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EU market access regulatory compliance for Pacific Island countries and territories

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EU market access has consistently been a problematic issue for Pacific Island countries and territories (PICTs) exporting (or intending to export) seafood to Europe. The range of problems faced relate to *how* official guarantees are offered, as well as *what* the particulars of these required guarantees are. Presently, market access is granted only to Papua New Guinea, Solomon Islands, Fiji, New Caledonia and French Polynesia.

These problems have increased since 2010, when PICTs faced a Catch 22 type situation between the requirements of the EU Catch Certification Scheme (CCS) and the health certification.

Most PICTs have not to date obtained a successful notification procedure under the EU regulation on illegal, unreported and unregulated (IUU) fishing because they lack authorisation from the Directorate-General for Health and Consumer Protection (DG SANCO) to export (from a sanitary perspective), without which raw products sourced from their vessels are ineligible.

Unfortunately, the sanitary authorisation of a third country (managed by the EU's DG SANCO) and the CCS (managed by the EU's Directorate-General for Maritime Affairs and Fisheries) are two separate matters, and are dealt with separately at the EU, a fact that complicates the bureaucratic process of market access even further.

The development and running of a competent authority (CA) for seafood sanitary controls is a very onerous and difficult undertaking for any country, as the EU imposes compliance to its own requirements, hence requiring that the third country proves that it operates a control structure applicable to its seafood exports equivalent to those existing in a member country.

A further challenge for PICTs is that, in most cases, they do not have processing sites in their territory, nor the physical area and cost effective geographical situation to develop them. Nevertheless, they do have a locally flagged vessel fleet that operates in their own and regional waters, transhipping for, or unloading in, other third countries for processing. Hence their CA needs to be developed and run in a 'vessel only' manner (something not completely contemplated under the EU regulatory framework).

This would imply a CA with officers either travelling to the foreign landing ports and/or establishing MoUs with the CAs of the unloading countries.

From the IUU CCS side, third countries need to meet the requirements of Regulation (EC) 1005/2008, where the flag state has in place national arrangements for the implementation, control and enforcement of laws, regulations and conservation and management measures that must be complied with by its fishing vessels; and its public authorities are empowered

to attest the veracity of the information contained in catch certificates and to carry out verifications of such certificates on request from the member states.

While many PICTs have arrangements able to demonstrate the required flag state compliance obligations, a Catch 22 situation arises from the fact that this compliance still will not guarantee market access until PICTs have market access authorisation from the sanitary perspective.

Furthermore, regional countries with processing and market access capabilities, such as Papua New Guinea and Solomon Islands, are limited in supporting regional fisheries collaboration with their smaller neighbours, as eligibility of vessels in terms of sanitary approval is a requirement under the sanitary EU market access conditions.

Hence, only fish caught by vessels approved by the CA of the flag state can be used for processing if that product is expected to be sent to the EU, and the CA of the processing country needs to show that the fish is eligible by sanitary origin. If this is not done, the certificate required to access the EU market cannot be granted. Presently, the lack of EU certification is a price disincentive for buyers.

Understandably, there is now increasing interest in broadening market access to include the EU, as the key tuna markets (the EU per se) or the authorised countries where the main hub canneries operate (such as Papua New Guinea, Solomon Islands, Thailand and Ecuador) require that the country of origin is an EU authorised country if its raw materials are to be eligible.

For the region, this duality with regard to both certifications is hindering the development of the domestic tuna industry based. From an IUU perspective, the regional organisations are able to support smaller member states in proving the legality of their catches but are not allowed under the EU IUU legislation, nor can the regional organisations take a proactive role on health certification issues beyond technically supporting capacity development in PICTs.

Budget, personnel, legislation, resources, logistics, compliance evaluation systems and data management are only a few of the issues to be dealt with in order to gain access to the EU market. Any decision to commit towards market access must consider the substantial long-term costs to be sustained, and the real potential to recover the investment from the direct or indirect access to the EU market.