PREFERENTIAL TRADE AGREEMENTS

EU-Pacific Economic Partnership Agreement negotiations

While the EU is embroiled in an ever greater number of free trade agreements and negotiations, including considering possible deals with Japan, the US and several North African countries, economic Partnership Agreement negotiations with the Pacific ACP are ongoing since 2002. Recent reports suggest that there has been some degree of convergence between EU and PACP positions over the past year, but some important differences remain.

Strategic questions around weighing up the balance of a possible comprehensive EPA continue to be asked. Most important of these is ensuring that any deal benefits Pacific island economies and societies in the long run as well as offering more immediate benefits to specific industries.

Along with several other countries, Fiji continues to push for improved access to EU markets for fish products. The main focus here is on liberalised rules of origin for processed fresh and frozen fish such as steaks, fillets, etc. (i.e. products falling under Harmonised System codes 0304/05). At the same time it appears that Fiji and the EU are also negotiating access for European fishing boats to Fijian waters. However, the commercial significance of such a deal to the EU purse seine fleet may be limited by the relative extent of fisheries resources in this EEZ.

At the top of Solomon Islands’ negotiating agenda remains the maintenance of export taxes, which are seen as an important tool for development policy. As pointed out by Robert Sisilo: ‘We need export taxes to generate much needed revenue, conserve our environment and for the development of our domestic industries by having access to raw materials that may be in short supply.’ While the EU has very limited commercial interests in importing raw materials from PACP countries, it is likely that it does not want to set a precedent for trade agreements with other countries, especially given that EU manufacturing industry is heavily dependent upon imported raw materials.
The PACP held a Fisheries Technical Working Group Meeting with the EU on 4-7 March 2013, in Nadi, Fiji. Reports from those present indicate that little came out of the meeting with regard to global sourcing and the fisheries chapter text for the comprehensive EPA. Instead it appeared that the EU delegation’s principal interest was to raise concerns on the PNA purse seine Vessel Day Scheme (VDS) and conservation and management issues. The EU delegation argued that they would like questions on the Vessel Day Scheme and their concerns around sustainability to be answered thoroughly first and, following internal consultation, would provide their revised proposal on global sourcing.

Assuming that these reports are accurate, this is a very surprising approach to negotiating with sovereign states, not least as PACP fisheries access and management regimes are not up for negotiation in the EPA. The EU’s approach is tantamount to the PACP demanding answers on the current reform of the Common Fisheries Policy, which has consistently attracted criticism as a problematic management regime both from within Europe and from without.

**EU and Thailand set to negotiate free trade deal**

On 6 March 2013, European Commission President, José Manuel Barroso, and the Thai Prime Minister, Yingluck Shinawatra, launched negotiations for a Free Trade Agreement (FTA) between the EU and Thailand. The first round of substantial talks is due before the Commission breaks for the summer. This FTA has been on the cards for several years and its successful conclusion is one of the greatest threats to those countries that rely on EU trade preferences for canned tuna exports, including the Pacific islands.

In mid-December the EU and Singapore completed final negotiations on a FTA. A reported component of this deal is the EU’s inclusion of tuna as a sensitive product. Given that Singapore is commercially insignificant in global tuna processing, it seems likely that this was included as a precedent for negotiations with Thailand. It is to be expected that the EU tuna lobby will pursue a strong defensive position against liberalised market access for Thailand and will focus its energies on canned tuna as a sensitive product.

However, the Thai government and industry have long highlighted EU tariff discrimination against canned tuna imports from Thailand and that liberalised market access for tuna is at the top of the national negotiation agenda. Canned tuna
was emphasised recently by Thailand as an ‘early harvest’ for liberalisation if EU FTA negotiations proceed. In addition, the EU will be seeking a very wide range of market access interests in Thailand, including for other manufactured goods (such as automobiles), services, Investment and government procurement. As such, the lobbying power of the EU tuna industry may finally come unstuck, with profound implications for jobs in coastal communities in Africa, Spain, Latin America and the Pacific.

FISHERIES MANAGEMENT

Interpol takes on pirate fishing

The International Criminal Police Organization (Interpol) launched ‘Project Scale’ in late February. This is a global initiative to detect and combat fisheries crime, which costs the world economy up to US$ 23 billion each year and is linked to other forms of serious transnational crime including corruption, money laundering, and human and drug trafficking. The project will raise awareness of fisheries crime among law enforcement and government agencies and coordinate operations among them. Importantly, the project takes the fight against illegal fishing to the global level for the first time. Given that this is the scale at which the more organised fisheries crime takes place, this is an important step in tackling this illegal business which robs countries of revenue and coastal communities of livelihoods and food.

