



MEMORANDUM OF UNDERSTANDING ON PELAGIC FISHERIES

1 Signing Parties

- Greenpeace Nederland, Amsterdam (NL), promising to broker compliance with this MoU by all other relevant actors in the Global Greenpeace network,
- Pelagic Freezer-trawler Association, Zoetermeer (NL), representing the pelagic fishing operations by the members of the PFA,
- Cornelis Vrolijk, IJmuiden (NL), insofar pelagic fisheries by their trawlers are concerned,
- Parlevliet & Van der Plas, Katwijk (NL), insofar pelagic fisheries by their trawlers are concerned,
- W. van der Zwan & Zn, Scheveningen (NL), insofar pelagic fisheries by their trawlers are concerned,
- VNO-NCW, the Hague (NL) in the role as advisor, mediator and facilitator.

2 The purpose of this MoU

- 2.1 The partners of this MoU acknowledge that Greenpeace and the PFA members have entertained differences in opinion and understanding regarding the insurance of sustainability in pelagic fisheries.
- 2.2 VNO-NCW has been requested by Greenpeace and PFA to act as advisor, mediator and facilitator in a dialogue between Greenpeace and PFA with the aim to come to a common understanding about the activities by Greenpeace and the members of the PFA, as well as to draw up this MoU to express a common position on ways of ensuring sustainability in pelagic fishing activities by the members of the PFA.
- 2.3 PFA and its members are committed to a sustainable fishing operation and regard

the signing of the current MoU as a means of explicitly expressing this commitment.

Greenpeace and VNO-NCW appreciate this commitment.

3. PFA Code of Conduct on sustainable fisheries

PFA and its members are committed to a sustainable fishing operation and will develop a Code of Conduct on sustainable fisheries based on input and discussions by all signing Parties.

This Code of Conduct will be finalized with Greenpeace and published on the websites of the Parties in the first quarter of 2017.

4 Taking a leadership role in promoting sustainable fisheries

4.1 PFA and science

PFA has a track record of intensive research programs that also benefit the broader fishing community. It will support and initiate additional efforts to collect more scientific data on stocks and ecosystem impacts.

More in particular PFA will continue to engage itself in the collaboration with marine research institutions, in collecting relevant data on its vessels, in initiating own science and technological projects and in participating in third party projects with the aim to improve the management of pelagic fisheries, to further increase the selectivity of our fisheries by reducing unwanted by-catch and by minimizing the impact on the marine ecosystem.

In particular PFA will strengthen its efforts on:

- (i) developing effective, science based, long-term management of its pelagic fisheries, including capacity assessment.
- (ii) further improving the selectivity of its fisheries, while recognizing that these fisheries are already selective.
- (iii) the avoidance of unwanted by-catch of megafauna, particularly – but not exclusively – in fisheries in NW African waters.

This research is available for science and can in principle be made available to the broader society. Timing and form of publication will be a topic for discussion between Parties.

4.2 CFP is the basis for PFA's fishing operations

PFA and its members want to be considered as frontrunners on sustainability in the fishing community and are willing to go an extra mile for this. PFA and its members commit themselves to the objectives and implementation of the Common Fisheries Policy (CFP) including the objective of Maximum Sustainable Yield (MSY) based stock assessments and fisheries management and the application of the precautionary and the ecosystem based approaches.

The management of fisheries in the Northeast Atlantic waters (EU, NEAFC, Coastal States) falls under the remit of the CFP. Additionally to the basic regulation, the PFA and its members work together with Greenpeace in taking additional steps for increased sustainability on the topics discussed below (see 4.3 to 4.6). This includes pro-active statements according to this agreement in media and at relevant international forums and research initiatives.

4.3 Fisheries in third country waters on the basis of SFPAs

Sustainable Fisheries Partnership Agreements (SFPAs) fall under the remit of the CFP and are subject to a series of stringent conditions of sustainability and equity which are laid down in the CFP. SFPAs are negotiated by the European Commission and have to be formally approved by Council and European Parliament.

When members of the PFA make use of fishing opportunities under an SFPA they will fully comply with the conditions as agreed between the EU and that third country and laid down in the protocol of that SFPA.

PFA and its members recognize the leadership role the EU is committed to play in the world regarding sustainable management of pelagic stocks in external waters where PFA members' vessels are active. PFA will use its influence in furthering effective fisheries management where also the interests of the local operators and coastal communities are safeguarded.

