

TAKING STOCK

Online Transparency of Fisheries Management Information



People's Republic of China

2024 Summary Assessment Report

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This 'TAKING STOCK: Online Transparency of Fisheries Management Information' assessment for the People's Republic of China (China) (2024) has been funded by the Gordon and Betty Moore Foundation.

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We would like to thank all the individuals and institutions who contributed to the various stages of research and preparation of this assessment.

The Fisheries Transparency Initiative (FiTI) is a global multi-stakeholder initiative that strengthens transparency and collaboration in marine fisheries management.

By making fisheries management more transparent and inclusive, the FiTI promotes informed public debates on fisheries policies and supports the long-term contribution of the sector to national economies and the well-being of citizens and businesses that depend on a healthy marine environment.



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TAKING STOCK: Online Transparency of Fisheries Management Information assesses the level of information that national authorities in China publish on government websites regarding the country's marine fisheries sector.



CONTENTS

Sustainable fisheries need transparency	. 04
About this assessment	. 07

CONTEXTUAL INFORMATION ON MARINE FISHERIES IN CHINA	10
KEY FINDINGS	
Public access to fisheries information	13
Giving meaning to transparency: Notable examples	16
A DEEP DIVE INTO PUBLIC ACCESS TO FISHERIES INFORMATION	
Available online?	20
Up to date?	
Easy to find?	
RECOMMENDATIONS FOR CHINA'S NATIONAL AUTHORITIES	

Transparency needs trust	30
ANNEX: Assessment procedures	31

China's TAKING STOCK: Online Transparency of Fisheries Management Information assessment consists of this Summary Assessment Report, as well as an in-depth Detailed Assessment Report.



Both reports, as well as information on the methodology, can be found at: fiti.global/taking-stock

SUSTAINABLE FISHERIES NEED TRANSPARENCY

For millennia, those who dedicated themselves to fishing, whether for food, income or recreation, did not need to worry about the sustainable management of this natural resource. Fish stocks replenished themselves with ease. **This is no longer the case.** The ocean is under increasing threats from myriad impacts, like climate change, pollution, and overfishing.

Governments have the fundamental obligation to manage common resources, such as fish, on behalf of their citizens. But this invokes a complex challenge: to ensure that fishing and fish trade contribute to income, employment, food and nutrition for millions of people around the globe, while conserving marine biodiversity for present and future generations.

Public availability of information is critical to achieving sustainable fisheries. Yet, transparency in fisheries management has not been a priority. Many governments do not disclose basic information on their fisheries sectors, such as laws, permits, fishing agreements, stock assessments, financial contributions, catch data and subsidies. Additionally, there are widespread concerns that companies are not consistently reporting accurate information on catches, fishing practices and payments to governments. The data that is already publicly available is too often incomplete, outdated, unverified, or not readily accessible.

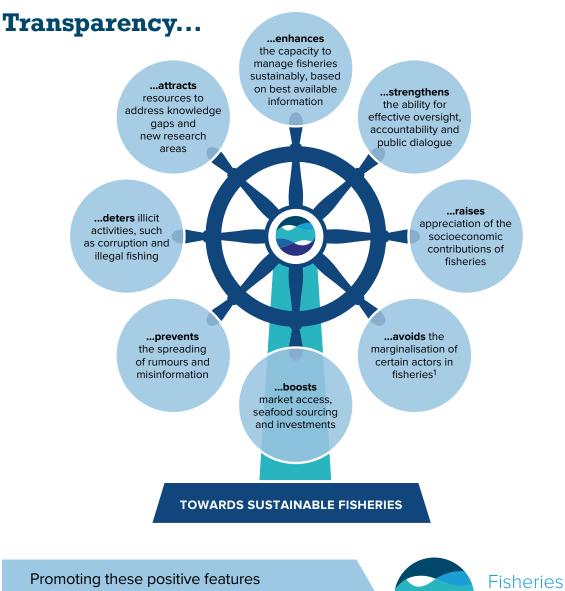
> Lack of basic transparency could be seen as an underlying facilitator of all the negative aspects of the global fisheries sector – IUU fishing, fleet overcapacity, overfishing, ill-directed subsidies, corruption, poor fisheries management decisions, etc. A more transparent sector would place a spotlight on such activities whenever they occur, making it harder for perpetrators to hide behind the current veil of secrecy and requiring immediate action to be taken to correct the wrong.

Food and Agriculture Organization of the United Nations (FAO) The State of World Fisheries and Aquaculture 2010



Enhancing transparency in fisheries management appeals to all stakeholders that appreciate the enormous value of marine fisheries – whether that relates to food and nutrition security, employment, the value to national economies, or the cultural importance of fishing.

Transparency in fisheries management yields multiple benefits, and their relevance and applicability vary depending on the national context.



of fisheries lies at the heart of the Fisheries Transparency Initiative (FiTI).



Fisheries Transparency Initiative

Transparency is not voluntary. It is a government's duty and a citizen's right!

The provision of accessible, timely and credible information on a country's marine fisheries is increasingly becoming a **legal requirement for governments**, stemming, among other things, from Freedom of Information laws. Such laws are frequently based on three key principles: *public participation, access to justice and access to information.* The last of these principles implies that the public should be able to obtain environmental information (including information about their country's fisheries sector) with only limited, explicitly defined exceptions arising from justifiable confidentiality claims and security matters.



In 2007, the State Council of China adopted the Regulations of the People's Republic of China on **Open Government Information** (OGI Regulations). These rules mandate public authorities to proactively disclose government-held information. The OGI Regulations also provide the legal framework for citizens to request information from public authorities and to contest decisions regarding access to government information in law courts.

Alongside the OGI Regulations, China enacted legislation to enhance public participation in decision-making processes. A significant development occurred in 2015 with a revision to the national Legislation Law, which requires all state bodies to publish drafts of proposed legislation for public review, allowing a minimum of 30 days for feedback. Furthermore, in 2019, the State Council enacted the Interim Regulations on Major Administrative Decision-making Procedures, which offer detailed guidance for public involvement in decision-making, emphasising the importance of consulting groups most affected by governmental decisions.

While China has made significant strides in laws and policies regarding public access to information and participation, it has done less well on most international civil and political rights metrics, including free speech. Additionally, the progress of laws that promote open government in China has occurred alongside strict regulations that decrease public access to government information, e.g. by strengthening data confidentiality. Experts on fisheries in China consulted for this assessment expressed differing opinions on the extent and quality of public participation in fisheries management. However, it is assumed that Chinese stakeholders, including journalists and academics, find it difficult to express differences of opinion or to present contrary data on the state's management of fisheries, albeit this may vary depending on the context and the sensitivity of the issue at hand. Understanding this in more detail falls beyond the scope of this assessment.

- As of today (April 2024), the government of China has not committed to join or to support the Fisheries Transparency Initiative (FiTI).
- China is not a member country of the **Open Government Partnership (OGP)**.