The USA has committed to support the Interpol initiative, including improving the exchange of fisheries enforcement information and intelligence between countries. Across the Atlantic, using the EU regulation to prevent, deter and eliminate illegal, unreported and unregulated fishing (the IUU Regulation), the European Commission has recently warned the governments of Belize, Cambodia, Fiji, Guinea, Panama, Sri Lanka, Togo and Vanuatu that they might suffer trade sanctions for fish and fish products if cooperation in the area is not improved. Non-governmental organisations such as Greenpeace that are engaged in the fight against those profiting from IUU activities are also able to cooperate with Interpol by sharing evidence of fisheries crime.

The ongoing need for more effective action to take on the beneficial owners of IUU vessels was highlighted recently in the West African context. ICCAT, the regional fisheries management organisation (RFMO), has reported on forgery
FISHERIES DEVELOPMENT

French firms to invest in Papua New Guinea

Sapmer, an Indian Ocean-based French firm with interests in fishing (tuna, toothfish, rock lobster) and value-added processing, and Piriou, a shipbuilding and repair firm based in France, are investing US$ 500 million in PNG. Their joint venture will include a 300m-long fisheries wharf, a 400m dry dock and shipyard, and a value-added tuna processing plant. The proposed plant is planned to be specialised in processing large yellowfin (>20kg) and Sapmer is seeking 15 purse seine licences for boats that will reportedly be built in the new Piriou shipyard. Employing up to 2,500 people, this could be a new locally-based industry in the making. It would also be the most significant investment to-date in Madang’s Pacific Marine Industrial Zone (PMIZ) and may act as a catalyst for more investment.

This is not uncontested. As with the PMIZ in general, there is local opposition around benefit sharing issues. The national government has responded by taking prominent landowners to General Santos, the Philippines to illustrate the outcomes of industrial development, mirroring a strategy that RD Tuna employed when it took government and Madang leaders to the Philippines in the early days of lobbying for the development of the PMIZ. But it is not known whether this will serve to convince other concerned locals.

Sapmer is growing rapidly and appears to be carving out a commercially important quality-orientated niche in the world of purse seine caught tuna. Previously, the Réunion-based firm specialised in tuna longlining, but today it operates five purse seiners with another two under construction and due for delivery at some point in 2013. These boats record lower catch rates than normal purse seiners but obtain higher values because the tuna is super-frozen onboard at minus 40 degrees. It is then processed while still frozen into high quality loins and steaks for
Asian, EU and US markets at Sapmer’s Mer des Mascareignes factory in Mauritius, this allows the maintenance of product quality because the fish is not defrosted.

In December Samper started constructing additional processing and cold store facilities in Mauritius which will initially export loins but expand to frozen, vacuum-packed Tataki (ready to eat, half-cooked tuna) that will have a shelf-life of 24 months at -18°C. The investment in PNG gives Sapmer access to two of the world’s most important tuna fisheries and also offers closer proximity to a growing middle class in East Asian markets, including China (see below). However, the seemingly intractable economic slump in the EU and elsewhere may reduce consumption of Sapmer’s higher cost tuna products, which perhaps explains the firm’s current focus on the US market for future expansion.

New resolutions, reports and member at International Seafood Sustainability Foundation

In recent months, ISSF has undertaken several new initiatives and in October 2012, added a major firm – Dongwon – to its ranks. Dongwon, which has a 75 percent market share of canned tuna products in Korea and owns the Starkist brand, applied to join the group in May and completed an audit demonstrating compliance with ISSF conservation measures and bylaws. Paulo Bray of Friend of the Sea criticised Dongwon’s application to join the group, arguing that it has not developed a plan demonstrating that it is not catching sharks as bycatch and that there are questions around crew members working conditions. Today, ISSF has 21 industry partners, which comprise more than 75 percent of the world’s processing capacity.

ISSF members have resolved to limit growth in capacity of the global large-scale tropical tuna fleet. The resolution calls for processors, traders, importers, transporters and others involved in the industry to refrain from transactions in tuna caught by large-scale purse seine vessels that are not actively fishing as of 31 December 2012. ‘Large-scale’ vessels are defined as having at least 335 cubic metres of well hold volume (a capacity of roughly 273 tonnes of fish). The resolution offers an exemption for new vessels that were under contract for construction on or before 31 December 2012 with construction completed by 30 June 2015. In order to support this resolution, ISSF has launched a publically available record of large-scale vessels that draws on information available in the tuna RFMO vessel registers,
as well as information provided by the fishing industry. The ISSF compliance policy requires that tuna only be bought from vessels with unique identification numbers. Auditors are supposed to check in with companies periodically to make sure they comply; if they don’t pass, they can be brought for disciplinary action at ISSF. The resolution comes on the heels of growing concern over expanding capacity in the sector as a whole, and the WCPO in particular. In the WCPO, the total number of purse seine vessels has increased from the range of 180-220 between 1990 and 2006, to 283 vessels in 2011. In addition, several vessels were reported as under construction for entry into the fishery.

