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**Pacific Islands Regional Oceanscape  
Program (PROP)**

Project Number: P151780

**Department of Fisheries**  
Ministry of Natural Resources  
Teone, Funafuti  
TUVALU

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**COMPETENT AUTHORITY**

**Terms of Reference**

RFP No: **PROP/TFD/C1/CS4-2019**

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| <b>Title</b>      | Consultancy to prepare for the implementation of a national competent authority for tuna exports. |
| <b>Location</b>   | Home based with visits to Funafuti, Tuvalu; Suva, Fiji; and Honiara, Solomon Islands.             |
| <b>Duration</b>   | Estimated 35 days including travel  |
| <b>Start Date</b> | Planned start date September, 2019  |

Tuvalu has received financing from the World Bank for the *Pacific Islands Regional Oceanscape Program* (PROP). PROP comprises a series of projects, which includes separate but complementary national projects in the Federated States of Micronesia, the Republic of the Marshall Islands, Tuvalu and the Solomon Islands, and a separate but complementary regional project implemented by FFA.

The PROP development objective is to strengthen the shared management of selected Pacific Island oceanic and coastal fisheries, and the critical habitats upon which they depend. This will provide the basis for sustainable and increased economic benefits to the participating Pacific Island countries from this resource.

The purpose of this consultancy is to develop a plan for Tuvalu to establish a national competent authority, which will allow Tuvalu flag tuna fishing vessels to sell their catches directly into EU markets or indirectly into supply chains that target the EU market. This will increase the prices that they can realize for their catches, as well as providing greater flexibility in marketing arrangements, thus increasing the profitability of these vessels and encouraging new investment, in line with the objective of increasing economic benefits from the resource.

## **BACKGROUND**

### **EU Sanitary requirements**

The European Union is the world's largest market for seafood, and represents a particularly attractive destination for tuna from Pacific Island countries due to tariff preferences, which can see regional exporters gain returns of up to 24% more than some of their competitors. To access this market, a country must be included in a positive list of "EU-authorized" countries. Fundamental to this authorisation is the requirement to have system of official controls and a Competent Authority' (CA) able to provide assurances that their systems are at least equivalent to those of the member countries of the EU. Such CAs need to "approve" all parts of their supply chain, from the vessels up to the processing establishments, against very specific sanitary requirements as referenced in the EU legislation, and provide strict certification of the eligibility of the products in the consignments intended to be exported to the EU market.

The relevant EU requirements for food safety are set out in the following regulations:

- Regulation (EC) No 853/2004 of 29 April 2004 laying down specific hygiene rules for food of animal origin
- <http://eur-lex.europa.eu/homepage.html>
- Regulation (EC) No 854/2004 of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption
- <http://eur-lex.europa.eu/homepage.html>

Regulation 853/2004 requires that establishments, freezer and factory vessels in which fishery products are handled, processed or stored, be subject to approval by a relevant Competent Authority (of the flag state). The food safety conditions for approval are set out in the Regulation, and require inter alia that:

- design, construction, materials, staff and operations are all according to hygienic principles set out in the Annex;
- suitable food safety management systems are implemented, based on the HACCP principles; and
- water/ ice used vessels/ establishments and products are subject to official sampling and testing in testing laboratories accredited to ISO standard 17025.

Where the European Commission, DG SANTÉ (Directorate-General Food Safety) is satisfied (following a mission to the third country by the Commission's Food and Veterinary Office<sup>1</sup>) that the nominated Competent Authority has established controls "at least equivalent" to those set out in the EU legislation, it will adopt a specific decision to list the third country in the Annex of Commission Decision 2006/766/EC of 6 November 2006 establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted. On this basis, the Competent Authority may then submit its list

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<sup>1</sup> These reports can be obtained from: [http://ec.europa.eu/food/audits-analysis/audit\\_reports/index.cfm](http://ec.europa.eu/food/audits-analysis/audit_reports/index.cfm)

of authorised establishments and vessels to the Commission, which circulates it to Member State Border Inspection Posts<sup>2</sup>.

On the basis of this Decision, the EU Member States will recognise the health attestation of compliant origin in the export certificate for products destined to the EU market, signed by the nominated officers of the Competent Authority. Products from countries not listed in the Decision, or from non-approved establishments in listed countries will be denied entry at the border inspection point.

### **Situation in the South West Pacific**

To date, only four Pacific Island countries have been able to meet this requirement – Papua New Guinea, Solomon Islands, Fiji and Kiribati – all relatively large countries with substantial tuna processing industries, but even these countries face considerable challenges in maintaining such competence. Both Fiji and PNG have been forced to suspend exports to the EU for a time in the last few years, while Solomon Islands continues to rely on donor funding to maintain its CA. Each of these countries (Fiji, Solomon, PNG, Kiribati) has received substantial technical support from FFA to check systems and prepare for inspections by the EU authorities.

Smaller countries like Tuvalu, which may have only a few fishing vessels or a single processing plant, face even greater challenges. For a small government agency with limited budget and staffing (be it Fisheries or Public Health), establishing a dedicated CA unit to carry out all the required inspections, sampling and associated paperwork, is unlikely to get to the top of the list of priorities for resourcing. Establishing cost recovery mechanisms is also a big challenge in Pacific Island government bureaucracies.