Regarding the situation in NW Africa Greenpeace and PFA agree that pelagic fisheries in these waters still lack effective, joint management of shared pelagic stocks. Greenpeace and PFA agree to support initiatives aimed at improving regional, science-based management of shared stocks of small pelagics in the NW African region and are committed to the principle that the EU fleet is fishing only (part of) the available surplus. Greenpeace and PFA want to explore further how they can align their activities on this issue, but will act on the basis of the following shared ambitions:

- a. An internationally agreed management plan for the fisheries on shared pelagic stocks must be developed and agreed in the framework of CECAF. Such a pelagic management agreement must be based on agreed, science-based TACs & Quota that are shared out under the participating countries.
- b. Pelagic fisheries in CECAF area should be aimed at human consumption.
- c. With the aim to improve the science base for management all pelagic fleets, including the international fleets such as PFA members' vessels, must be involved in the collection of scientific data.
- d. A level-playing field (in particular regarding social and sustainability conditions, financial and technical rules, regulations and obligations) between EU vessels and other international pelagic fleets active in CECAF waters.
- e. When a follow up agreement between EU and a West African country is being agreed and the Parties consider that insufficient attention is given to sustainability (fleet measures, proven healthy status of the fish stocks, proven

advantages for local sustainable fishermen) PFA and its members will discuss with Greenpeace what necessary steps the Parties can develop and take to improve that SFPA.

4.4 Fisheries in third country waters under private agreements

If a PFA member envisages to enter into a private fisheries agreement with a third country, this will be done under the same rules as described in section 4.3. Greenpeace will be notified as soon as possible but at least one month prior to the start of the operation after which both Parties will engage in developing a joint position regarding the intended fishery.

All exchange of information on this will be treated as confidential.

4.5 Fishery in the Arctic area

Members of the PFA are currently not actively operating in unfished, previously ice-covered areas of the Arctic FAO area 27, ICES division IIb2 and Ib nor have intentions to do so.

PFA supports the effort by the international community to protect the marine environment in this area and also commits to not fish in this area in the future, unless circumstances change and the Parties of this MoU come to a different conclusion.

The melting Arctic sea ice has made it possible for trawlers to venture into previously ice-covered 'ecologically significant' areas. PFA members will publicly join initiatives of leading seafood and industry companies committed to not expand fishing operations into previously ice-covered area of the northern part of the Barents Sea. PFA members engaged in bottom fisheries in the area will co-sign the Industry group agreement before 1 September 2016¹.

4.6 Fishery in the Antarctic (CCAMLR convention area)

PFA members are not active in the Antarctic area nor have intentions to do so. PFA members are also explicitly stating to not engage in any kind of fishing in Antarctic waters, unless circumstances change and the Parties of this MoU come to a different conclusion.

5 Transparency and Traceability

5.1 Greenpeace and PFA commit to be transparent to each other and discuss the above mentioned issues at least twice a year with each other.

5.2 Greenpeace and PFA will regularly exchange information on their activities in the fields of CFP development, science cooperation, SFPAs, compliance issues etc.

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<http://www.greenpeace.org/international/Global/sweden/Arktis/Industry%20Group%20Statement%2025th%20May%202016.pdf>

- 5.3 Catches made by vessels of PFA members are fully traceable through the entire production and value chain (B to B traceability). This traceability is checked by third party auditors that are contracted by the member companies.
- 5.4 In case of a particular concern information will be shared between Parties based on specific and outlined requests.

6 Fleet capacity

- 6.1 Greenpeace works towards sustainable and equitable fisheries globally. In this dialogue between Greenpeace and PFA overcapacity and fleet capacity management is a subject Greenpeace and PFA would like to discuss further.
- 6.2 As a start both Parties will discuss the fleet capacity and fleet capacity management situation in NW Africa with the aim to improve the situation in that area.
- 6.3 The Parties agree to enter into a discussion regarding the capacity situation of the pelagic fleets in N W Europe with the aim to obtain a shared understanding of the situation taking into account the interests of small scale fishing communities.

7 Design of the cooperation

Greenpeace and PFA find this cooperation exciting and challenging. Exactly how these Parties want to cooperate needs to be determined more precisely. Some elements of this cooperation are the following:

- Greenpeace and PFA members commit themselves to spend time negotiating and consulting each other when serious breach of the MoU in the PFA pelagic operations have allegedly been found in order to work towards a common understanding with the intention to avoid publicly attacking each other in any form or manner.
- In case one of the Parties suspects the other Party do not live up to the intentions mentioned above, the Parties agree to first speak to each other and get clarity and common understanding again. If this not possible, it is clear to both Parties that the cooperation is discontinued.
- Any information that is being shared or discussed between Parties in the framework of this MoU will be treated as confidential and shall not be disclosed by either Party without prior, written approval of the Parties.
- This MoU is valid for 10 years after the date of signing.

- The Parties meet at least twice a year, or more often at request by one of the Parties.

The Hague, 31 August 2016,

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