Effective January 2013, ISSF members must refrain from transactions with purse seine vessels that do not have an observer on board. Observer coverage is already required in the Pacific by the WCPO, but has yet to become mandatory in the Atlantic and Indian Oceans. Notably, the measure allows for ‘electronic’ observers, which ISSF indicates hold promise as an incorruptible way to observe fishing activity on large purse seiners and as a cost effective way to monitor on smaller vessels. ISSF has contracted electronic monitoring tests to assess the efficacy of the technology and created guidelines on electronic monitoring that comply with ISSF commitments. ISSF hopes that this resolution will be adhered to by all industry (including non-members of ISSF) and that it will be adopted by RFMO members as well.

Though ISSF Resolution 12-03 prohibits transshipment at seas, including in archipelagic waters, it allows for exemptions in cases in which the transshipped catch is adequately sampled according to the RFMO science providers. At its board meeting in January 2013, ISSF approved an exemption for tuna transshipped in Papua New Guinea’s archipelagic waters for vessels that: have carrying capacity of less than or equal to 600mt, fish only in the archipelagic waters of PNG, and that are based in PNG and associated with processing facilities in PNG. Several conditions apply to the exemption, including that vessels must notify PNG’s National Fisheries Authority and vessels must have observers, VMS and Fish Origin Declaration Forms. The science provider to the WCPO, the Secretariat of the Pacific Community, confirmed that PNG provides observer data to SPC for use in stock assessments. The exemption offers an important cost saving for the fleet of small vessels authorised to fish in these archipelagic waters, and for their parent companies that operate processing plants in high cost conditions in PNG.
However, attention is turning to the growing numbers of fishing days in archipelagic waters, which is set in the broader context of the difficulty that the PNA countries have had in setting a firm limit on fishing days under the VDS. Regulation of archipelagic waters is outside of the jurisdiction of the VDS and WCPFC and is at the discretion of individual countries because of the high level of sovereignty within these waters. In 2011, there were 8,117 days fished in all PNA archipelagic waters, up from 5,730 days in 2010 and 6,462 days in 2009. Most recently, ISSF released a report assessing that status of stocks against two principles of the MSC assessment methodology: that the fishery must be conducted in a manner that does not lead to overfishing or depletion and can demonstrably lead to recovery for depleted stocks (Principle 1) and that the fishery is subject to effective management (Principle 3). The study found that while most of the stocks assessed are stable, they would still not pass MSC standards. Of the 19 stocks of tropical and temperate tuna, only 5 achieved a passing score for Principle 1 and none passed on both Principles. The failure was attributed to the fact that target and limit reference points and well defined harvest control rules were not in place. According to ISSF, the report serves as a resource for the public, and will help ISSF focus its resources on the challenges to declaring all tuna sustainable. Given that a key objective of the organization is to strengthen RFMOs, it is likely this statement indicates that ISSF will continue to draw attention to challenges in RFMOs and lobby for actions and resolutions in those forums.

Ongoing spotlight on working conditions in seafood industry

After several years of critical attention to the environmental sustainability of industrial tuna fisheries, growing emphasis is being paid to the lives of fish workers. The last issue of FFA Fisheries Trade News reported on alleged employee abuse in two Thai tuna canneries, Thai Union and Unicord. In a press release around these allegations, the Business Social Compliance Initiative (BSCI) stated that the two canneries ‘were assessed as “non-compliant” in BSCI audits, notably with regard to working hours and overtime, compensation and health and safety’, but its inspections found no evidence of child labour. While the BSCI recognises that Thai tuna cannery workers face an extensive working day that can be well beyond what is considered ‘excessive’, it emphasises that this problem is common to tuna canneries around the world.
In the UK, the government’s seafood industry support agency, Seafish coordinates a Responsible Fishing Scheme (RFS) to raise standards across the industry. The Scheme includes environmental interaction and impact; catch handling and storage practices; vessel, equipment and crew hygiene standards; and crew knowledge, awareness and qualifications. Incorporated across several of these are safer working conditions for crew. One of the UK’s top four supermarkets, Morrisons, worked with the RFS and, in the context of 12 fishers dying at work each year in the UK alone, announced in February that all UK vessels supplying it with fish will meet heightened crew safety requirements. As pointed out by Morrisons’ Fisheries and Aquaculture Manager, ‘health and safety ... is an area often neglected in the seafood industry.’ Given that UK supermarkets often lead the world in the development of new standards, working conditions on boats and in factories is an area for Pacific islands’ industry to watch.