The importance of public access to government information is also emphasised in the UN Sustainable Development Goals (SDGs). Target 16.10 of the SDGs calls on all states to adopt legislation or policies guaranteeing the right to information, which is essential not only for the achievement of Goal 16, but is an enabler to achieving other SDGs.

ABOUT THIS ASSESSMENT

This is the first time that China has been assessed by the FiTI regarding the online transparency of its marine fisheries sector.

This TAKING STOCK assessment covers 12 thematic areas of fisheries management, as defined by the FiTI Standard.²

The **FiTI Standard** is the only internationally recognised framework that defines what information on fisheries management should be published online by national authorities. The FiTI Standard was developed over two years in a global multi-stakeholder endeavour. Its objective is to contribute to the sustainability of marine fisheries by increasing the accessibility and credibility of national fisheries management information.



For this assessment, these 12 thematic areas have been broken down into a total of **39 transparency elements.**³



2 <u>https://fiti.global/fiti-standard</u>

3 An overview of these 39 transparency elements can be found in the section 'Key findings'.

This assessment evaluates whether basic information on China's marine fisheries sector is **freely available** on government websites, whether it is **up to date** and whether it is **easy to find**.⁴



Additionally, this assessment:

- Considers whether information is published in a way that renders it easy to (re)use, e.g. to download, search and filter;
- Documents instances of 'good transparency practices', where published information allows non-experts to draw reliable conclusions;⁵ and
- Proposes practical recommendations to improve online transparency around China's marine fisheries sector.



People's Republic of China This assessment is intended to support national authorities in China to improve transparency in fisheries management and to stimulate interest in fisheries among a wide range of stakeholders.

It also establishes a comprehensive benchmark for evaluating progress over time.

- 4 For more information about the assessment's methodology, please refer to <u>https://fiti.global/taking-stock/methodology</u>.
- 5 For example, national authorities may utilise innovative techniques to help visualise information, such as online information systems or fact sheets.

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Public disclosure of information cannot be directly equated with actual progress towards sustainable fisheries management.

A lack of transparency in fisheries management is not always a deliberate state of affairs. Governments with poor levels of transparency are often viewed negatively, as if driven by the desire to hide information from public scrutiny. However, what may be perceived as opacity or secretive practices is often the result of other factors, such as the complexity of the fisheries sector, a lack of technology, expertise and staff, or legal concerns. Some government ministries or national agencies, particularly those that are underfunded, may not prioritise transparency. Unfortunately, these arguments can also be used as a convenient excuse to avoid scrutiny.

A low level of transparency in this **TAKING STOCK** assessment may not be a sign of wrongdoing, but rather highlights an opportunity for national authorities to enhance disclosure to stakeholders. Likewise, a high level illustrates strong disclosure systems, but this may not reflect operational success regarding the sustainable management of marine fisheries.

Transparency should also not be misinterpreted as a direct indicator for ethical behaviour, such as honesty and integrity.

This assessment is therefore not an end in itself. Instead, it takes stock of current disclosure practices against an internationally recognised transparency framework – the FiTI Standard – with a view of enabling a conversation with all relevant stakeholders in the marine fisheries sector of China.

The ambition is that this and future **TAKING STOCK** assessments will contribute to making government transparency the global norm in fisheries management.

CONTEXTUAL INFORMATION ON MARINE FISHERIES IN CHINA



Recent developments relevant to China's marine fisheries sector:

China has enacted legislation that replaces previous

fisheries subsidies, including fuel subsidies, with a Fisheries Stewardship Subsidy. Recipients only receive payments based on evidence of responsible fishing practices. However, information on the status of this programme is currently not in the public domain.



China has commenced the process of updating its National Fisheries Law. As required under the 2015 Legislative Law, a draft of this law has been published to allow for stakeholder awareness and comments, demonstrating a commitment to policymaking transparency. Other regulations have also included a public consultation process.

China has introduced a scorecard for **Distant Water** Fishing enterprises based on their compliance with laws and standards. Scores are published for each company. However, it is not clear how reliable these scores are,

given that they are partly derived from a system that allows companies to selfreport.

The marine fisheries sector in China plays an important role in fulfilling the economic, employment, food security, and nutrition needs of its citizens.⁶

People's Republic of China

Capture fisheries production

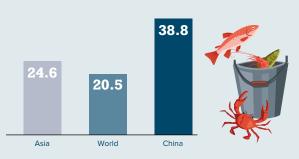
(tonnes, live weight)



China is the largest fishing nation in the world (based on capture volume).

Source: FAO State of World Fisheries and Aquaculture 2022





Source: FAO State of World Fisheries and Aquaculture 2020, FAO GLOBEFISH Market Profile – China 2020

Number of fishers



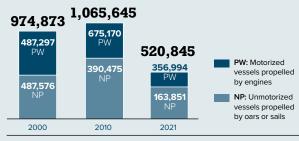
Source: FAO Fishery and Aquaculture Statistics Yearbook 2021 (published in 2024)

Top 5 species



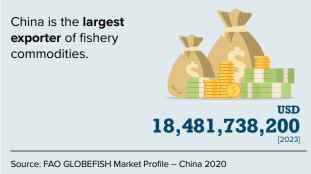
Source: FAO GLOBEFISH Market Profile – China 2020 (in tonnes, by production volume)

Number of fishing vessels



Source: FAO Fishery and Aquaculture Statistics Yearbook 2021 (published in 2024)

Export of fish and fish products



6 This information reflects international statistics (e.g. from the United Nations FAO), which in some cases may differ from national statistics. In addition, this report does not state the contribution of China's fisheries sector to the national Gross Domestic Product (GDP). Although this is a common way of expressing the economic value of fisheries, GDP is not sufficient for fully representing the overall social, economic and environmental costs and benefits of the sector.

Over the past two decades, China's policies for managing its domestic marine fisheries have undergone considerable changes. A rapid growth in marine fisheries began in the mid-1980s, driven by the privatisation of industrial fishing combined with the state-sponsored expansion of fishing capacity. However, the realisation that this growth was unsustainable meant that from the early 2000s, China's national policy regarding marine fisheries shifted towards achieving zero growth, which was followed later by ambitions for an overall reduction in wild capture fishing, or negative growth. A vast expansion of aquaculture was encouraged to increase the fish food supply and compensate for the reduction in wild-caught fish. In 2015, the 13th Five-Year Plan introduced the concept of *ecocivilisation*, which was based on creating a resource-saving and environmentally friendly nation. This commitment to sustainable fisheries and enhancing marine biodiversity was taken forward in China's 14th national Five-Year Plan, produced in 2021, which contains a dedicated chapter on the marine economy.

A significant aspect of China's approach to managing marine fisheries has been prohibiting sea fishing during summer months. Since 2021, China's government has also introduced policies to transform domestic fishing subsidies, replacing capacity-enhancing subsidies, including fuel subsidies, with payments to fishers based on their adherence to responsible fishing practices, referred to as a **fishery stewardship subsidy**.

