocean, continues to operate in the region under FPAs. In September 2009, the EU concluded a new FPA with the Solomon Islands to replace the expiring agreement. The agreement provides four purse seine licenses and allows for the possibility of introducing longline licenses. Fifty percent of the EU's financial contribution of €400,000 was earmarked to enhance responsible and sustainable fishing in Solomon Island waters. The agreement will serve Spanish and French vessels.<sup>13</sup>

## **FISHERIES MANAGEMENT AND DEVELOPMENT**

### **Study suggests WCPO conservation efforts not sufficient, new WCPFC limits on FAD fishing, developments in Catch Documentation Scheme**

Recent Western and Central Pacific Fisheries Commission (WCPFC) measures have sought to increase data collection on fish discards and Fish Aggregating Devices (FADs), improve observer coverage and reduce bigeye mortality through WCPFC action. Strategies have included closing two pockets of international waters (popularly known as 'donut holes') between Pacific island EEZs<sup>14</sup> and implementing temporal closures of purse seine fishing with Fish Aggregating Devices (FADs).<sup>15</sup> A key objective of these measures is to reduce fishing mortality on bigeye by 30 percent from 2001-4 levels and limit yellowfin mortality to 2001-4 levels, actions the WCPFC scientific committee deems critical to maintaining maximum sustainable yield (MSY).

However, a recent WCPFC Scientific Committee assessment reveals that most WCPFC conservation measures have exemptions or alternatives built-in. These elements, along with other management challenges, make it unlikely that WCPFC conservation measures will generate – not to mention sustain – maximum sustainable yield (MSY) for bigeye.<sup>16</sup> The assessment maintains that a 34-50 percent reduction in fishing mortality from 2004-2007 levels is required to keep bigeye biomass above MSY. This is an increase from 30 and 25 percent reductions recommended in the previous two assessments. For yellowfin, the scientific committee recommends that there be no increase in fishing mortality in the western equatorial region.<sup>17</sup>

These findings have led environmentalists and Pacific island countries to call for tougher restrictions on industrial scale fishing of bigeye tuna.<sup>18</sup> In August 2009 Greenpeace

**A new FPA between the EU and the Solomon Islands includes €400,000 to enhance responsible and sustainable fishing in Solomon Island waters**

**Study reveals that conservation measures in the WCPO are unlikely to protect bigeye stocks**



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advocated for more than a 50 percent reduction in bigeye effort.<sup>19</sup> In December 2009, as the WCPFC's 6<sup>th</sup> Regular Session meeting approached, the International Seafood Sustainability Foundation (ISSF) called for a complete temporary closure of the purse seine fishery in the WCPO to give stocks a chance at a sustainable future.<sup>20</sup> Pacific island countries approached the 2009 WCPFC meeting with proposals to ensure penalties for illegal fishing and to increase flag state responsibility for vessel registration. PICs reiterated their commitment to the WCPFC's conservation and management measures, but did not make a public statement in support of effort reductions for bigeye or yellowfin.<sup>21</sup>

In the WCPFC 6<sup>th</sup> Regular Session meeting, Members from several Asia blocked agreement on proposals to close high seas donut holes surrounding the Cook Islands, French Polynesia and parts of Kiribati and to limit fishing. Member countries did agree to a two year ban of fishing in two high seas donut holes; one bound by Palau, Micronesia, Papua New Guinea and Indonesia and the second bound by Solomon Islands, Fiji, Tuvalu, Nauru, Marshall Islands, Micronesia, Papua New Guinea and Kiribati.<sup>22</sup> 2010 will also bring another three month ban on FAD fishing.<sup>23</sup>

WCPFC6 also considered the issue of a catch documentation scheme for the Commission. At WCPFC5 in 2008 the Commission had agreed to the establishment of a Working Group to develop a catch documentation scheme which was to be led by the EU. However, the EU was unable to lead the Working Group, instead focusing on the implementation of its own EU IUU Regulation that entered into force on 1 January 2010. In the absence of any progress on catch documentation in 2009, the Commission has agreed to develop a Catch Documentation Scheme in 2010. FFA Members have agreed to lead the process of developing a Scheme. It is anticipated that the Scheme will need to be designed in such a way that it meets the requirements of the EU IUU Regulation and takes account of national systems already in place.

