

Press Release – Seafood Exporters Association of Sri Lanka

On the 21st of April 2016 the European Commission released an official press communiqué stating that the Red Card issued against Sri Lanka will be lifted as it has significantly improved its national fisheries governance. European Commissioner for Environment, Maritime Affairs and Fisheries, **Karmenu Vella**, said *“It also shows that we can bring important players on board: Sri Lanka has now a robust legal and policy framework to fight illegal fishing activities. As the fight against IUU fishing is part of the EU's commitment towards sustainability and good ocean governance, each third country that comes on board is an asset.”*

Why it happened – Key issues raised by DGMARE (Director General Maritime Affairs), EU

In 2012 on the day of 15th Nov , The European Commission in their first notification to Sri Lanka stated that Sri Lanka pursuant to Article 32 of IUU Regulation that it considered the possibility of identifying SL as a non-cooperating third country and also included the identified shortcomings as below.

- a. Adoption of an adequate legal framework much needed for a large scale fishery engaged in fishing activities in international waters.
- b. Lack of adequate monitoring of the fishing fleet, which is required in the large scale fishery engaged in fishing activities in international waters.
- c. Lack of Observer scheme both scientific and compliance as required as per the RFMO requirements.
- d. Lack of sufficiently deterrent sanctioning system against IUU activities in the international waters.
- e. Improper implementation of catch certification scheme.
- f. General compliance with international obligations including RFMO recommendations and resolutions.
- g. Lack of compliance with recommendations and resolutions of United Nations International plan of Action against IUU.

On 14th December 2012 Sri Lanka informed the commission, the institutional arrangements made to address the shortcomings pointed out by EU commission.

Sri Lanka again submitted written comments on 31st December 2012 and 4th January 2013, but the commission requested on the 7th February 2013 to update information of the suggested action plan.

On 13th March 2013 Sri Lanka sent a report with an updated time bound action plan, national plan of action to combat IUU, updates on administrative procedure and guide lines for catch certificate issue, confirmation with regard to establishment of CC office at International Airport, and a draft of the revised legislation related to fishery etc.

Technical discussion was held between DG MARE and SL Fisheries authorities in Brussels on 17th April 2013 and with its submissions on 30th May and 3rd June 2013 Sri Lanka stressed the adaptation of legislative amendments to punitive measures against IUU activities and the progress of VMS procurement process.

Obviously unconvinced the EU Commission as of the 11th June informed SL, that EU will continue to have a dialog for a further period of nine (09) months until 28th February 2014 and also a proposal for the plan of action by the commission on the 20th June 2013, but still Sri Lanka failed to show tangible and credible action.

Sri Lanka continued to send submissions on the 22nd August 2013 and also on the 28th October 2013 and by this time with the confirmation with regard to the amended legislation for international fishery. Sri Lanka submitted another progress report on the 27th March 2014, with additional updates.

The European commission also observed that Sri Lanka had also introduced eight (08) large scale purse-seine vessels without any monitoring devices during the period of 2013 -2014.

Finally in the light of the elements gathered the commission was convinced that Sri Lanka had not sufficiently addressed the areas concerned and all the shortcomings were described in the decision of 15th November 2012.

In view of the conclusion reached with regard to Sri Lanka's failure to discharge its duties under international law as flagged, port, coastal or market state and to take action to prevent, deter and eliminate IUU fishing, European Commission in accordance with Article 31 of IUU regulations, considered Sri Lanka as a non-cooperating third country in fighting IUU, thus the Red card was issued on the 15th of December 2014 and the actual Ban was implemented on the 15th January 2015.

Impact on Sri Lankan Exports

Sri Lanka is the second largest exporter of fresh Tuna and chilled swordfish to the EU. In 2013, Sri Lanka accounted for Euro 74 million of fisheries imports to Europe. The ban's strongest and most devastating impact was to be borne by Sri Lanka's fishing community – over 192,000 households and 222,160 fishermen and women who were dependent on fishing as a livelihood lost over half their income. Most of the vessels that used to go in to deep oceans for fishing drastically reduced the frequency of their fishing trips. Large number of long line vessels were kept tied down in harbors. It's not only the fisherman who suffered, but also the processors. All thirty (30) odd processing plants were operating at less than 50% capacity and some of the plants were completely shut down since the ban was implemented. The exporters in fact started recovering only after a year with the new markets and some volume of raw material from Maldives and India to keep the buyers in EU satisfied.