Efforts to reduce marine fish catches in China appear to be successful. The government reported volume of wild fish catches from Chinese waters has declined over the past decade. Furthermore, there has been a reduction in marine fishing vessels. Nevertheless, widespread reports show that despite the reduction in catches, fish populations in Chinese waters remain depleted, caused by continuing overfishing, pollution, climate change and habitat loss.⁷

An important dimension of China's fisheries policies has been the expansion of both fish trade and fishing outside of Chinese waters. State-owned fishing enterprises began operating outside Chinese waters in the mid-1980s. Since then, China's **distant water fishing (DWF) industry**, now predominantly in private ownership, has diversified and operates in almost all parts of the ocean. China's national authorities list 180 companies authorised to conduct fishing on the High Seas and in the territorial waters of other countries. These companies operate approximately 2,500 vessels flagged to China, with an unknown number transferred to other flags. China has also invested considerable resources in the fisheries and aquaculture sectors of developing countries, primarily through its **Belt and Road** initiative.

The impacts of China's distant water fishing fleet and its influence on the development of fishing in other countries remain controversial and have become a source of serious criticism for the Chinese state. In response, China has enacted laws and policies to enhance the control of Chinese-flagged vessels and improve data gathering and sharing with other fishing authorities.⁸ China has also committed to cap the number of distant water fishing vessels to no more than 3,000, while maintaining an annual target for this fleet of around 2.3 million tonnes of fish.

Because of this global presence, the transparency of China's fisheries is a matter of heightened international interest.

8 See the report issued by the State Council on the <u>'Development of China's Distant Water Fisheries'</u>, October 2023.

⁷ Cao, L. et al. (2017) 'Opportunity for marine fisheries reform in China', Biological Sciences 114 no. 3.

KEY FINDINGS

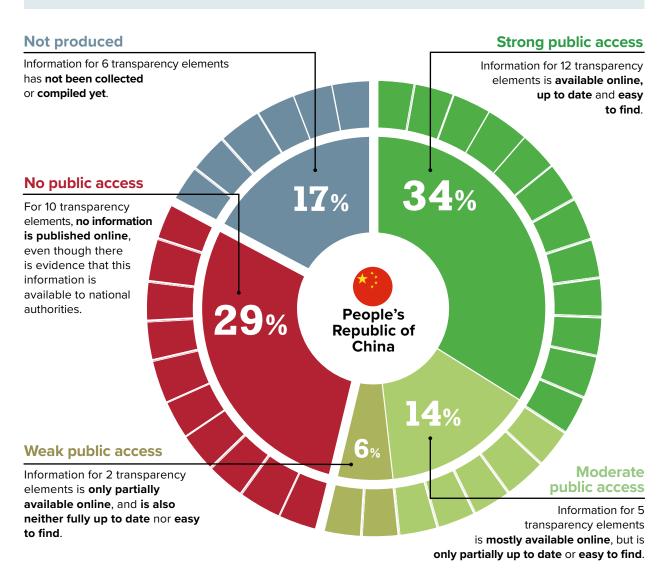
PUBLIC ACCESS TO FISHERIES INFORMATION

Our assessment shows that national authorities in China consider the collection and publication of online information on the fisheries sector to be an essential aspect of fisheries management. However, certain important **Republic of** information is not publicly accessible, and the complexity of China's fisheries sector can make the location of information difficult.

> For 19 out of 35 applicable transparency elements, national authorities in China publish information online (,Public Access'), albeit with varying quality.

For 10 transparency elements there is no information published.

For 6 transparency elements no information has yet been produced by China's national authorities.



4 of the 39 transparency elements are considered as not applicable to China's marine fisheries sector (see Annex).

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DETAILED OVERVIEW

DEIA	ILED OVE	1 1					
Thematic area		ID	Transparency element	AVAILABLE ONLINE?	UP TO DATE?	EASY TO FIND?	
	Fisheries Laws, Regulations and	1-A	Laws on marine fisheries		S	S	Moderate public access
	Official Policy Documents	1-B	Fisheries policy documents				Moderate public access
#1		1-C	Fisheries management plans	0	0	•	Not applicable
	Fisheries Tenure Arrangements	2-A	Commercial fishing (large-scale and small-scale)	S	S		Strong public access
		2-B	Coastal subsistence fishing				Not produced
		2-C	Scientific and exploratory fishing	S			Strong public access
#2		2-D	Sport fishing				Not produced
ţ.	Foreign Fishing Access Agreements	3-A	Foreign-flagged vessels fishing in China's waters	S	S	I	Strong public access
#3		3-В	China-flagged vessels fishing in foreign waters	8	⊗	8	No public access
	The State of the Fisheries Resources	4-A	National reports on the state of marine fish populations		0	0	Not produced
#4		4-B	Scientific stock assessments		8	\bigotimes	No public access
	Large-Scale Fisheries	5-A	Vessels	\bigotimes	\bigotimes		No public access
		5-B	Payments	\bigotimes	\bigotimes	\otimes	No public access
		5-C	Catches within China's waters	S		I	Moderate public access
		5-D	Catches outside China's waters	S			Strong public access
		5-E	Landings in China's ports	\bigotimes		⊗	No public access
		5-F	Transshipments and landings in foreign ports	•	0	•	Not applicable
		5-G	Discards	\bigotimes	\bigotimes		No public access
<u>#5</u>		5-H	Fishing effort	8		\bigotimes	No public access

To a full extent

Not applicable

DETAILED OVERVIEW

Thematic area		ID	Transparency element	AVAILABLE ONLINE?	UP TO DATE?	EASY TO FIND?		
	Small-Scale	6-A	Vessels				Strong public access	
	Fisheries	6-B	Licenses	S			Strong public access	
		6-C	Fishers	S			Strong public access	
		6-D	Payments	0	0	•	Not applicable	
		6-E	Catches	S	\diamond		Moderate public access	
46		6-F	Discards	0	0	•	Not applicable	
0	Post-Harvest	7-A	Imports	S			Strong public access	
	Sector and Fish Trade	7-B	Exports	S			Strong public access	
		7-C	Employment in commercial fisheries	S			Strong public access	
¥ 7		7-D	Employment in informal fisheries	0	0		Not produced	
	Fisheries Law Enforcement	8-A	Enforcement of laws	S			Strong public access	
48		8-B	Sanctions for major offences	S		8	Weak public access	
¥8	Labour Standards	9-A	Enforcement of labour standards			8	Weak public access	
4 9		9-B	Sanctions for labour standard offences	0			Not produced	
Č #10	Fisheries Subsidies	10-A	Government financial transfers or subsidies	S	S	S	Moderate public access	
	Official Development Assistance	11-A	Assistance for national fisheries development	⊗	8	⊗	No public access	
¥11		11-B	Assistance for foreign fisheries development	8	⊗	⊗	No public access	
*=	Beneficial Ownership	12-A	Legal basis for beneficial ownership transparency	S			Strong public access	
		12-B	Beneficial ownership registry	⊗	\bigotimes		No public access	
¥12		12-C	Beneficial ownership disclosure in fisheries	0		0	Not produced	

To a full extent

Contraction To a limited extent 🛛 🗙 No 📝 Not produced

Not applicable

GIVING MEANING TO TRANSPARENCY: NOTABLE EXAMPLES

The value of this TAKING STOCK assessment does not only lie in understanding what information on a country's marine fisheries is available online, and where gaps exist. Fundamentally, and in very simple terms, **public access to fisheries information is important to help answer critical questions about the sustainability of the sector.**



Given the complexity of fisheries management, answering such questions is not always a straightforward task. However, by increasing public access to fisheries information, governments provide their citizens, business partners and international stakeholders the necessary means to engage in informed public debates.

