

WORKING PAPER FOR LDAC WG4 – 15 October 2024

DRAFT TERMS OF REFERENCE

Creation of a LDAC Focus Group on Implementation of SFPAs: benefits and challenges for EU distant water fleets and coastal communities in partner third countries

Rationale

The LDAC has identified as one of the overarching objectives on its annual work programme for year 2024-2025 to work on some advice with recommendations to improve the implementation of EU SFPAs in terms of removing barriers to transparency, accountability, non-discrimination, and participation of coastal states stakeholders. This is also linked to the work on reversing unlevel playing field of fishing products from EU and non EU operators and traders to ensure the environmental and social sustainability of products in EU market.

On the latest developments and future challenges of the CFP¹, SFPAs can play an important role as a tool to promote EU leadership in the International Ocean Governance arena. SFPAs could contribute to the development of EU “ocean diplomacy” as stated in the letter of mission from Commissioner Von der Leyen to the Commissioner-Designate on Fisheries, Costas Kadis².

Background

The LDAC participated in 2021 both to the roadmap and the EU public and targeted consultations launched by DG MARE to provide a critical overview of the constituent elements of SFPAs and formulate recommendations regarding both the process and content of this overall evaluation, to make the whole exercise more efficient. On 2 February 2023, the LDAC co-sponsored with DG MARE a side event in HALIEUTIS show to discuss practical aspects of implementation of SFPAs in African partner countries.

The LDAC has also assisted to organize a seminar and noted the conclusions of the project report published by POSEIDON and BMZ in December 2023 titled “*Potentials of EU Sustainable Fisheries Partnership Agreements and development cooperation for the sustainable development of local fisheries sectors*”.

Proposal for work for 2024-2025

Within the present context of the Evaluation of the CFP, the LDAC is committed to provide dedicated feedback to DG MARE on SFPAs based on the outcomes of its recently published [study on retrospective evaluation and analysis of the Sustainable Fisheries Partnership Agreements \(SFPAs\) between the EU and third countries](#).

¹ [https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU\(2024\)747291](https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU(2024)747291)

² https://commission.europa.eu/about-european-commission/towards-new-commission-2024-2029/commissioners-designate-2024-2029_en

In terms of way forward, the LDAC will perform this work in a two-fold way:

- At Working Group 4: the LDAC will invite the DG MARE unit to provide regular updates on this topic at its Working Group 4.
- At Focus Group: The LDAC will convene 1 or more dedicated Focus Group (online or in hybrid format) in the 4Q of 2024/1Q of 2025 to prepare a draft advice which is ready to be tabled for discussion/adoption at the forthcoming WG4 meeting in March 2025.
- Through external networks and partnerships: The LDAC will also work in this topic close with its African partners (ATLAFCO-COMHAFAT, AFRIFISH-Net) in identifying the key priorities for SFPAs from the perspective of the recipients from third countries (partner countries policy makers and stakeholders).

Elements for inclusion in a potential advice

Some of the conclusions drawn in both feedback can serve as basis to exchange views on how to improve the implementation of those elements that are present in the protocols of the SFPAs, namely:

- Scientific knowledge and basis for determination of surplus of those stocks of commercial interest for the EU fishing fleets for individual SFPAs and also at regional level (CECAF);
- Management issues related to implementation of protocols (e.g. allocation of quota/licensing system, underutilization of quota consumption for certain categories in tuna and demersal SFPAs, technical measures such as seasonal closures, zoning, allocation of fishing effort...).
- Regional approach to negotiation of access agreements in Africa.
- Social clause and decent work conditions (ILO C188), training (IMO STCW-F) and safety standards of fishers and vessels (Cape Town Agreement) at sea
- Transparency clause (publication of minutes of scientific and joint committees; annual reports on the use of sectoral support)
- Non-Discrimination clause (linked to LPF, e.g. ; reporting of fishing activities via publication of public and private agreements from EU and non-EU vessels signed with the third country)
- Efficient use of sectoral support aimed to improve capacity building, training and development of coastal State and local communities from third countries, including artisanal fishers.
- Enhanced participatory governance of stakeholders and coastal communities in identification of priorities for SFPAs (including topics funded under sectoral support)
- Role of women in fisheries
- Environmental impacts (e.g. Climate change, by-catch and non-targeted species)
- Socio-economic impacts (changes fishing opportunities - Morocco, value chain analysis, trade flows...)

Key words: access arrangements; surplus; implementation; protocols; sectoral support; social dimension; transparency; non-discrimination; cohabitation; artisanal fishers; women in fisheries;