



MARKET ADVISORY COUNCIL'S WORK ON THE EFFECTS OF THIRD COUNTRY'S IMPORTS

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Wednesday, 11 October 2023

MARKET ADVISORY COUNCIL

➤ General Assembly

- 67 members from 12 Member States
 - BE, HR, DK, FR, DE, IE, IT, NL, PL, PT, ES, SE

➤ Executive Committee (25 seats)

- Value Supply Chain (60%): catching, aquaculture, processors, retailers, workers
- Other Interest Groups (40%): environmental and development NGOs

➤ Working Groups

- 1) Production
- 2) EU Markets
- 3) EU Control and Sanitary Issues, Consumer Rules

➤ Secretariat

- Brussels



LEVEL PLAYING FIELD (30 SEPTEMBER 2019 ADVICE)

- 1) Introduction
- 2) Scope
- 3) Definition
- 4) Review of Legislation
- 5) Implementation of EU Legislation – Case Studies
- 6) Extraterritorial Legislation
- 7) Hygiene Package

LEVEL PLAYING FIELD (30 SEPTEMBER 2019 ADVICE)

- EU fisheries market policies must ensure that imported products meet comparable or similar requirements that apply to EU production in every respect (CFP & CMO)

➤ Hygiene Package

- Preserve the principle of equivalence
- Strengthened audits in third countries and proper border checks

➤ Common customs code & tariffs

- Do not reward countries that have done little for the sustainability of fish stocks and fair treatment of people
- Ensure uniform application of Community customs legislation and identical customs controls between all Member States
- Do not provide preferential market access to countries linked to IUU fishing and serious labour abuses
- Use ATQs instruments solely when there is not sufficient supply for the EU, and cannot be intended to import non-sustainable products, nor put pressure on EU producer's prices

LEVEL PLAYING FIELD (30 SEPTEMBER 2019 ADVICE)

➤ Trade defence instruments

- Reconfirm the importance of trade defence instruments in the EU
- Strengthened audits in third countries and proper border checks

➤ SFPA Direct Authorisations

- Negotiate and adopt SFPAs, which are more transparent and less administratively burdensome than direct authorisations
- Assist third countries, flag Member States, and operators concerned to fulfil all requirements and conditions set in EU law

➤ CATCH Certification Scheme

- Improve the Catch Certificate to include more elements
- Launch of electronic database is welcomed
- Assist third countries, flag Member States, and operators concerned to fulfil all requirements and conditions set in EU law

➤ Re-introducing EU-caught products into the EU following processing in third countries

- Maintain the mandatory Catch Certification for EU fisheries products exported to third countries

LEVEL PLAYING FIELD (30 SEPTEMBER 2019 ADVICE)

➤ Prohibited veterinary substances

- Proper border checks, which should be frequent and not only for the purposes of documental compliance but also for analytical purposes

➤ China

- Perform IUU audit and eventually act with carding process as necessary
- Strengthen sustainable fisheries and ocean governance by linking SFPAs and other fisheries agreements to regional management policies and negotiation
- Do not grant more favourable conditions to non-EU long distance fleets operating in third country EEZs whenever there is a SFPA in place

➤ EU Trade Policy

- Better coherence in FTAs between purely commercial objectives and the sustainable use of marine raw materials – provide incentives for sustainable resource management
- Reinforced chapters on sustainable development that address fisheries concerns and reinforce the requirements of the IUU Regulation
- Binding dispute settlement mechanism + possibility of sanctions in case of non-compliance with the third country's international commitments

LEVEL PLAYING FIELD (30 SEPTEMBER 2019 ADVICE)

➤ Social and safety standards

- When negotiating agreements with third countries, better take into consideration the flag State responsibilities

➤ Promotion of the implementation of FAO Voluntary Guidelines for Catch Documentation Schemes

- Increase assistance and provide capacity building, technology transfer and training for developing States in order to implement these guidelines

➤ Equivalent controls on traceability of the complete production process of fisheries products

- Any certification programme should have the same requirements globally
- Step up efforts in sanitary controls for both fishery and aquaculture products and IUU inspections to ensure that products entering the EU market are legal and sustainable
- For imported products with unlawful chemicals or fished with methods that are banned in the EU, apply similar process than for GMO products

LEVEL PLAYING FIELD (4 MARCH 2020 DG MARE REPLY)

➤ Common Customs Code & Tariffs

- COM is very well aware of the sensitivity of the fishing and processing industries to the concession of customs and tariff benefits for certain fishery products

➤ Autonomous trade measures for fishery and aquaculture products (ATQs)

- EU takes into account how sensitive a specific fishery product is for the Union market
- The aim is complement EU fishing fleet supplies to the processing industry, and eventually guarantee a level playing field for Union producers
- Important to ensure a uniform implementation and enforcement of the Union customs legislation and other EU legislation on import and export

➤ EU's trade defence policy

- Agreement about the importance of the policy against State interference by third countries
- Complaints should be file as early as possible