In China, information provided by national authorities allows the public to be informed on several key policy issues and, therefore, helps to answer certain 'big picture' questions. Notable examples include:

•	What are the national priorities for fisheries development in China?	The Ministry of Agriculture and Rural Affairs of the People's Republic of China (MARA) produces a detailed five-year plan for the fisheries sector that establishes national objectives for fisheries development, including measurable targets. This is critical for accountability in fisheries management. Furthermore, the Fisheries Yearbook provides detailed information on many of these targets, as well as in-depth analysis of government policies and activities, spanning health and safety, illegal fishing and the conservation of marine wildlife.
S	Is fishing capacity in China declining?	Annual Statistical reports published by MARA document the decline in numbers of fishing vessels and fishers for each coastal province in China. There are also regular reports issued on the summer fishing bans in Chinese waters.
•	What is the nature and performance of reciprocal fisheries agreements with Japan, Russia, and Korea?	China's authorities publish information on the contracts of its reciprocal bi-lateral fisheries agreements, as well as updates on the performance of these agreements, including the number of vessels operating and the volume of their catches.
•	What is the volume and value of seafood trade?	As the world's largest importer and exporter of seafood, China's customs authorities provide a searchable public database with monthly reports on the imports and exports of seafood products, including information of the country of origin and destination. China's data on trade follows the Harmonised System established by the World Customs Authority.

China's national authorities do not disclose information on some important issues, even though there is evidence that this information is available. Notable examples include:⁹

8	What are the catches of fish by small-scale traditional fisheries in comparison to industrial fishing vessels?	Despite providing detailed catch statistics, officially published data does not distinguish between the catches of different sub-sectors. It is, therefore, hard to determine what are the relative contributions of different sectors to wild capture fisheries and food supply.
8	What is the extent of overfishing in Chinese waters?	Although MARA produces significant statistics on its fisheries sector, and it undertakes scientific stock assessments in collaboration with marine scientists, it does not provide information on the health of marine fish populations, which would indicate progress towards sustainable fisheries. The results of stock assessments are also not published.
8	What is the value and who are the recipients of government subsidies?	At the national and provincial levels, Chinese authorities provide significant fishing sector subsidies. The Chinese authorities have recognised that these subsidies as problematic and have contributed to overcapacity. However public information is insufficient to fully comprehend what financial transfers are provided to different fishing sectors, including distant water fishing enterprises. It is currently unclear to what extent a new subsidy regime has been implemented.
8	What are the rules and responsibilities for recreational fisheries?	National laws describe the rules of fishing tenure for commercial fishing. However, there is a lack of clarity on the legal status of recreational fishing and sports fishing for tourists, despite evidence that many people are engaged in these fisheries and the catches from this sector are likely to be substantial.
8	What is the nature of Chinese support to the development of fisheries in foreign countries?	China is one of the most important countries for providing development assistance to coastal and small-island states for their fisheries sectors, which has been an important component of the Belt and Road initiative. It is reported by MARA that many countries have signed Memorandum of Understandings (MoUs) with China on fisheries cooperation. However, there is no public information on the projects funded by China, including the value of grants and loans and their purpose, and MoUs with other countries cannot be found online.
8	What are the terms and conditions of fisheries access agreements?	Although China's national authorities publish information on distant water fishing companies, including information on where these companies are operating, there is no public disclosure of the terms and conditions of bi-lateral fisheries agreements with third countries.

9 It is possible this information is published by national authorities online, but this assessment was unable to locate it, mainly due to the challenges of searching through government websites.

A DEEP DIVE INTO PUBLIC ACCESS TO FISHERIES INFORMATION

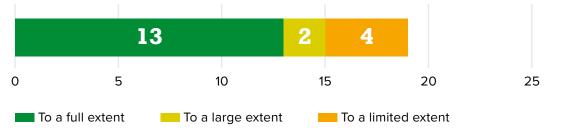


AVAILABLE ONLINE?



China's national authorities publish information online for 19 transparency elements (i.e 'Public access').¹⁰ Of those elements, more than half (68%) fully meet the information requirements of the FiTI Standard.

Is information in accordance with the FiTI Standard available online?



In assessing how well China's government achieves transparency in fisheries management, it is essential to recognise the complexity of China's fisheries governance.

Many aspects of fisheries' governance are delegated to provincial and local governments, which include the responsibility of authorising fishing, collating fisheries' information, administering subsidies, and sanctioning fishers for non-compliance with laws. Provincial and local governments also issue their own legislation, which makes **generalisations on the legal arrangements** for managing fisheries in China difficult. A review of laws and regulations on Chinese fisheries and aquaculture conducted in 2023 reported at least 600 current laws, regulations and notices (government decrees) at the national and provincial levels.¹¹

Consequently, there are aspects of China's approach to fisheries management where the **roles and responsibilities of the central state and provincial and local authorities are characterised by overlap and divergence**.¹² Some academic research has documented tensions between the central state and provincial governments regarding regulating companies engaged in distant water fisheries. At the same time, there appears to be competition between provinces, such as providing more attractive policies, procedures and subsidies for fishing companies to locate in their regions.¹³ Because of this, maintaining centralised information on fisheries management in China is challenging.

- 10 From a total of 39 transparency elements, this assessment considers four as being 'Not applicable' to China's marine fisheries sector, whereas six elements are considered as 'Not produced' (meaning the government has not collected or compiled the information requested under this element).
- 11 Wu, W., Liu, Y., Pei, Z., Lin, Y., Sun, X., Xing, Y., Wang,Y. and Liu, Y. (2023) <u>'Inheritance and Development: The Evolution and</u> <u>Overview of China's Fisheries Legal System</u>', Fishes 8, no. 1: 5.
- 12 For an example on small-scale fisheries in China, see Zhao, X. and Jia, P. (2020) <u>'Towards sustainable small-scale fisheries in</u> <u>China: A case study of Hainan</u>', Marine Policy, Volume 121.
- 13 For a discussion on this, see Zhou, H. (2023) <u>'Provincial variations and entrepreneurialism in the development of China's</u> <u>Distant Water Fisheries (2011–2020)</u>, Marine Policy, Volume 147.