These small FFA member countries are thus not able to maximise the value of their fish exports because they are supplying product which does not qualify as eligible for eventual export to the EU. Purse seine-caught yellowfin tuna eligible for the EU market (based on the sanitary authorization of the flag state) is worth around US\$100 per tonne more than fish which is not. While this is not necessarily the same for skipjack, EU market access does open up a wider range of market options for suppliers

### **Developing a functional arrangement for Tuvalu**

Given the technical difficulties and cost involved, FFA member countries have considered the option of FFA establishing a regional support unit which can assist their national authorities carry out some of the functions of inspection, sampling and testing required by EU legislation. Unfortunately, following a review of the concept by a consultant funded under the regional PROP project, this approach was not accepted by some of the larger FFA member countries who had been expected to participate. As a result, a sustainable model could not be established. This means that Tuvalu needs to ‘go it alone’ and will need to plan the simplest and most cost-effective approach to doing so.

The EU legislation, while requiring that each country has a national CA to which the authorization and responsibilities for the approvals and certification is entrusted, allows for some of the “official controls” to be delegated<sup>3</sup> to the Competent Authority of another country with an established CA

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<sup>2</sup> The lists of approved establishments and vessels are available at:  
[https://webgate.ec.europa.eu/sanco/traces/output/non\\_eu\\_listsPerCountry\\_en.htm](https://webgate.ec.europa.eu/sanco/traces/output/non_eu_listsPerCountry_en.htm)

<sup>3</sup> Reg 882/2004 Art 5

if the vessels regularly use a port in that country. This may be a suitable approach for Tuvalu flag longliners, which operate exclusively out of Fiji. For Tuvaluan purse seine vessels (which stand to gain more from EU market access), unfortunately these vessels tranship in various ports in countries which do not have a functional CA. As a result, Tuvalu will need to arrange inspections of these vessels, either contracting an independent expert or perhaps the relevant member of FFA's staff, to provide technical assistance and advice. For either option Tuvalu will need to put in place the basic administrative structures which will also include a nominated CA and staff; and adopt the necessary regulations, control plan and industry standard, inspection forms, National Monitoring Plan, budget, arrangements with overseas laboratories, etc. Templates for many of the necessary documents have already been developed by FFA.

### **Accompanying measures for EU market access**

This project will not address the requirement for fishery products exported to the EU to be accompanied by a catch certificate countersigned by the authorised official of the flag state to the effect that the fishery products were not derived from IUU fishing, and were caught according to the legislation in force, including compliance with the decisions of the relevant Regional Fisheries Management Organisation.

In order to benefit from this project, member countries which do not yet have access to the EU market will also have to develop the relevant catch documentation systems. Note that this is a work in progress under FFA and has yielded some very good success for the likes of PNG and Solomons. As a country in which transshipment takes place, Tuvalu has already put some of the necessary systems in place and recently succeeded in having an EU IUU 'yellow card' lifted.

### **Scope of work**

The Tuvalu PROP Project therefore seeks to engage a Consultant to undertake the following tasks:

- 1) Develop comprehensive plan for establishing a CA in Tuvalu, while considering the most cost-effective approaches such as using international and/or locally recruited consultants for some functions;
- 2) Discuss with FFA the extent to which they may be able to support Tuvalu in implementing this plan;
- 3) Consult with owners of vessels flagged in Tuvalu and verify that they support the project and determine their willingness to contribute to cost recovery mechanisms;
- 4) Advise on the nature of agreements and contractual arrangements that will be necessary, after consulting with FFA to determine templates already available in the region;
- 5) Develop a clear and costed work plan to advance the process in the most cost effective and efficient manner that will comply with EU requirements.

### **Consultant's qualifications and experience**

The selected Consultant must meet the following requirements:

- Degree in food science, microbiology, veterinary science, environmental health.
- Extensive experience in food inspection for purposes of official control of food safety.
- Proven track record in implementation of export certification systems for fishery products entering international trade, and in particular those required under EU legislation.

- Sound knowledge of laboratory testing for fishery product trade and ISO standards 17024 17025.
- Experience of the tuna sector, with particular reference to the SW Pacific Ocean.
- A successful track record in successfully establishing CA arrangements for small and remote island countries or territories.

### **Duration of the assignment and Consultant's input schedule**

The proposed levels of inputs are for around 35 days as follows:

- 1 week home-based desk work in preparation;
- 3 weeks field mission; and
- 1 week home-based for completion of the report.

This is based on at least one full week in Tuvalu, allowing time for brief consultations with the Fiji CA and relevant staff of the Forum Fisheries Agency en route.

### **Deliverables and timeline**

- Workplan and travel schedule submitted to Tuvalu for approval before travel arrangements are made;
- A draft final report, submitted within two weeks of the completion of the field mission;
- A final report submitted within two weeks or receiving comments on the draft report.

### **Payment schedule**

- Reimbursement of airfares and payment of DSA as soon as tickets have been purchased.
- 60 percent of fees payable upon submission of draft final report and action plans (Phase 2) and associated appendices.
- 40 percent of fees payable upon acceptance of final report.

### **Expression of Interest**

All expression of interest must be addressed to: Director of Fisheries, Tuvalu Fisheries Department, Ministry of Natural Resources, Teone, FUNAFUTI, Tuvalu - Telephone (688) 20348 and email to [proptuv@gmail.com](mailto:proptuv@gmail.com) not later than **August 1, 2019**.

Interested firms/consultants should submit full details of their qualifications and experience in doing similar consultancy work in a CV of not more than 8 pages; the proposed methodology of services in not more than 4 pages; the date of availability noting the timing as per this advertisement; and any information relevant and related to the above activities.

Any queries can be emailed to the above given email address.

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