### **Southern bluefin tuna quota cut by 20 percent in effort to rebuild stocks**

High catches and illegal, unreported and unregulated (IUU) fishing activity between 1986 and 2006 have significantly impacted the valuable Southern bluefin tuna population. The Commission for the Conservation of Southern Bluefin Tuna's (CCSBT) scientific committee recently found that southern

***The 6th  
Regular  
Session  
meeting of  
the WCPFC  
reduced  
bigeye catch  
by 10 percent,  
closed high  
seas pockets  
to fishing and  
implemented  
a three month***

***Development of  
regional Catch  
Documentation  
Scheme  
expected in  
2010***



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bluefin tuna spawning stock biomass is less than 10 percent of the pre-fishing spawning biomass. Commission Members have agreed to an interim target of rebuilding the spawning biomass to 20 percent of the pre-fishing levels and implemented policy changes to achieve this goal.<sup>24</sup>

In the October 2009 annual meeting, CCSBT membership voted to cut the Southern bluefin tuna quota by 20 percent,<sup>25</sup> although the Australia government (whose industry catches upwards of 40 percent of all Southern bluefin) reportedly pushed for a 50 percent reduction.<sup>26</sup> The Commission is also focusing on enforcing catch quotas. From January 2010, every fish is required to be tagged at harvest; tags must be linked to documents for each fish showing the date of harvest, weight and length.<sup>27</sup>

The quota reduction has been met with resistance from all sides. Australian fishers – who in losing 30 percent of their total catch, will bear the largest brunt of the cuts – say that the cuts will result in job losses and cost the tuna fishery and related industries millions of Australian dollars. Industry argues that the cuts are unfair since other countries had quotas *increased* in the allocation process.<sup>28</sup> Australian industry representatives indicate that they do not think the stock is in as bad a condition as scientists report.

On the other hand, environmental NGOs WWF and TRAFFIC told the Commission that the 20 percent reduction is a step in the right direction, but might be too little too late. WWF and TRAFFIC have proposed a temporary closure of the fishery.<sup>29</sup> Fisheries management officials note that Southern bluefin quota reductions have potential to increase pressure on sensitive yellowfin and bigeye populations because industry will look for new fishing opportunities. In addition, officials are watching for increased IUU fishing.<sup>30</sup>

The Australian government has announced federal retraining support for workers affected by cuts to the tuna catch quota.<sup>31</sup> The cuts have also provided even more incentive for the Australian firm Clean Seas Tuna to continue its advances in captive breeding of Southern bluefin. The firm is the first to successfully spawn the fish<sup>32</sup> and plans to replace Australia's entire quota cut (1,250 tonnes) within five years.<sup>33</sup>

**Southern bluefin tuna quotas have been reduced by 20 percent in an attempt to recover dwindling stocks**

**Industry argues that the quota cuts will cost jobs and millions of dollars for industry**

**Environmental NGOs say that the cuts do not go far enough and propose a temporary closure of the fishery**



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## TUNA MARKETS

### Pacific Tuna Forum 2009

The Second Pacific Tuna Forum, organised by Infish and PNG's National Fisheries Authority, was held in Port Moresby, Papua New Guinea on 2-3 September 2009.<sup>34</sup> This event was attended by almost 200 participants representing industry, governments, inter-governmental organizations and NGOs from over 35 countries. The forum focussed on issues of significance to the Western and Central Pacific tuna fisheries, including: status of tuna stocks and resource management issues; market access; fisheries development in Pacific Island Countries; and the current status and future developments of distant water fishing fleets.

Dr. Shelton Harley (SPC) provided an overview of the tuna stock status and management issues in the WCPO. In 2008, total WCPO catch reached a record 2.4 million tonnes (56 per cent of total global catch). While total longline catch (231,003 mt) declined, a record purse seine catch of 1.7 million mt was reported. Given the precarious stock status of yellowfin and bigeye, an increase in the reported catch of both species is concerning - yellowfin catch was the highest on record (539,481 mt), while bigeye catch was the second highest on record (157,054 mt).

Several presentations highlighted concerns about the long term sustainability of the purse seine fishery, given the ongoing increase in purse seine vessel numbers, despite the WCPFC Conservation and Management Measure for Bigeye and Yellowfin (2008-01),<sup>35</sup> which limits purse seine effort levels to 2004 levels. During his presentation on '*Increasing WCPFC Purse Seiner Capacity*', Mr. Phil Roberts (Tri Marine International), predicted that a further 30 purse seine vessels could enter the fishing within the next two to three years, resulting in additional catch of more than 200,000 tonnes per year.