A DEEP DIVE INTO PUBLIC ACCESS TO HERIES INFORMATION Overall, China's national authorities, led by the Ministry of Agriculture and Rural Affairs (MARA), publish vast amounts of information on the management of the marine fisheries sector.

The flagship government publication on fisheries is the **China Fisheries Yearbook**, which was last published in 2022. This publication provides a detailed narrative of developments in fisheries management and extensive data on vessels and catches across coastal provinces. Therefore, on several aspects of fisheries management, China's central state authorities demonstrate good levels of information sharing. MARA's website provides a comprehensive online registry of laws and policy documents for fisheries, joined by regular opinion articles and news updates.

Furthermore, the yearbook is augmented by an **annual statistical yearbook**, last published in 2023. The National Bureau of Fisheries website contains thousands of documents and is updated regularly with new regulations, opinions, and news stories.

In 2007, the State Council adopted the **Regulations of the People's Republic of China on Open Government Information**.¹⁴ This regulation obligates public authorities to proactively disclose government-held information through government websites, newspapers and the radio. The regulation has transformed government websites, leading to a substantial increase in documents published by authorities at the central, provincial and local levels.¹⁵ This applies to MARA and the Bureau of Fisheries, which publishes a considerable amount of information on its official website.

In addition, MARA engages in extensive activities to inform citizens about fisheries' developments, including a **WeChat platform**, which provides users with regular updates on laws and policies, as well as fisheries news. Experts in China consider smartphone ownership to be high among fishers, and most are likely using this platform to gain news and information about fisheries. Other ways of publishing information include regular publications in national newspapers, and media stories on China Central Television (CCTV). The government also produces a national Fisheries Magazine.

A strength of China's fisheries transparency is the publication of **a five-year national plan for fisheries development**, which includes clear targets and measures of success. This contributes to policy-making openness, which is often absent in other countries. Additionally, MARA produces numerous 'opinions' on the management and performance of the fishing sector.

As the world's largest trader in seafood, it is positive that **China provides strong public access on import and export data of seafood products**. China's customs authority provides a searchable database (translated into English) where seafood products, categorised under the Harmonised System developed through the World Customs Authority, can be located. This provides monthly reports on all seafood products entering and leaving the country, including information on their value and country of origin and destination. While verifying the completeness or accuracy of this trade data is beyond the scope of this assessment, China provides a level of data typically missing from other countries.

¹⁴ An English translation is available at: <u>https://law.yale.edu/sites/default/files/documents/pdf/china/ogi_regulations_eng_jph_rev_9-11.pdf</u>

¹⁵ See this analysis by the State council, describing that over 72 million records have been published by public authorities on their websites by 2018: <u>https://www.gov.cn/xinwen/2019-04/12/content_5381804.htm</u>

However, there are important aspects where public information appears to be lacking:

Health of fish populations

China's national authorities are not publicising information on the health of fish populations. Official reports on the health of fish targeted by commercial fisheries are essential for understanding the success of sustainable fisheries management. Including this information in the Fisheries Yearbook would greatly enhance this publication's ability to inform national debates. It is unclear whether China's fisheries authorities lack sufficient data to communicate trends in the health of fish populations. However, stock assessments are undertaken by Chinese scientists. These do not appear on MARA's website, and it is unknown how widely they are distributed or who has access to them. Furthermore, in 2013, a policy document issued by the State Council established the need for a comprehensive survey of marine resources every five years.¹⁶

A lack of public information on the environmental impact of fishing extends to a lack of information on **discards**. Our assessment was unable to find government reports that estimated discards in different fisheries, although it was assumed for this assessment that discards are low among small-scale fisheries.

Recreational fishing

Chinese authorities publish highly detailed legislation and policy documents for commercial fisheries. Our assessment found that information on the rights and responsibilities of commercial fisheries is easy to locate. However, **regulations on recreational fishing have yet to be produced** despite the Chinese state promoting this sector for many years. In June 2022, MARA issued a notice saying that formal regulations would be produced for the sector, but our assessment could not find information on whether these have been finalised.

In its statement on the development of new regulations, MARA described that in 2021, the output value of China's recreational fishery was 80.54 billion yuan, with 134,600 businesses registered with authorities, accounting for 764,700 employees and 232 million visitors.¹⁷ The sector is, therefore, substantial.

Subsidies & state revenues

Another weakness in the transparency of marine fisheries management in China concerns the design and implementation of fishing subsidies. **China's subsidies to the fisheries sector are complex and are provided by different government agencies.** Our assessment could not locate a government report that provided a concise explanation of how subsidies work and what formula is used to determine subsidies to individuals and companies. This situation has also been reported in other academic studies. It is positive that China has included information on fisheries subsidies within its annual notifications to the World Trade Organisation (WTO), but these reports are also challenging to comprehend.

¹⁶ See the document entitled <u>'Opinions of the State Council on Promoting the Sustainable and Healthy Development of Marine</u> <u>Fisheries'</u> published on 20 July 2013.

¹⁷ This information is contained in a document entitled: <u>*Reply to Recommendation No. 2756 of the Fifth Session of the Thirteenth National People's Congress'*</u>, published on 10 June 2022.

As China submitted its acceptance to the 2022 WTO Agreement on Fisheries Subsidies in June 2023, clarifying how subsidies are administered will be important in demonstrating compliance with this agreement. The WTO agreement further highlights the importance of transparency on the status of fish stocks, given that this seeks to prohibit granting or maintaining subsidies for fishing or fishing related activities regarding an overfished stock. At present, **public information on both the status of fish stocks and the use of subsidies is insufficient to understand compliance with the WTO agreement.**

Our assessment also failed to locate public information on the **revenues collected by government authorities at the national, provincial and local levels**. Commercial fishing enterprises are not required to pay for a fishing license. Still, they are subject to cost recovery charges for fisheries management through what is known as the "Fishery Resource Enhancement and Protection Fee", established in 1989. It was impossible to locate up-todate information on how this fee is administered, what revenues this generates for public authorities and how this money is used. Combined with information on subsidies, this is an important element in understanding the fiscal management of the fisheries sector.

Compliance with fisheries laws

In numerous official documents, national authorities have communicated a strong commitment to strengthen compliance with fisheries laws among both domestic fisheries and the fishing fleet operating outside of Chinese waters. MARA provides regular updates on its policies and the work undertaken through **operation 'Bright Sword'**, the name given for its fisheries law enforcement programme.

National and provincial authorities publicise information on sanctions against serious offences in domestic fisheries. Reports available through the MARA website provide considerable details on the nature of crimes and the outcomes of criminal trials.

In the past, similar public notices have been issued on **sanctions imposed on fishing enterprises operating on the High Seas and in foreign countries**. However, our assessment could only find notices on illegal fishing for distant water fishing companies from 2019. The publication of this information, therefore, seems to have ended.