TUNA MARKETS

Horsematic, seafood and supply chains

A growing scandal in Europe around systematic fraud in the sale of horsematic as beef and wide spread mislabelling of seafood in the US has re-ignited debates on both sides of the Atlantic around food safety and traceability in supply chains.

The EU already has the strictest food safety legislation in the world, but in responding to the horsematic scandal the European Parliament (EP) has asked for tougher controls and stricter labelling. One EP Member pointed out that ‘focusing on low prices increases the risk of fraud’. A major driver here is the demand by the major supermarkets and the mass catering industry for ever lower prices from suppliers. Another is for branded firms to outsource their supply chains which are becoming ever longer and more complex.

One possible outcome of the scandal in Europe is the possible expansion of DNA testing on meat products, a policy already emphasised by the UK Food Standards Agency. Another is that Youngs, a UK-based branded fish processor, has refocused its buying practices away from price alone to incorporate consistency, quality and reliable suppliers. And Tesco – the UK’s leading supermarket – immediately engaged in an expensive publicity campaign to state that it will increasingly source meat from UK farmers to enhance supply chain traceability. This recent scandal may result in greater demand for seafood in Europe as replacement protein, but cash strapped EU...
consumers are likely to carry on buying meat and a seafood scandal across the Atlantic shows that fish is just as susceptible to mislabelling as meat.

Oceana – an environmental non-governmental organisation focussing on marine conservation – found that one-third of 1,215 samples analysed were mislabelled. Using US Food and Drug Administration guidelines, Oceana undertook DNA tests across the United States. In terms of tuna, Oceana found that 59 percent of the fish labelled ‘tuna’ sold at restaurants and grocery stores in the US is not tuna, and that sushi restaurants were the primary offenders. More specifically, 84 percent of product labelled ‘white tuna’ (albacore) were actually escolar (Lepidocybium avobrunneum), a species that the US Food and Drug Administration (FDA) states ‘may cause diarrhea, abdominal cramps, nausea, headache, and vomiting when consumed’, and ‘advises against importation and interstate marketing of these fish.’ Red snapper, another species of commercial relevance to the Pacific islands, was the only fish mislabelled more often than albacore, at 87 percent of samples.

In early March, the US Congress re-introduced the Safety and Fraud Enforcement for Seafood Act which lays the basis for setting up a seafood traceability system that could address seafood mislabelling and related fraud. If the Act is passed it would establish a legal basis for ensuring that seafood sold in the US can be accounted for from boat to plate. Finally, a recent study in South Africa found rampant mislabelling of around a fifth of all sampled seafood indicating that the problem of fraud in seafood retail is a global one.

Dongwon leads expansion of canned tuna in China

Despite the perception that the market for canned tuna in China is limited by being neither a prestigious item of consumption among China’s wealthy nor a relatively low cost unit of protein for the poor, the Korean giant Dongwon is giving it a try. It is pinning its hopes on the Westernisation of consumption patterns of the growing middle class. The market is currently worth only US$ 46 million, which is miniscule on a per capita basis. It is difficult to secure profitability for an already low margin, mass commodity product because of the logistical and transaction costs of dealing across multiple markets in China in small volumes.
To confront these difficulties Dongwon is working with a local partner. Dongwon is vertically-integrated into tuna fishing, processing and branding and is combining its global reach in a deal with China’s second largest food manufacturer and distributor, Bright Food Group, to use its network of 10,000 retail outlets. Dongwon projects that its China canned tuna sales will be over US$ 460 million by 2018. It first entered the market in 2011 with TV home shopping sales that totalled US$ 9.2 million in 2012. In 2005, Thai Union Frozen Products (TUF) invested around US$4 million in a 50 percent stake in Century Union (Shanghai) Foods Co. TUF now owns the Century brand in China, with a market in 20 cities in China of around 80 containers per year. In 2010, these efforts were described as loss-making because of the low density and geographical dispersal of sales. In other news, Dongwon is rumoured to be interested in buying a Peruvian fish meal processing firm valued at between US$ 600 and 800 million. This indicates either that the firm is cash rich or is embarking on a debt-fuelled, high risk expansion strategy.