Mr. Kazuo Shima (Japan Far Seas Purse Seine Fishery Association) voiced the concerns of the Japanese fishing industry regarding the 2010 closure of two high seas pockets in the WCPO by the PNA countries (under the Third Implementing Arrangement of the Nauru Agreement).<sup>36</sup> He likened the high seas closure to the 'Berlin Wall' and indicated that the decision was politically motivated, rather than being founded on scientific grounds. Conversely, Lagi Toribau (WWF) called for the closure of all high seas pockets between 20°N and 20°S (amongst other management measures).

**In 2008, total WCPO catch reached a record high of 2.4 million tonnes, accounting for 56 percent of global tuna catch**

**A further 30 vessels could enter the WCPO purse seine fishery in the next two to three years and potentially compromise sustainability**



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A number of presentations highlighted Pacific Island Countries' desire to derive considerably greater economic benefits, primarily through gaining greater control of their collective tuna resources (potentially through the establishment of an OPEC-style tuna cartel).

### **Japanese seafood giant Maruha Nichiro under pressure**

Nearly two years after the merger of Maruha Group and Nichiro Corporation, the Japanese seafood giant Maruha Nichiro has encountered difficult economic times. The behemoth posted a loss of US\$ 64.7 million for the financial year ending March 2009. Operating income grew 19 percent and sales grew 6.2 percent, but losses on revaluation of investments in securities – caused by a plummet in stock prices – contributed US\$74.3 million in losses. Seafood sales declined by 1.1 percent and fisheries and aquaculture operations profits suffered badly. Surimi sales in North America marked a profit, but seafood trading was hurt by abruptly shrinking demand. Stagnating sales of high-end wholesale products, such as tuna, caused the company to suffer revenue and profit declines.<sup>37</sup>

In the second quarter of 2009, the company saw strong demand for its frozen food ranges and savings from low inventory holdings, but profits plunged nearly 70 percent from the same period in 2008. North America sales plunged by roughly 50 percent.<sup>38</sup> In October 2009, shares in Maruha Nichiro holdings fell 2.8 percent after the processor cut its operating profit forecast for the fiscal year 2009 by 35 percent. The company cited dwindling consumer spending and falling prices for fish, including bluefin.<sup>39</sup>

Operations have not been smooth for Taiyo A&F, a fishing company that is part of Maruha Nichiro and which used to be major player in the Solomon Islands canned tuna industry. In June 2009, the president of the firm called for government recovery funds, as well as policy interventions that can protect Japan's far seas fisheries from competition.<sup>40</sup> In the meantime, Taiyo A&F launched a new 80 meter far seas purse seine vessel, citing modernisation as key to fisheries recovery.<sup>41</sup>

Economic troubles have not stopped the company from looking for new innovations across sectors. In April 2009, Maruha Nichiro merged its wholesale division with that of Kagoshima-Uoichi. The new firm forecasts sales of US\$252 and US\$2 million profit for fiscal year 2009.<sup>42</sup> The company also launched a new product range focusing on health and value that includes a

**WWF called for the closure of all high seas pockets in the WCPO; Japan stressed that high seas pockets closures should be underpinned by strong scientific grounds**

**Two years after the merger between Maruha and Nichiro, the Japanese seafood giant has experienced losses, despite growing sales**