LEVEL PLAYING FIELD (4 MARCH 2020 DG MARE REPLY)

➤ SFPAs and Direct Authorisations

- Level playing field is needed in two areas: establishing similar standards of sustainability for Union vessels inside and outside Union waters + similar standards for EU fleet and other distant water fleets in the same fishing ground (non-discrimination clause)

➤ Fisheries Control Regulation

- There is a level playing field between all Contracting Parties of RFMOs – EU actively participates in the Compliance Committees of the different RFMOs
- Negotiation of bilateral agreements (SFPAs) that set inspection and control provisions

➤ Catch Certification Scheme

- Takes note of the suggestions and will continue reflecting

➤ Prohibited veterinary substances

- At this point, the EU does not yet have the means to block aquaculture products produced with feed additives or feed materials not authorised on EU production at EU borders

LEVEL PLAYING FIELD (4 MARCH 2020 DG MARE REPLY)

➤ EU-China

- Working with China on IUU fishing issues and cooperation on ocean affairs is essential
- EU-China working group was established in 2015 (EU-China Blue Partnership for the Oceans)

➤ EU Trade Policy

- EU law requires promotion of sustainable development
- The aim is for economic development to go hand in hand with progress in social rights, respect for human rights, high labour and environmental standards
- Recent EU trade agreements contain such rules in the Trade and Sustainable Development chapter, where an article is dedicated to fisheries and aquaculture products
- EU will further promote the ratification and implementation of ILO C188
- COM works closely with third countries benefiting from GSP+ to address shortcomings and concerns in their legal frameworks and the implementation of rules and laws

➤ Social and safety standards in SFPAs

- Keen to reinforce the inclusion of social and labour policies in fisheries policies
- Funding actions in third countries on training and certification of fishers

LEVEL PLAYING FIELD (4 MARCH 2020 DG MARE REPLY)

➤ Implementation of FAO Voluntary Guidelines for Catch Documentation Schemes

- EU strongly supports FAO in awareness raising campaigns as well as for the development of a practical guide and best practices
- EU has always pleaded in favour of the recognition of the complementarity of the CDS with other instruments + contribution to building capacities of third countries
- Support through the FAO Global Capacity Development Programmes + cooperation dialogues on IUU fishing with third countries and SFAPs (sectoral support)

HARMONISATION OF IMPORT CONTROLS TO PREVENT IUU FISHING (21 APRIL 2023 ADVICE)

- Development of **standardised EU-wide risk analysis criteria** and of clear benchmarks for the verification of high-risk catch certifications and for the inspection of consignments
- **Accountability for Member States** that fail to uphold key requirements of the EU legislation, including the potential initiation of infringement procedures
- **Increased transparency on the implementation of the EU legislation against IUU fishing**, including through publicly availability of the implementation reports submitted by the Member States to the Commission and the provision of comprehensive data
- **Swift adoption and operationalisation of the CATCH IT system**, the new digital database for catch certificates, which is part of the ongoing revision of the EU Fisheries Control Regulation, including familiarisation by national authorities and by third countries.
- **Allocation of sufficient capacity, resources and support, both at EU and national levels**, with the involvement of the European Fisheries Control Agency (EFCA), to ensure effective implementation of the current legislation as well as an effective delivery of the new system.

HARMONISATION OF IMPORT CONTROLS TO PREVENT IUU FISHING (22 JUNE 2023 REPLY)

- Agreement with the assessment that import controls are essential to prevent products stemming from IUU fishing entering the EU market

- COM did not object to the recommendations of the European Court of Auditor's report

➤ CATCH

- Specific rules for its mandatory use
- COM will assist Member States in their checks and verification tasks
- COM will actively encourage third countries to use CATCH or establish interoperability

➤ Biennial reports

- When needed, COM will follow-up with single Member States in relation to the context of the reports
- Access to documents are treated in accordance with applicable rules

