



---

## Provisional Prospectus

### 1. Introduction

The Marine Mammal Protection Act (MMPA) was enacted since 1972 by the United States. It prohibits to take marine mammals and enacts a moratorium on the import, export, and sale of any marine mammals, along with any marine mammal part or product within the United States. The United States also prohibits importations of commercial fish or fish products caught in commercial fishing operations resulting in the incidental killing or serious injury (bycatch) of marine mammals. Recently, the National Marine Fisheries Service (NMFS) has announced the regulations MMPA Import Provisions Rule applying any foreign nations export fish and fish products to the United States, which have been caught with commercial fishing technology that results in the incidental kill or serious injury of ocean mammals in excess of U.S. standards. Effective from 1 January 2023, fish and fish products from fisheries identified by the NMFS in a list of foreign fisheries (LOFF) can only be imported if the harvesting nation has applied for and received a comparability finding for those fisheries.

With such concern, it was raised at the 13<sup>th</sup> Meeting of the ASEAN Fisheries Consultative Forum and subsequently by the 29<sup>th</sup> Meeting of the ASEAN Sectoral Working Group on Fisheries which was held virtually on 22, 23-24 June 2021, respectively, to call the AMSs to be aware of this regulation. It is in line with the ASEAN-SEAFDEC Resolution and Plan of Action on Sustainable Fisheries for Food Security for the ASEAN Region Towards 2030 on “*Promote joint ASEAN approaches and positions in international trade in fish and fishery products produced in the region, by harmonizing the standards, criteria, and guidelines, and developing mutually-recognized agreements on sustainability and food safety management systems*” and the Plan of Action #82: *strengthen cooperation and mechanisms among AMSs to work towards common positions that could be reflected in international fish trade related fora, e.g. World Trade Organization (WTO), Food and Agriculture Organization of the United Nations (FAO)/COFI Subcommittee on Fish Trade, Office International des Epizooties (OIE), Codex Alimentarius Commission (CAC), and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)*”

SEAFDEC in collaboration with NOAA based in US, with the support of the Japanese Trust Fund program plans to provide a regional platform for the member countries can have a better understanding for appropriately preparation of their responses to this U.S. MMPA.

### 2. Objectives

1. To update the status and highlight issues/concerns with the U.S. MMPA regarding “Implementation of Fish and Fish Product Import Provisions of the Marine Mammal Protection Act”;
2. To share and exchange information on major issues/concerns of SEAFDEC Member Countries on U.S. MMPA; and
3. To identify SEAFDEC Member Countries’ major concerns, issues, and capacity building needs

### **3. Expected Outputs**

1. Information on the current status of the US Marine Mammal Protected Act: Implementation of Fish and Fish Product Import Provisions of the Marine Mammal Protection Act;
2. Summarized issues/concerns of the SEAFDEC Member Countries regarding national implementation in response to the U.S. MMPA; and
3. Ways forward

### **4. Expected target participants** (totally about 35-45 participants)

1. SEAFDEC Member Countries (1 or 2 from one country)
2. Marine and Coastal Resources Management Agencies in SEAFDEC Member Countries (1 from one country)
3. Resource persons from NOAA, INFOFISH, etc. (about 3-4 persons)
4. SEAFDEC: Secretariat (5 persons), TD (2 persons) and MFRDMD (2 persons)