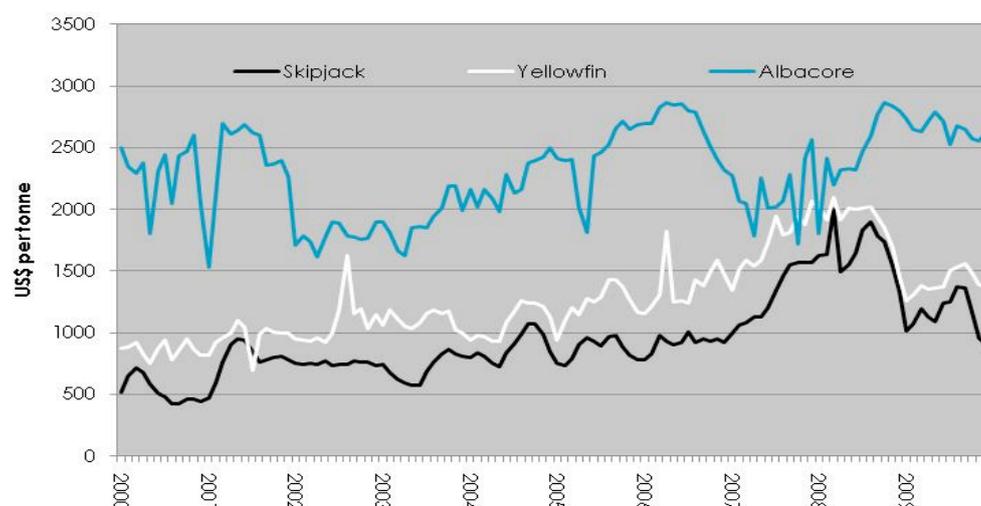
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range of 'recession busting' seafood products.<sup>43</sup> Maruha Nichiro also announced that it will pump more than US\$10 million into expanding its bluefin tuna farming operations in the wake of tougher fishing restrictions and growing demand. The company aims to achieve full cycle bluefin aquaculture in 2010. Maruha Nichiro will also launch new high quality farmed shrimp at its own aquaculture company.<sup>44</sup> As part of its mid-term management plan, the company is consolidating its manufacturing plants in Hokkaido and Aomori to increase efficiency and efficacy of procurement of marine and agricultural materials. The plan will integrate development and quality assurance to improve the company's competitiveness.<sup>45</sup>

