



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR FISHERIES AND MARITIME AFFAIRS  
External Policy and markets  
International and regional arrangements

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**Mr Bill Mansfield**  
**Chair**  
**South Pacific Regional Fisheries**  
**Management Organisation**

**Subject: 3<sup>rd</sup> Meeting for the establishment of a RFMO for the South Pacific –  
Comments to the 2<sup>nd</sup> Draft text**

Dear Chair,

I would like firstly to thank you for the 2<sup>nd</sup> Draft Agreement which you distributed on 10 March last in view of the 3<sup>rd</sup> International Meeting in Chile on 30 April-4 May 2007 on the establishment of a Regional Fisheries Management Organisation for the South Pacific.

The European Community has examined this latest document and we look forward to the discussions in Chile where we are hopeful that an agreement on the Convention/Agreement and on appropriate Interim Measures which would apply until the Convention/Agreement enters into force, will be reached.

We note that your latest Draft have taken on board a number of ideas contained in the EC non-Paper, which was presented at the 2<sup>nd</sup> International Meeting in Hobart, as well as certain of the views expressed during this meeting.

Not surprisingly, with such a Convention text, we are of the view that further discussions will be necessary to address, *inter alia*, the following issues:

- Convention/Agreement and Secondary legislation:

We believe it is important to ensure a good framework in the new Convention/Agreement which allows for an efficient and flexible RFMO. Therefore, we believe that we should not include conservation and management measures in the Convention and should avoid too much detail (your suggested Articles 17-21). These type of provisions must have sufficient flexibility to adapt to changing situations and their inclusion in a text which requires ratification by all parties for later modifications, makes it an inflexible instrument. Conservation and management measures are best dealt with through the adoption of annual or multi annual measures, as in other RFMOs.

- Balance between the interests of different Parties:

It will be necessary to ensure a balance between the interests of Coastal States and Fishing States, in line with relevant international legislation (UNFSA) with regard to the your formulations, in particular, of "Principles", "Subsidiary bodies" and "Compatibility of conservation and management measures".

- Decision making procedure:

We believe that further discussions are necessary to reach an agreement on an efficient and transparent decision making procedure. The current proposal is unduly complicated. We believe that a decision making system based on obtaining consensus wherever possible, and with a fall back for majority voting (three-quarters or two thirds) allied to an objection procedure which is carefully ring-fenced, would be more effective.

- Subsidiary bodies:

We are not opposed to the creation of subsidiary bodies on stock management in RFMOs, but we would question whether we need to complicate the management structure for this RFMO or Agreement, which is going to be dealing with a handful of stocks according to current indications. Should subsidiary bodies be established, their roles and situation compared to the Commission needs to be clearly defined and these bodies must be open to all which wish to participate, on an equal basis.

- Duties:

Further discussions seem necessary concerning to the measures concerning the rights and duties of Contracting Party, Flag State, Port State, Fishing Entities and non-Contracting Parties and Market States as well as with regard to Observation, Inspection, Compliance and Enforcement.

- Section on "Definitions" and following articles:

Additional definitions will be necessary to cover "Fishing Entity, Nationals, Marine Biological diversity, Living Marine resources, Contracting Party", and some of the existing definitions need further clarifications (fishery resources, fishing and fishing vessel).

Finally, we would appreciate a greater transparency on the web site with regard to reports on vessels and catches. We have not found this information on the site and would like all concerned parties to share information on their fisheries.

We look forward to working with you and the other Delegations at our upcoming meeting, which we hope will be very successful

I would be obliged if you would circulate this letter to the Parties as soon as possible.

Yours sincerely,

*"signed"*  
John SPENCER  
Head of EC Delegation  
to RFMOs