

## Kiribati becomes the fourth country in the Pacific authorised to export its seafood to the European Union

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*On the 16 June 2017, following the Commission Implementing Decision (EU) 2017/1089, Kiribati became the fourth country in the Pacific region to be included in the list of third countries and territories<sup>4</sup> from which EU imports of certain fishery products for human consumption are permitted. Yet, this does not mean that from now on any fish caught by any Kiribati-flagged vessel can be 'instantly' accessed directly or indirectly by the EU.*

The EU's Regulation (EC) 854/2004 provides that products of animal origin can only be imported into the EU from a third country that appears on a list that has been drawn up in accordance with this regulation. In order to be added to this list, a third country must satisfy the European Commission controls and have a Competent Authority (CA) in place, which provides guarantees regarding compliance or equivalence with the relevant EU (health) regulations.

If a country's control systems are considered 'equivalent' to those of an EU member state, then its fishery products are authorised to enter the EU market and the country is added to the Annex II of Commission Decision 2006/766/EC, which lists all the authorised countries. The CA of that country then evaluates the compliance of their factories and vessels (which are called Food Business Operators – FBOs) with EU regulations. If they are up to the standards and expected levels of compliance, the CA 'lists' them by giving them an approval number, which is sent to the EU in order to be added to the list of approved establishments for that country.

At this stage, the first list of five vessels and one factory has been sent to the EU for revision, and once this is done and these FBOs are added to the list, they will be able to access the EU market.

This whole process is quite complex, and it took Kiribati a long time and a lot of effort to get to this point.

The EU obliges compliance with its own requirements, and thus requires the third country to prove that it operates control structures applicable to its seafood exports that are equivalent to those in place in an EU-member country. It means that Kiribati has to prove that it has systems and controls equivalent to those of Germany, for example.

Many Small Island Developing States (SIDS) in the Pacific, like Kiribati, remain in the category of Least Developed

Countries (LDC) as recognised by the UN. The three elements that define this status (poverty, human resource weakness and economic vulnerability) can be key obstacles in the establishment and operation of a CA.

Until now, only three Pacific Island countries have been able to meet this requirement – Fiji, Papua New Guinea (PNG) and Solomon Islands. All three are relatively large countries with substantial tuna processing industries. Even these countries face considerable challenges – both Fiji and PNG have been forced to suspend exports to the EU for a while in recent years, and all of them continue to rely, at various levels, on donor involvement to maintain their CA standards.

For SIDS in the Pacific region, the lack of EU sanitary authorisation is a price disincentive for buyers of their fish caught in these waters. It is not the case for the same fish caught in the same waters by vessels from some EU-authorised countries; even if the inspectors of those flag states may have never been on board.

In principle, the processing countries can only provide 'EU Health Certificates' for seafood products that are derived wholly or partly from raw materials that:

- have originated from a third country eligible to export to the EU;
- have been derived from foreign premises eligible to export to the EU (including vessels), and
- are eligible to be exported to the EU.

This 'eligibility' requirement should always be applied, yet this is unfortunately not the case in all canning countries.

A further challenge for Pacific Island countries is that, in many cases, they do not have processing sites – nor the physical area and cost-effective geographical situation to develop them – or, if they do, their operational focus is more on

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<sup>4</sup> Countries and territories that do not belong to the European Union (EU).

regional markets rather than on the EU market. For these countries, the CA needs to be developed and operated in a 'vessel only' oriented manner. This would potentially imply a CA with officers either travelling to foreign landing ports and/or establishing a memorandum of understanding with CAs of offloading countries.

To make things more complicated, in many SIDS, there are a growing number of foreign-owned but locally-flagged vessels (in order to get cheaper access to resources) that operate in their own economic zones and regional waters. And, while these vessels unload locally or in other third countries for processing or shipment to processing facilities with the potential to export to EU markets, there is usually no one on board that has a real link to the flagging state, and language barriers can be problematic. Therefore, some crew on vessels are not particularly keen to have hazard analysis and critical control point (HACCP) plans, records, or training crew on board, or to have inspectors coming to check their records.

Until now, much of SIDS efforts to gain or sustain EU market access has been supported in one way or another by the Forum Fisheries Agency (FFA) and the Pacific Community (SPC), particularly in the areas of training, legislation updates, reciprocal inspections, institutional strengthening, laboratories and control systems development (in many cases funded with EU support).

These inputs have been instrumental in getting Kiribati to become 'EU-authorized'. This process was initiated back in 2012 under the EU-funded and FFA-managed DevFish II project. The process involved using the National Control Plan (NCP) that Francisco Blaha 'invented' for Ecuador in 2007, which had also been adapted to help Fiji regain access to the EU market in 2011, after losing it in 2008 due to lack of compliance.

Francisco went through a process of 'reverse engineering' of all relevant EU regulations. He reorganised the requirements and produced a document in a way that would please inspectors while facilitating the country's compliance.

The NCP sets up the rules for Fiji in which the 'EU system' is to be based. It is meant to provide the 'official assurances' required by EU and to become the basis on which to judge equivalence. The equivalence allows for market access, as well as maintenance of that access.

All methods, procedures and regulatory instruments to be used for conformity assessment, regulatory verification and official guarantees are presented in the NCP, which in turn is presented to EU as required.

Considering that exporting to the EU is a voluntary act on the part of only a few factories and vessels, the idea is that the recognised CA will impose the NCP – and, if eligible, will provide 'official assurances' – only to those establishments and vessels that want to be engaged in trade with Europe.



Communication between inspectors and captains can be difficult due to language barriers (image: Saurara Gonelevu).



Kiribati-flagged longliner offloading tuna (image: Saurara Gonelevu).



Organoleptic assessment of a local fish processing unit by the Kiribati Competent Authority (image: Saurara Gonelevu).

The process is therefore a lot simpler than it would be if official assurances had to be obtained for all of the country's animal processing units.

The operators on their side recognise that maintaining approval and certification privileges – as part of the listing of companies allowed to provide raw material or to export directly to the EU – is dependent on compliance. If an establishment is not in compliance with the requirements, then its market privileges are suspended or removed as necessary.

This approach has the advantage of being cost-effective to implement while upholding the level of compliance required for meaningful official assurances. And it works! Ecuador has maintained its market access to this day, as have Fiji and Solomon Islands, and now Kiribati has the go ahead despite the fact that its application was only based on written documentation.

Since 2014, FFA has taken the lead in assisting countries to gain access to the EU market by employing Jope Tamani (who was the head of the Fiji CA that implemented the NCP) and contracting Cushla Hogarth, a very experienced consultant from New Zealand. Both enhanced the NCP approach and did the massive groundwork that took Kiribati up to the present status, with the local support of Tereere Tioti and Tebeio Tamton from the Kiribati Seafood Verification Authority (KSVA) and Saurara Gonelevu, a former CA officer from Fiji, who is now based in Tarawa and working with KSVA through funding from the New Zealand Ministry of Foreign Affairs and Trade.

Getting to this point was already a long voyage. Yet, as in many other areas, it will take an equal amount of effort to stay at the top as it took to get there. So, the real voyage has just started for Kiribati.