**Maruha-Nichiro is looking to new 'recession busting' product ranges and bluefin tuna farming to help with recovery**

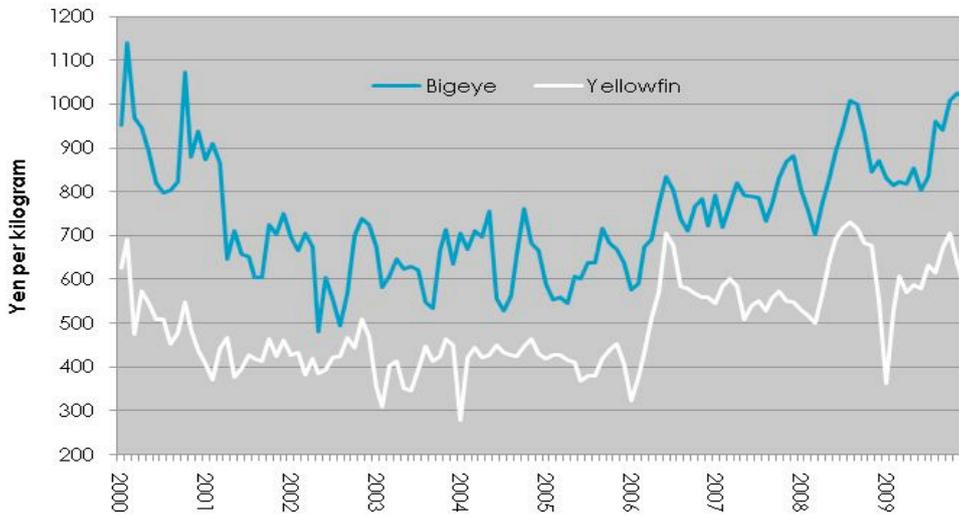
## TUNA PRICE TRENDS

**Bangkok canning-grade prices to December 2009<sup>46</sup>**

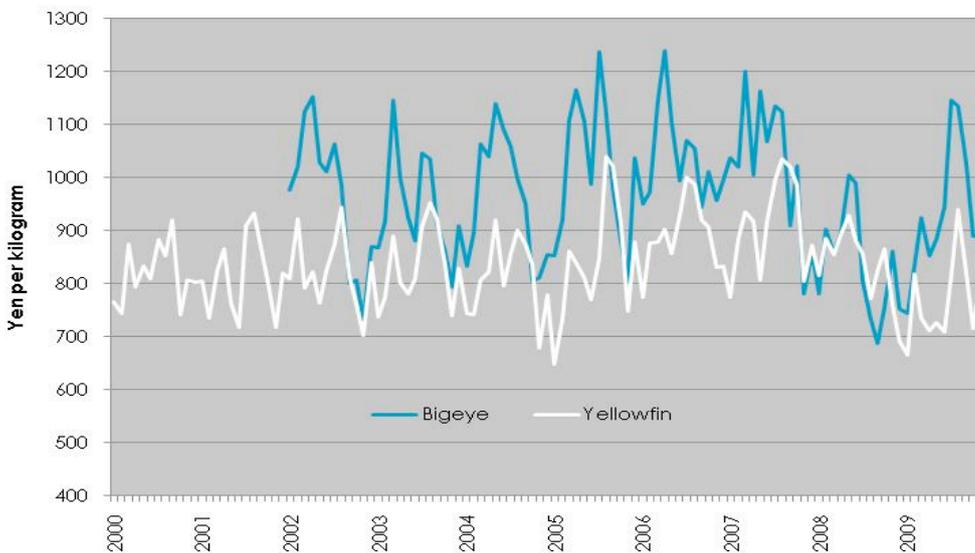




### Japan frozen sashimi prices (ex-vessel, Japanese ports) to December 2009<sup>47</sup>

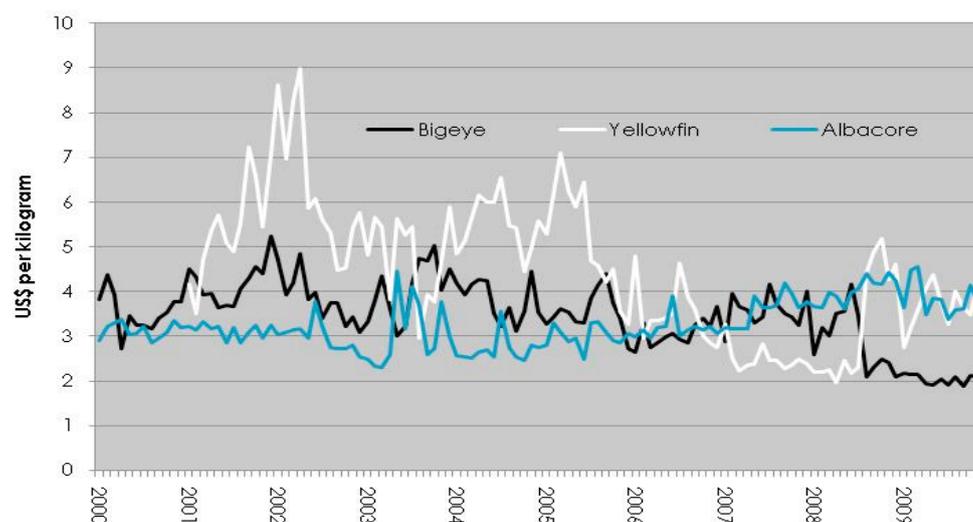


### Japan fresh sashimi prices (origin Oceania) to November 2009<sup>48</sup>

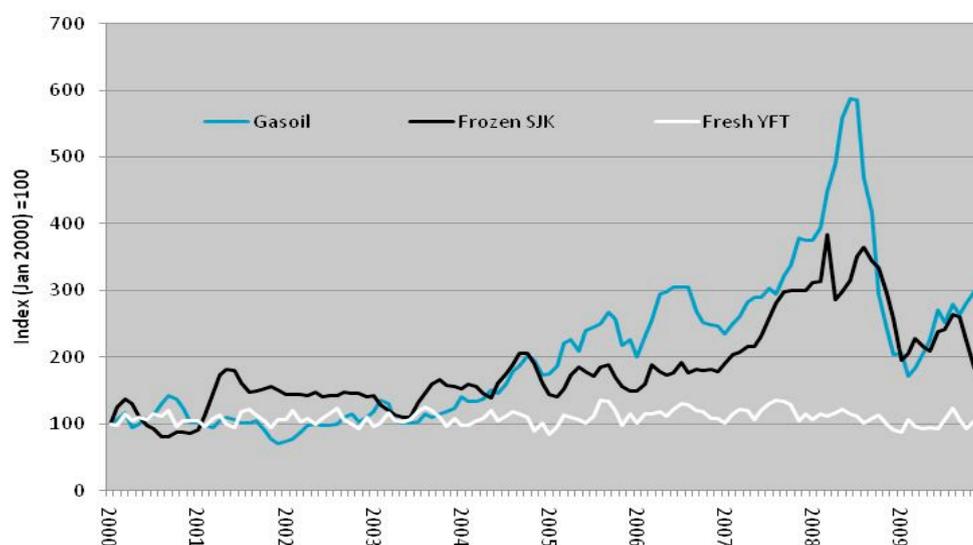




### US imported fresh sashimi prices to November 2009<sup>49</sup>



### Gasoil, canning-grade frozen skipjack (SKJ) and fresh sashimi yellowfin (YFT) price index to December 2009<sup>50</sup>