➤ Risk criteria and conduct of checks and verification

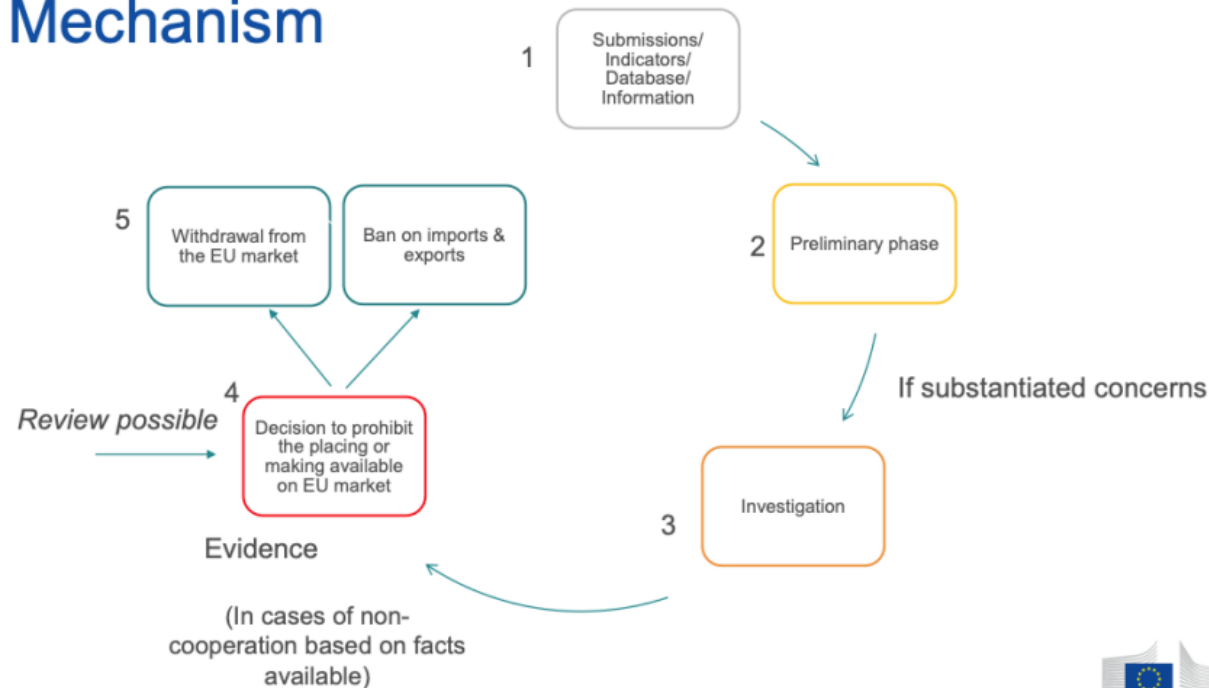
- Continuously work with Member States by providing necessary guidelines in view of harmonising and providing more homogenous approaches
- Criteria for risk identification can be implemented at national level, which leads to differences
- CATCH offers standardisation opportunities and freeing up of MS resources

FORCED LABOUR (ONGOING WORK)

➤ COM's legislative proposal (14 September 2022)

- Prohibiting products made with forced labour on the Union market
- Non-discriminatory, applicable equally to products made in the EU and international products, not targeting specific products, industries or countries

Mechanism



FORCED LABOUR (ONGOING WORK)

➤ Study on Forced Labour in the Fisheries and Aquaculture Market (September 2023)

- Collecting information sources on species/products/countries/companies most likely to be connected to forced labour (both EU production and imports), such as:
 - Substantiated list of documentation from civil society organisations, indicators, databases, and international sources that could potentially be used in the future database
 - Substantiated list of “products/countries” pairings most likely to be identified as being connected to forced labour
- Identifying Member States’ initiatives to fight forced labour in the supply chain (e.g., legislation against force labour) and industry initiatives to combat forced labour in the supply chain, such as certifications and NGO-industry partnerships
- Broad economic analysis of the presence of forced labour, notably the market size affected
- Drafting recommendations to the Commission and Member States for potential consideration during the interinstitutional negotiations

FORCED LABOUR (ONGOING WORK)

➤ Draft Recommendations

- a) Engage with international partners, particularly advocating for the ratification of the International Labour Organization's Work in Fishing Convention (No 188) and strengthening bilateral and multilateral engagement
- b) Ensure the availability of up-to-date information – play a key role in constructing and maintaining comprehensive databases on social and environmental issues
- c) Develop a severity scale, enabling all public and private stakeholders to graduate and better comprehend the nature of this exploitation
- d) Ensure a transparent approach, consisting notably of openly communicating the methodologies developed and the outcome of the investigations, for example via the establishment of a transparent list of companies linked to forced labour and the creation of a mechanism to demonstrate compliance
- e) Considering that the complexity of forced labour requires reliable and up-to-date information, ensure the availability of up-to-date information – in this respect, the European Union should play a key role in constructing and maintaining comprehensive databases on social and environmental issues

OTHER ADVICE

- **Better Alignment of Import Control Schemes in Major Market Shares (September 2020)**
 - Engagement with USA, Japan, RFMOs to strengthen import control schemes
- **Fostering the European Union's leadership in reducing the detrimental impact of flags of convenience in the fishing sector (October 2021)**
 - Close loopholes + work with partner countries & internationally
- **Trade Policy Instruments and Impact on the EU Market for Fishery and Aquaculture Products – Improvement of Data (March 2022)**
 - Improvement of the data (“live weight conversion factors” for import categories, differentiation between wild caught and aquaculture products, SFPAs sourcing, significance of individual instruments, lack of specific analysis by DG TRADE)
- **Addressing China's global distant water fleet activities implications for fisheries governance (December 2022)**
 - More action on transparency, capacity building, fight against IUU fishing, SFPAs, subsidies, trade and social rights, development cooperation

MARKET ADVISORY COUNCIL

➤ Advice and additional information:

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