**In the next issue:**

What next for the WTO? The Doha Round, the Bali Package, bilateral free trade agreements and fisheries subsidies

Questions raised around the sustainability of Marine Stewardship Council certified product

The economic crisis and the Spanish seafood industry
TUNA PRICE TRENDS

Bangkok canning-grade prices to January 2013

Japan frozen sashimi prices (ex-vessel, Japanese ports) to December 2012
Japan fresh sashimi prices (origin Oceania) to January 2013

US imported fresh sashimi prices to December 2012

FFA Fisheries Trade News – Jan/Feb 2013
Crude oil, canning-grade frozen skipjack (SKJ) and frozen bigeye (BET) price index to December 2012
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For full details, see European Commission 2013, ‘Memo: The EU’s free trade agreements – where are we?’, Brussels, 18 February 2013. Available at: http://www.bilaterals.org/spip.php?article22736


‘EPA talks at critical stage’, The Jet (Fiji), 19 February 2013. Available at: http://thejetnewspaper.com/2013/02/19/epa-talks-at-critical-stage/


Personal communications, government officials, March 2013.


Personal communication, industry representative, 6 March 2012.

Liam Camling, Elizabeth Havice and Vina Ram-Bidesi 2007, Pacific Island Countries, the Global Tuna Industry and the International Trade Regime, Honiara: Pacific Islands Forum Fisheries Agency. Available at: http://qmul.academia.edu/LiamCampling/Papers


‘NGOs To Pass IUU Information To Interpol’, Atuna.com, 27 February 2013. Available at: http://www.atuna.com

Letter from Department for Environment, Food and Rural Affairs to tuna importers
on ‘Important Information Regarding the Import of West African Fish Products into EU and UK markets’, 27 February 2013. Available at: http://www.seafish.org/media/771007/letter to tuna importers 130227.pdf


21 Personal communication, government official, March 2013.

22 On the PMIZ, see several prior issues of FFA Fisheries Trade News.


29 ‘Korea’s largest tuna processor joins ISSF’, Seafood Source, 2 October 2012. Available at: http://www.seafoodsource.com


33 ‘Resolution 12-03: To Amend Resolution 11-03 to Establish Multi-Annual Commitments, Section 3’, International Seafood Sustainability Foundation. Resolution text available at: http://www.iss-foundation.org

34 Jeanine Stewart, ‘ISSF to impose 100% observer coverage on tuna seiners’, Intrafish Media, 18 December 2012. Available at: http://www.intrafish.com

35 ‘100% Observer Coverage for Purse Seiners’, ISSF Website. Available at: http://www.iss-foundation.org/2012/12/14/100-observer-coverage-for-purse-seiners/

36 ‘Resolution 12-03: To Amend Resolution 11-03 to Establish Multi-Annual Commitments, Section 4’, International Seafood Sustainability Foundation. Resolution text available at: http://www.iss-foundation.org


38 Secretariat of the Pacific Community Catch and Effort Data.

39 Joseph E. Powers and Paul A. H. Medly, ‘An evaluation of the sustainability of

40 ‘ISSF report: Most tuna fisheries assessed found “stable”’, Intrafish Media, 26 February 2013. Available at: http://eee.intrafish.com


43 The BSCI is a initiative of the pro-free trade Foreign Trade Association which represents European importers and branded firms. See: http://www.bsci-intl.org and http://www.ffa.eu.org/


46 SeaFish ‘Responsible Fishing Scheme’. Available at: http://rfs.seafish.org/


48 Tom Seaman, ‘Some retail buyers ‘want to be screwed’’, Undercurrent News, 22 February 2013. Available at: www.undercurrentnews.com/2013/02/22/some-retail-buyers-want-to-be-screwed

49 Tom Seaman, ‘Young’s shifts purchasing focus to “best price out the door”’, Undercurrent News, 13 February 2013. Available at: www.undercurrentnews.com/2013/02/13/youngs-shifts-purchasing-focus-to-cheapest-price-out-the-door/


57 Mark Godfrey, ‘Seafood ads target China’s wealthy’, seafoodsource.com, 28

58 ‘China’s largest food distributor signs deal on canned tuna sales’, Atuna.com, 21 February 2013. Available at: http://www.atuna.com


61 Hamilton et al. 2011, p.260-1.


63 All databases are provided by the Fisheries Development Division at FFA.

64 Customs Department, Thailand. http://www.customs.go.th/Statistic/StatisticIndex.jsp

65 FFA database

66 Japan Customs. http://www.customs.go.jp/toukei/info/index_e.htm
