



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES
INTERNATIONAL AFFAIRS AND MARKETS
INTERNATIONAL AFFAIRS, LAW OF THE SEA AND REGIONAL FISHERIES ORGANISATIONS

Brussels, 17 JAN. 2011
MARE B-1 AK/mth ARES (2011) 4693 S

Dr. Robin ALLEN
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Subject: Clarification on the implementation of the Revised Pelagic Interim Measures by the Participants to the SPRFMO negotiations.

Dear Secretary,

Following my letter to you and the SPRFMO Participants, ARES(2010) 907960 of 6 December 2010, I would like to express a sincere disappointment on behalf of the European Union with the lack of progress with regards to the submission of the reports on the implementation of the Revised Interim Measures for Pelagic Fisheries. To date, Peru and the EU are the only two Participants that provided a report in accordance with paragraph 19 of the Measures.

As you are aware, the EU is of the view that thorough implementation of the Interim Measures is of utmost importance for the conservation and sustainable management of pelagic fisheries in the SPRFMO Area. The Participants' failure to submit any report on the Measures' implementation ahead of the 2nd Preparatory Conference is an extremely worrying sign as it signals lack of commitment to a sustainable management of this fishery. Such an attitude will render our discussions in Cali even more challenging and does not bode well for the recovery of the stock which is currently in difficult condition.

The EU is of the view that before entering into a discussion on the revision of the current interim measures, a common, fair and equitable level playing field shall be established. We therefore consider that having a clear picture on the level of compliance with the entire set of provisions of the 2009 pelagic interim measures is an essential pre-condition for the Cali discussions.

I would therefore urge all the Participants to submit their implementation reports in the coming days, in order to allow for a thorough discussion at our forthcoming meeting and to show a responsible attitude to conservation and management of this fishery. The EU is of the view that only a concerted action and efforts made by all Participants to the negotiations, in particular the pelagic fishing nations, will allow for adoption of meaningful measures for a recovery of the stock.

The EU would also ask the other Participants whether they transposed the provisions of the 2009 Interim Measures concerning the limitation of the gross tonnage (GT) of vessels flying their flag, as well as, if relevant, provisions for catch limitation in the SPRFMO Convention Area into their respective national legislations. As the EU stated in its report on the implementation of the Interim Measures, those provisions have been transposed into EU legislation through the Council Regulation (EU) 53/2010 of 14 January 2010 fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters, and, for EU vessels, in waters where catch limitations are required.

Finally, the EU would like to ask clarification on the following issues related to the document PrepCon-02-INF-02 circulated by the Secretariat:

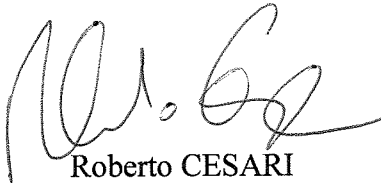
- The catch data for year 2010 submitted by Chile should be available with a break down between catches taken in Chilean EEZ and on the High Seas as had been done in the previous years;
- The catch data contained in Table 8 of the abovementioned document is different from the data circulated by the Secretariat in the document 2010-051 of 22 December for some of the Participants. It is therefore of importance that all catch data is verified both by the Participants and the Secretariat;
- There is no catch data for the Russian Federation for the year 2009, while the document PrepCon-02-INF-02 states that "The Russian Federation provided total catch figures for December 2009" (p. 13). The EU would appreciate if this inconsistency could be addressed;
- There is no information on the tonnage of vessels fishing in 2010 under the flags of China, Cook Islands and Russia (tables 6a and 6b); for Russian Federation the document states that "one vessel was confirmed by VMS to be in the area of *Trachurus* fishery during 2010, but no specific information has been received confirming which vessels were actively fishing in 2010" (p. 14). The EU would like to see the list of vessels actively fishing in the area in 2010 for all Participants, with a confirmation that their presence has been verified by the respective national authorities through VMS, port calls or other means;
- The situation for operational VMS for the Russian-flagged vessels is unclear, as the document states "at least one of the Russian Federation vessels in the *Trachurus* fishery area in 2009 has an operational VMS" (p. 10), while table 7 shows that VMS data was provided for 2009 for all Russian Federation vessels in the area (however the presence of each individual vessel has not been verified due to incomplete catch data) (p. 11). The EU would ask for a further explanation of the situation;
- The EU would also ask for clarification in relation to the VMS of the Peruvian vessels. The document states that Peru received VMS verification for 78 of the 88 vessels actively fishing in the area in 2009 (p.16). However, the Peruvian report states that information from 88 Peruvian vessels was verified through VMS records and catch reports. It can be presumed that this information relates to 2009. A clarification of this issue, and an explanation of the situation in 2010 would be beneficial;
- There is no information on the vessels that participated in transshipment operations during the course of 2009 except for those flying the flag of the EU and transshipping

with those flying the flag of the EU. The EU would like to ask for this information for other fleets, in accordance with paragraph 14 of the Interim Measures;

- There is no information on observer coverage on any vessels except for those flying the flag of the EU. The EU would like to ask for this information for other fleets, in accordance with paragraph 17 of the Interim Measures.

I would be grateful for a clarification on the listed issues.

I would also kindly ask you to disseminate this letter to other SPRFMO Participants.



Roberto CESARI
Head of EU Delegation
to SPRFMO