



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR FISHERIES AND MARITIME AFFAIRS

External Policy and markets
International and regional arrangements

Brussels, 15/11/2006
FISH/B-2 SE/ms D(2006) 12947

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Subject: Report of AHTG

Dear Mr Wright,

I refer to the recommendation of the TCC to provide comments on this report by 27 October, a deadline which you later on kindly recommended to extend until 17 November 2006. We would like to make some preliminary observations on this issue and have in this respect also noted the comments by Japan.

The EC appreciates the efforts of the AHTG during its meeting in August and considers that the draft rules of procedure constitute a good starting point for this discussion. The EC would however concur with Japan that further examination will be required at technical level before an approach can be adopted by the Commission within this field.

In order to avoid a repetition of the confusing debate at the recent TCC meeting, we would suggest that the process for this technical examination be better defined. In particular, we would recommend that this ad Hoc Group will report to the SC and TCC instead of the Commission which is currently the case. Such process will in our view ensure that this matter is examined in sufficient detail at technical level to prepare for the decision of the Commission.

In terms of the draft rules of procedures elaborated by the AHTG, we would first of all underline that all data referring to vessel activities remains to be the property of the relevant Flag State even after it has been submitted to the Secretariat. This means in essence that such data in our view can only be disseminated to other Parties following approval from the concerned Commission Member, unless detailed rules for the dissemination of that type of data has been approved by the Commission. We do therefore for example not believe that a Commission Member should have to apply to have access to data regarding vessels flying their own flag which the Secretariat has in its possession.

Furthermore, we are somewhat sceptical to the idea that a CCM which has not fulfilled its data related obligations to the Commission within a certain time period should be blocked from access to data until matters concerning non-compliance have been rectified. Even if we appreciate intent of this suggestion, namely to ensure that all CCMs comply with the reporting obligations of the Commission, we believe that such a provision will be difficult to apply in practise and lead to divergent appreciations as to whether the concerned CCM is compliant or not.

We believe also that further consideration is required as to the dissemination of data for the purpose of control and enforcement activities as well as scientific work. It is not obvious to us that all this type of data should be made available to all CCMs without distinction. This type of data has been submitted to the Secretariat for the purpose of the work of the Scientific Committee and TCC so it should be in the framework of those bodies that CCMs get access to this data.

In relation to data for compliance and enforcement purposes, we believe more specifically that the dissemination of this type of data will have to be subject matter of more detailed rules in each individual case. We do for example see no reason why detailed VMS data should be made available to all CCMs upon request regardless they are conducting inspection and surveillance activities in the Convention Area. We believe therefore that the rules regarding the dissemination of compliance data of this nature are better placed in the relevant WCPFC measures establishing those control tools.

Similarly, we have difficulties in understanding why the draft rules of procedure are dealing with various types of data deriving from schemes which are yet to be adopted by the Commission (inter alia paragraph 15 of the draft). It would in our view be more logic to establish rules on the dissemination of such data once, and within the framework of, the relevant schemes have been approved by the Commission.

We look forward to discuss these matters more in detail at the up-coming meeting in Apia.

Yours sincerely,

"signed"
John SPENCER
Head of EC Delegation
to WCPFC