Furthermore, although it is reported by MARA that there is a record of people who have engaged in illegal fishing, including those engaged in fishing abroad and on the High Seas, this record does not seem to be in the public domain.

Distant water fishing (DWF)

For international fisheries governance, China's information on distant water fishing and its role in developing fishing in other countries is supremely important. It is therefore positive that China, for example, includes information on the **catches of its distant water fishing (DWF) companies** in the Fisheries Yearbook. However, the level of detail could be improved, including greater granularity of data on species and where catches have been made. This would assist fisheries managers, scientists and other national and international stakeholders in verifying if this reported catch is accurate, as well as providing corroborating data to verify data reported by coastal States for catches in their waters. MARA has described, for example, that the Fisheries Bureau has established a DWF compliance research centre and a DWF data centre, which indicates that considerable information on the activities of China's DWF companies and vessels is likely being collated.

In the past, MARA has published documents that describe which **distant water fishing companies have been authorised to fish abroad**. All DWF companies require authorisation for overseas fisheries projects, which are re-approved annually. However, **the publication of reports on the annual approval of fishing projects overseas seems to have been suspended**, with no new reports found on the MARA website for the past three years.

The Ministry of Commerce website also provides a database of all **Chinese enterprises authorised to operate in foreign countries, including fishing companies**, although this website has been offline since early January 2024.¹⁸

And while China submits data to the **FAO's Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels** (Global Record), transparency surrounding China's distant water fishing companies could be improved. There is, as one example, no public registry that shows which fishing vessels are owned by what companies. It seems that China has yet to provide information on ownership of its DWF vessels to the FAO's Global Record despite this being a requirement.

Information on **access agreements** signed between Chinese fishing companies and foreign countries is also not public. It is, therefore, somewhat challenging to establish the nature of such agreements, although we assumed in this assessment that all are private agreements between Chinese companies and foreign governments (as supposed to bilateral agreements between the Chinese government and foreign governments). While it is not the responsibility of the Chinese government to ensure transparency of these private access agreements, given the sensitivity surrounding China's fishing agreements in third countries, it would be appropriate for China's national authorities to promote transparency of fishing agreements among its DWF companies. Other coastal States which are implementing the Fisheries Transparency Initiative have already published these contracts with Chinese DWF.

It is worth nothing that that, while private fishing agreements of China's distant water fishing companies are treated as confidential, MARA does provide access to **reciprocal fisheries agreements** China has with South Korea, Japan and Vietnam.

Official Development Assistance

China plays an important role in the development of fisheries in many developing and small island states. Predominantly, technical and financial assistance is undertaken through the **Belt and Road Initiative**, with programmes financed by China's Development Bank and the China Exim Bank. Furthermore, China's government has entered into MoUs with numerous countries on issues related to fisheries development, trade and the promotion of China's distant water fishing fleet.¹⁹

However, there is a lack of transparency on China's development assistance for fisheries projects, and projects financed by China's Development Bank and the Exim Bank are not in the public domain. Although China's national authorities, including MARA, publicise signing MoUs with other countries for fisheries development, these MoUs are also not published.

¹⁸ Unfortunately, during the period used for researching this assessment, the database provided by the Ministry of Commerce on Chinese enterprises operating in foreign countries became inaccessible. It is not known on what date this information became inaccessible, but this was noticed in January 2024, with the researcher for this assessment having last accessed the database in December 2023.

¹⁹ An example is the MOU signed between MARA and the government of Morocco in 2023, which was announced on the website of MARA on 4 July 2023: <u>http://english.moa.gov.cn/news_522/202307/t20230707_301196.html</u>

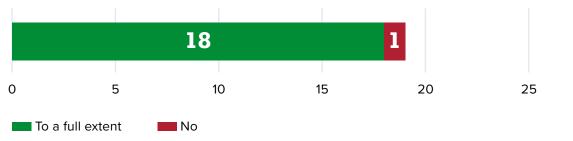
UP TO DATE?



Information published online by China's national authorities is considered to be fully up to date for 18 of the 19 transparency elements (or 95%).

Fish is a renewable resource that can, if sustainably managed, remain accessible and beneficial for generations. Those making decisions affecting fisheries must be able to have quick and easy access to the latest available data. The importance of up-to-date information takes on an even greater dimension when it comes to time-sensitive issues such as the production of catch data or scientific stock assessments.

Is the published information provided in a timely, up-to-date manner?



The information public authorities publish on the fisheries sector is updated regularly, and key data is provided on time. Our assessment found no evidence of a substantial time lag between the approval of legislation and policy documents and the public release of these documents.

In 2015, a revision was made to the national Legislation Law that obliges all state bodies to publish drafts of proposed new legislation to allow at least 30 days for public input (art. 37).²⁰ In 2019, the State Council further enacted the Interim Regulations on Major Administrative Decision-making Procedures.²¹ These provide more detailed guidance on **public involvement in decision-making processes**, including the importance of consulting groups most affected by government decisions. These procedures are followed in the fisheries sector. MARA is currently updating the National Fisheries Law, which, among other things, is intended to strengthen the state's response to illegal fishing. A draft of this law has been published by MARA on its website to assist with public engagement.²² It has also been reported in national media that MARA has engaged seven fisheries experts to provide detailed feedback on the draft, which is now nearing completion (expected to become law in 2024).²³

The flagship **Fisheries Yearbook** is also published on time, meaning the public can access data for the previous year. This contrasts with other countries where fisheries statistics are released several years late.

Although this assessment has not reviewed the contents of the **WeChat platform**, experts in China report that MARA regularly posts information through this platform, ensuring subscribers are kept up-to-date with fisheries news and regulatory developments.

20 An English translation of the Legislation Law is available at: <u>https://www.chinalawtranslate.com/en/2015lawlaw/</u>

22 For a discussion on the contents of the revised law, see Juan, H. and Xiong, Z. (2023) <u>'China Revamping Decades-Old</u> <u>Fisheries Law to Combat Illegal, Unreported, and Unregulated Fishing: Stimulating the Intersection of Law, Technology, and</u> <u>Markets'</u>, Frontiers in Ecology and Evolution.

²¹ Available in Chinese from: https://www.gov.cn/zhengce/content/2019-05/08/content_5389670.htm

^{23 &}lt;u>https://szb.farmer.com.cn/2022/20221020/20221020_006/20221020_006_1.htm</u>

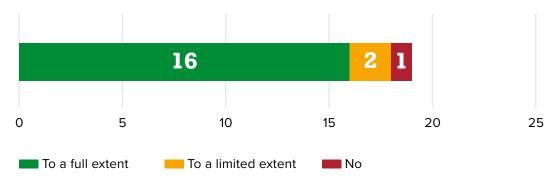
EASY TO FIND?



