



Dear Executive Vice-President Dombrovskis,

The European Bureau for Conservation and Development (EBCD),<sup>i</sup> Europêche<sup>ii</sup>, The Environmental Justice Foundation (EJF), Oceana, The Pew Charitable Trusts and WWF<sup>iii</sup> are writing to you today regarding the review launched by the European Commission of the 15-Point Action Plan on Trade and Sustainable Development Chapters to ensure that Free Trade Agreements (FTAs) actually deliver in terms of sustainable development.

In the framework of this review, we call on you to ensure that EU trade and fisheries policies are properly aligned, including in the fight against illegal, unreported and unregulated (IUU) fishing.

One of the provisions mentioned in the Trade and Sustainable Development Chapters concerns the management of living marine resources and aquaculture products. Under this provision, cooperation in the fight against IUU fishing is emphasised. As enshrined in the Common Fisheries Policy and reiterated in President von der Leyen's mission letter to Commissioner Sinkevičius, the EU intends to apply a zero-tolerance approach towards IUU fishing. While commendable and, as a principle, fundamental for the preservation of our ocean, concrete actions need to be taken to this effect, including in EU trade policies.

We have unfortunately observed that coherence between fisheries and trade policies is sometimes overlooked. In June 2019, for instance, the EU signed an FTA with the Socialist Republic of Viet Nam – regardless of the fact that Viet Nam has been and remains pre-identified by the European Commission as a non-cooperating country with regard to IUU fishing ('yellow card') since June 2017.<sup>1</sup>

Further examples are the EU's preferential trade arrangements, such as the generalised scheme of tariff preferences (GSP). Regrettably, neither the current Regulation (EU No 978/2012) nor the European Commission's new GSP proposal include any fisheries-related instruments. Other fundamental international agreements have also never been included in EU trade policies, namely the UN Convention on the Law of the Sea, the FAO Agreement on Port State Measures (to which the EU is a party), nor other key conventions that have been ratified by EU Member States such as the IMO Cape Town Agreement on fishing vessel safety and the ILO Work in Fishing Convention.

We believe that for the EU to deliver on its commitment of zero-tolerance toward IUU fishing with a coherent and credible approach, EU trade and fisheries policies must be aligned and complement each other to ensure that FTAs effectively address concerns of IUU fishing.

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<sup>1</sup> Commission Decision of 23 October 2017 notifying the Socialist Republic of Vietnam of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated fishing. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017D1027%2801%29>

In its resolution on the EU-Viet Nam FTA, the European Parliament called “*on the Commission to provide for safeguard measures for fisheries products in future agreements, such as the possibility of suspending preferential tariffs, until the yellow card for IUU fishing has been lifted*”.

Furthermore, in its advice on the consultation on a new GSP regulation, the Long Distance Advisory Council (LDAC) stated that “*generalized tariff preferences and trade agreements with developing countries should be more coherent with what is done in the field of sustainable development and cooperation*” and that “*it is not acceptable that countries which are linked to IUU fishing, serious labour abuses and other fisheries crimes benefit from preferential market access*”; LDAC also listed eight key international instruments that should be ratified and implemented before tariff concessions are granted. The LDAC advice moreover called on the European Commission to reinforce sustainable development chapters in FTAs to address specific fishery concerns such as the requirements of the IUU Regulation.<sup>2</sup>

**In the review of the 15-Point Action Plan on the Trade and Sustainable Development Chapters of EU FTAs, we ask you and your services to emphasise the requirement for the EU to create binding and enforceable mechanisms to ensure that the stipulations of the chapter on IUU fishing are properly respected and implemented by the non-EU countries concerned.**

Yours sincerely,

Ester Asin, Director, WWF European Policy Office,

On behalf of The European Bureau for Conservation and Development (EBCD), Européche, the Environmental Justice Foundation (EJF), Oceana, The Pew Charitable Trusts and WWF.

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i EBCD is an international environmental non governmental organization (NGO) based in Brussels, with the main objective to promote the conservation and sustainable use of natural renewable resources both in Europe and worldwide. It supports science based solutions, full stakeholder participation, due consideration for the socio-economic aspects and for cultural diversity.

ii Européche is the leading trade association representing the fishing sector in Europe.

iii The Environmental Justice Foundation (EJF), Oceana, The Pew Charitable Trusts and WWF — are part of the EU IUU Fishing Coalition, working together to promote EU leadership in improving global fisheries transparency and governance to end illegal, unreported and unregulated (IUU) fishing.

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<sup>2</sup> Long Distance Advisory Council, ‘Advice - Opinion: LDAC Recommendations for a Level Playing Field for EU and non-EU fish products’, 25 May 2021, Ref: R-03-21/WG5, [https://ldac.eu/images/EN\\_LDAC\\_Advice\\_LPF\\_25May2021.pdf](https://ldac.eu/images/EN_LDAC_Advice_LPF_25May2021.pdf), esp. p. 27.