### Coming in the next issue (February 2010, Vol. 3: Issue 2)

- Update on Japanese seafood industry
- Fisheries dependent economies vulnerable to climate change



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<sup>2</sup> For background on CFP reform, see 'External dimensions of European Commission's proposed Common Fisheries Policy reform', *FFA Fisheries Trade News*, 2 (5), May 2009. Available at: [http://www.ffa.int/trade\\_news](http://www.ffa.int/trade_news)

<sup>3</sup> 'Commission Staff Working Document Accompanying the Report from the Commission to the Council: EU 2009 Report on Policy Coherence for Development', *Commission of the European Communities COM(2009) 461 final*, 17 September 2009.

<sup>4</sup> The EU has developed a regulation to prevent import of illegal, unreported and unregulated fishing, see the most recent report in *Fisheries Trade News* on this: 'EU releases implementation rules and practical "handbook" for IUU Regulation', *FFA Fisheries Trade News*, 2 (10&11), October-November 2009. Available at: [http://www.ffa.int/trade\\_news](http://www.ffa.int/trade_news)

<sup>5</sup> 'Report from the Commission to the Council, The European Parliament, The European Economic and Social Committee and the Committee of the Regions: EU 2009 Report on Policy Coherence for Development', *Commission of the European Communities SEC (2009) 1137 final*, 17 September 2009.

<sup>6</sup> Submissions received are available on DG MARE's website here: [http://ec.europa.eu/fisheries/reform/consultation/received/index\\_en.htm](http://ec.europa.eu/fisheries/reform/consultation/received/index_en.htm)

<sup>7</sup> 'Nouakchott Declaration of West Africa Artisanal Fisheries Sector Organisations', 11 November 2009.

<sup>8</sup> ICSF press release, 'ICSF Calls for an Ethical Framework for EU Fisheries: Justice and Equity must be at the heart of Europe's Fishing Policy Reform', Brussels, Belgium, 12 January, 2009.

<sup>9</sup> For more on the ACFA, see: [http://ec.europa.eu/dgs/fisheries/index\\_en.htm](http://ec.europa.eu/dgs/fisheries/index_en.htm)

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<sup>12</sup> George Thande, 'EU and Seychelles reach new tuna fishing deal', *Thomson Reuters*, 9 February 2009; 'EC/Seychelles Fisheries Partnership Agreement: Agreed Minutes', *Joint Committee – Victoria*, 5-6 February 2009.

<sup>13</sup> 'EU concludes Fisheries Partnership Agreement with the Solomon Islands', *EU Press Corner*, 30 September 2009. Available at: <http://ec.europa.eu>

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<sup>15</sup> 'Pacific countries to chart own fishing course', *Islands Business*, 21 February 2009. Available at: <http://www.islandsbusiness.com>



<sup>16</sup> John Hampton and Shelton Harley, 'Assessment of potential implication of application of CMM-2008-01 for bigeye and yellowfin tuna', Document Number: WCPFC-SC5-2009/GN-WP-17, Presented at Western and Central Pacific Fisheries Commission Scientific Committee Fifth Regular Session, August 2009, Port Vila, Vanuatu. Available at: <http://www.wcpfc.int>

<sup>17</sup> 'Scientific Committee Fifth Regular Session: Summary Report', *Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean*, August 2009. Available at: <http://www.wcpfc.int>

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<sup>24</sup> 'Report of the sixteenth annual meeting of the Commission', *Commission for the Conservation of Southern Bluefin*, 20-23 October 2009. Available at: <http://www.ccsbt.org>

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<sup>26</sup> 'Southern bluefin tuna catch "should be halved"', *Australian Broadcasting Corporation*, 23 October 2009. Available at: <http://www.intrafish.no>

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<sup>28</sup> 'Bluefin cuts to hurt largest Aussie tuna port', *IntraFish Media*, 26 October 2009. Available at: <http://www.intrafish.no>

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