Information published online by China's government is generally easy to located, as information for 16 out of 19 transparency elements (or 84%) can be easily found by a layperson.²⁴

Governments have the responsibility to manage fisheries on behalf of their citizens – and inform them about the current status, opportunities and challenges facing the sector. In the digital age, websites remain one of the most popular mediums to convey such information. However, websites are passive communications channels, and stakeholders have to purposely visit the site, search for the desired content and navigate to find information. If this is difficult or time consuming, stakeholders may lose interest, leaving potentially important information unread and underutilised.

Is the published information easy to find on a government website from a non-expert point of view?



Since enacting the national policy of open government, China's state authorities have disclosed vast amounts of government reports and information. The part of MARA's website administered on behalf of the Fisheries Bureau contains thousands of separate documents. Unfortunately, this **lacks an intuitive structure**, meaning locating specific information is difficult and time-consuming.

²⁴ Our assessment analysed how easy or difficult it is for a layperson to find information about China's marine fisheries sector, instead of stakeholders with a background in fisheries and therefore holding a unique advantage in their capacity to locate the information.

Seventeen thematic headings are used to catalogue documents, which include subject areas such as 'fisheries management', 'fishing information' and simply 'documents'. Navigating and making sense of the information contained on this website is hindered by the lack of introductory or explanatory texts. Thus, the website functions as a repository of documents without a coherent framework to guide users to locate the most relevant information. For example, under the heading of opinions and policy documents, over 1,400 separate entries date back to 2008. This illustrates the high volume of documents produced by the Bureau of Fisheries and the daunting challenge facing the public in understanding how these policies relate to each other. Similarly, the many laws, regulations and decrees issued by MARA are presented in chronological order. Still, it is difficult to know which ones are current and which have been replaced by others.

While the website provides a search function, this does not work well. Keyword searches return hundreds of results. Our assessment also found documents with relevant information not found through the search function. Therefore, **there is considerable opportunity to improve the structure and presentation of the MARA website to increase the likelihood that people can find specific information.**

Although the fisheries website of MARA could be better organised, the Fisheries Yearbook is presented clearly and contains valuable data. However, users cannot download or reuse statistical data directly from the MARA website. This means people cannot generate their own data files of public information, which is becoming a more widespread feature of online government portals in countries following open government policies.



RECOMMENDATIONS FOR NATIONAL AUTHORITIES OF CHINA

China's national authorities, predominantly MARA and its Fisheries Bureau, publish substantial information on the management of its marine fisheries. This demonstrates that fisheries management has responded to national policies to advance open government in China, and that China's fishing authorities recognise public access to information as vital for sustainable fisheries management. China's national authorities are also using social media to share considerable news and information with fishers and other relevant stakeholders.

In order to support China's efforts regarding transparency of fisheries-related data, our assessment recommends four areas for further improvements.

Address information gaps for China's domestic fisheries

Our assessment considers the **lack of information on the health of fish stocks** in China to be a surprising omission, given the large amounts of other information published by MARA on domestic fisheries. It could be possible that public authorities lack comprehensive data on the health of many fish species, although stock assessments are being undertaken on commercially important fish. MARA should share the results of these stock assessments and indicate where information on the health of fish species and marine ecosystems is unavailable. MARA should also describe what activities are planned to improve government knowledge of the health of fish populations. This information could be summarised in the flagship Fisheries Yearbook.

Our assessment has also drawn attention to the information gaps on fishing subsidies. The transition to a fish stewardship subsidy regime is an extremely important development. Not only could this positively affect the sustainability of fishing in China, but it may also represent an innovative approach to subsidy reform that inspires other countries. MARA should, therefore, consider providing more details about how this new subsidy regime is being implemented and provide more detailed information on the value of government transfers to different regions and sub-sectors, including small-scale fisheries, large-scale fisheries and distant water fishing companies. Reports on the impact of the new subsidy regime should be published, once available.

2 Improve the accessibility of information on MARA's website

Substantial information on fisheries is published on MARA's website. However, the organisation of this information is not optimised to ensure members of the public can easily understand fisheries management. Many documents are made available through a searchable catalogue, which are listed in chronological order. In practice, it is hard and time-consuming to locate specific information.

Government websites should have a more intuitive interface to improve information accessibility. For example, landing pages for thematic issues should have introductory text, such as separate pages on laws, policies, and fisheries statistics. Shorter introductions can help people understand the relevance of longer reports and how fisheries management is evolving. Improving the design of the central government's website on fisheries may also provide a model that provincial authorities could use.

3 Increase public access to government databases in machine-readable formats

MARA and the Fisheries Bureau manage considerable data on the fisheries sector, including information on vessels, catches and the recently enhanced databases on the activities of distant-water fishing vessels. However, these databases are not made publicly available. Summary information is provided in statistical reports, including the Fisheries Yearbook. Granting public access to data in machine-readable formats is considered best practice for advancing open data. This would strengthen the ability of fisheries experts (including academics) to re-use data to deepen understanding of the fisheries sector.

4 Strengthen China's role in advancing transparency in fisheries management at the international level

China plays a critical role in the management and development of marine fisheries in many other countries. This occurs through the extensive activities of China's fishing companies operating in different countries and on the High Seas, as well as China's technical and financial support for fisheries development. There are considerable opportunities for Chinese authorities to advance transparency at the international level.

One element of this is to encourage Chinese fishing enterprises not to include or accept any confidentiality clauses in **private fishing agreements** signed with foreign governments. Contract transparency is widely accepted in the extractive industries, and Chinese firms have complied with this, including cooperating with countries implementing the Extractive Industries Transparency Initiative (EITI). A strong commitment by the government of China to oppose confidentiality in private fisheries agreements would enhance China's reputation as a country committed to responsible fishing practices.

In the past, MARA has published information on its website on resolved **cases of illegal fishing involving distant-water fishing vessels**. Unfortunately, our assessment was not able to locate reports for the last three years. Therefore, publishing up-to-date information is recommended.

As a member State of the FAO Committee on Fisheries (COFI) China supports the FAO's Global Record and has shared **information on Chinese-flagged vessels**. However, the information provided to the Global Record by China is incomplete, including information on the ownership of vessels. China should, therefore, ensure all requested information is submitted to the Global Record. As agreed to by members of the Global Record Informal Open-Ended Technical and Advisory Working Group, states are asked to collate and share data on beneficial ownership of vessels. With the largest fleet of distant water fishing vessels in the world, it is incumbent on China to demonstrate its leadership and provide this data to this global initiative.

In the past, MARA has published information on the approval of **fishing activities for distant water fishing companies**. It is recommended that this information is kept up-to-date. Additionally, the database of Chinese enterprises operating in foreign countries, maintained by the Ministry of Commerce, was offline at the time of this report, and it is hoped that it soon made accessible online again.