How did Sri Lanka resolve the biggest threat to the fishing industry?

President Maithripala Sirisena and the Government of Sri Lanka, immediately upon election embarked on a thorough programme to address Sri Lanka's commitments and obligations under international and regional conventions/agreements resolutions on conservation and sustainable management of fishery resources.

In this backdrop Prabhash Subasinghe, the President of the Seafood Exporters Association of Sri Lanka [SEASL] notes with delight about an interesting and a significant change in the approach by the government of Sri Lanka. After 6 days of taking office on the 15th of January 2015, the Hon. Prime Minister Mr. Ranil Wickremesinghe called to order his 1st meeting on this subject and thereby appointed a steering committee to monitor and manage the progress of the removal of the red card.

This crucial committee comprised all the related stake holders, and interestingly included the private sector as well. This was the 1st time that such a high level steering committee was formed between the Government of Sri Lanka and the private sector. In addition the Premier not only addressed the European Union on 14th Jan 2015 but also arranged a delegation visit headed by non-other than the Foreign Minister Hon. Mr. Mangala Samaraweera to Brussels in Jan 2015 who was also instrumental in resolving this matter.

SEASL also noted, commended the silent but very effective action taken by the incumbent Minister of Fisheries and Aquatic resources Development, Hon. Mr. Mahinda Amaraweera. The Fisheries Act was amended around seven times within a very short span of time and if not for him, this would have not happened.

Additional Budget allocation, establishment of the Vessel Monitoring Center, Recruitment and Training of new personal, introduction of necessary regulations and sanctions, awareness programs were included in this humongous task and the countries' prime minister and the staff of the prime minister's office were regularly monitoring the progress through the very effective steering committee.

This is how the activities related to management of the Sri Lankan fishery and combating illegal, unreported and unregulated fishery were carried out to the satisfaction as per the international obligations by Sri Lanka. Whilst appreciating the Government's efforts steered by HE The President of Sri Lanka, Hon. Prime Minister Ranil Wickremesinghe, the Hon. Foreign Minister Mr. Mangala Samaraweera, the Hon. Fisheries Minister Mr. Mahinda Amaraweera the SEASL also does recognize the active role played by the Sri Lankan Embassy in Brussels, particularly HE the Ambassador Mr Rodney M. Perera and the Minister of Commerce Mrs. Gothami De Silva in Brussels in tedious negotiations and coordination between Fisheries bureaucrats from both sides.

Finally it is noteworthy to mention the hardworking officers of the Ministry of Fisheries and Aquatic Resources, Mrs Mangalika Adikari, Secretary to the Minister and all her officers along with all the officers of the Department of Fisheries and Aquatic Resources and Mr Christy Lal Fernando the Director General.

In the meantime the Director General of Maritime Affairs of European Commission was actively engaged with their observations with regard to the progress made from time to time and finally ended up in a delegation visit in November 2015 to ensure that the management measures are actually in place. Principle adviser to the commissioner Mr Deben Alfonso Cesar taking part in this inspection visit could be seen as a very positive response. The discussion went on for few more months and finally the conclusive discussion between the Fisheries authorities and DG MARE took place on the 6th of April 2016 where DGMARE accepted that Sri Lanka has a comprehensive and robust management systems for her fishery and to combat IUU fishing.

What is next and when can we really export to EU.

The next step will be the draft commission implementing decision on Sri Lanka reaches the administrative layers, working party on internal & external fisheries policy, the COREPER 1 and AGRIFISH Council/Foreign Affairs Council of the European council, which will take about 2-3 months as per EU practice.

The third step would be the working party to consider the Draft Commission Implementing Decision on Sri Lanka in 2 weeks, but the process of endorsement of the proposal by WP may take 4-6 weeks as each member state is required to obtain clearance from its local parliamentary reservation process on revoking the Ban

The fourth step is, once recommendation is made, the decision will go through the next two easy passages at COREPER 1 and Council levels.

SEASL is Optimistic that the final decision by the council of the European Union on revoking the ban on Sri Lanka may be possible before July 2016 so that Seafood exports to EU countries can actually commence by then.