China should disclose **bilateral agreements signed with other countries for fisheries development and collaboration**, mirroring the levels of transparency achieved in China's reciprocal fishing agreements. Furthermore, China should consider the benefits of advancing transparency and public sharing of fisheries data as a norm in fisheries governance, including this as an objective of bilateral cooperation agreements related to fisheries and the blue economy. This would align with President Xi Jinping's public announcement that the **Belt and Road Initiative** will be used to achieve a 'clean Silk Road'. It will also align with the recently announced anti-corruption drive for Belt and Road projects led by the Central Commission for Discipline Inspection.²⁵

25 Shaung, S. (2024) 'China starts international manhunt with belt and road corruption in its sights', South China Morning Post.

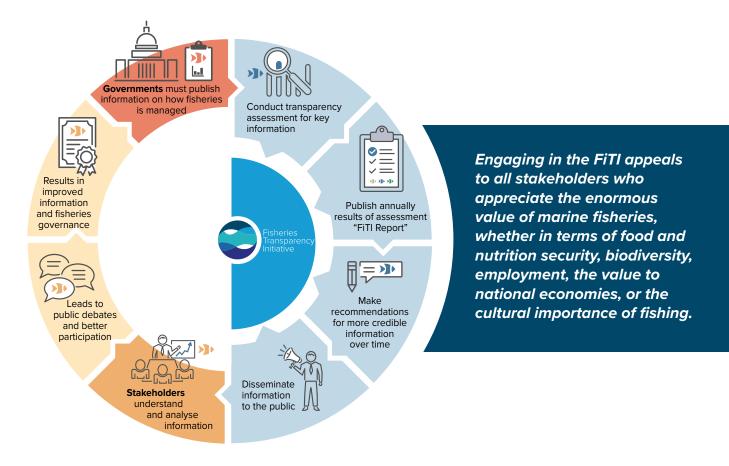
TRANSPARENCY NEEDS TRUST

Public access to information on how China's marine fisheries sector is being exploited is fundamental for good governance. This TAKING STOCK assessment provides a sound starting point for national authorities in China to maintain its high levels of transparency in marine fisheries management. But it does not tell the whole story: challenges still exist that are unlikely to be overcome by a single actor working alone. Such challenges involve determining whether information that is not published online simply does not exist, or whether information that is disclosed is perceived as credible by stakeholders. Addressing such challenges requires a comprehensive and inclusive approach.

Therefore, a collective effort is needed from all relevant stakeholders to incorporate a variety of perspectives and enhance transparency and trust over time.

The Fisheries Transparency Initiative (FiTI) provides such a unique combination of transparency and participation. The FiTI is implemented in countries through National Multi-Stakeholder Groups, consisting of representatives from government, business and organised civil society. These groups work collectively to:

- >>> assess the information in the public domain against the FiTI Standard;
- >>> make recommendations on how to prioritise the closure of information gaps; and
- >>> provide suggestions on how information published by national authorities can be strengthened to further raise levels of openness and public access to information.



ANNEX: ASSESSMENT PROCEDURES

This TAKING STOCK assessment evaluates the disclosure practices of China's national authorities across 12 thematic areas of **marine fisheries management**,²⁶ as defined by the FiTI Standard.

In order to avoid ambiguities during the assessment, these 12 thematic areas have been further broken down into **39 transparency elements**. For example, thematic area #1 'Fisheries Laws, Regulations and Official Policy Documents' is broken down into three transparency elements.

The assessment is focused entirely on the availability of information²⁷ provided by China's national authorities through their own websites and online publications.

This report, the first for China, does not only seek to provide an overview of what the government publishes regarding a number of key areas of its marine fisheries sector. It also intends to provide a sound basis of information to spark interest among various governmental and non-governmental stakeholders.

The assessment does **not** capture and display the actual underlying information behind each transparency element (e.g. number of vessels), nor does it undertake an independent verification of whether information disclosed online by national authorities is complete or correct. Nevertheless, if compelling evidence of unreliable or contradicting information has been found, it is noted in the Detailed Assessment Report.

Within the scope of this assessment, several different entry points have been utilised to evaluate whether information on the China marine fisheries sector is published online by national authorities, such as:²⁸

- the website of the Ministry of Agriculture and Rural Affairs of the People's Republic of China;
- the website of the Ministry of Foreign Affairs of the People's Republic of China;
- the statistical <u>website</u> of the General Administration of Customs of the People's Republic of China;
- the website of the State Council Information Office of the People's Republic of China.

The assessment was conducted as a **desktop study** without relying on initial input or contributions from China's national authorities.

The assessment was conducted over a period of 6 months (September 2023 – February 2024). The process was officially launched 21 September 2023 when the the Minister of Agriculture and Rural Development was informed about the upcoming assessment, its key parameters and benefits.

The Ministry of Agriculture and Rural Affairs was invited to comment on the initial research findings prior to the publication of this report. The timeframe for this review was between 11 July and 2 August 2024. No comments were received prior to the deadline. Therefore, the report was finalised without government input.

The overall assessment process was conducted under the supervision and responsibility of the FiTI International Secretariat, with significant input from researchers and reviewers.

26 Information on inland fisheries and aquaculture does not form part of this assessment.

27 Kindly note that in the context of this research, the terms 'data' and 'information' are used interchangeably. It is acknowledged that while closely intertwined, they differ in meaning and usage (e.g. data is the raw fact, which should be processed to gain information). However, this difference is not of major relevance for this assessment.

28 Information is only considered available online if it is proactively published on a government website and is available without access restrictions (e.g. the need to register online, request the data from a civil servant via email or pay a fee).

As part of this TAKING STOCK assessment, only few transparency elements are considered as not applicable for China's marine fisheries:

•	Fisheries management plans Chinese fishing authorities do not produce specific fisheries management plans, although it has been recommended by international and national No governmental Organisations (NGOs) that such plans should be consider as a tool to regulate fishing efforts better. ²⁹			
0	Transshipments and landings in foreign ports for industrial fisheries	Although transshipments at sea are permitted in China and occur frequently, all fish caught in Chinese waters must be landed in national ports. It is, therefore, assumed that no fish in Chinese waters are transshipped at sea and landed directly in foreign ports.		
0	Payments and discards from small-scale fisheries	No fees are charged by fishing authorities when issuing licenses to fish. However, owners of authorised fishing vessels are eligible to be charged for the costs of fisheries management and marine conservation based on a percentage of the value of fish catches. No public information was found on the amount of these payments. Experts consulted for this assessment reported that provinces do not charge small-scale fishers for cost recovery. However, there are no government reports that confirm this. It is assumed that there are no charges, so this transparency element is not applicable in China. However, more research is needed on cost recovery charges in China. Furthermore, no government information was found on discards from artisanal fisheries. Our assessment did not find other sources of information on this subject either. It is therefore assumed that discards are very low to non- existent in small-scale fisheries in China.		

<image>

29 See for example, EDF, NRDC & Qingdao Marine Conservation Society (2021) <u>'Progress of China's TAC System: Evaluation Report</u> for Zhejiang and Fujian Pilots'



TAKING STOCK

2024

Online Transparency of Fisheries Management Information

Summary Assessment Report PEOPLE'S REPUBLIC OF CHINA

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