



Draft Minutes
30th LDAC Working Group 4 Meeting
Bilateral Relations with Third Countries

Tuesday 25th of October, 10:00 – 13:30
Hybrid meeting : Hotel NH Brussels EU Berlaymont, Brussels

Chair: Julio Morón (OPAGAC)
Vice-Chair: Sara Fröcklin (SSNC)

1- Welcome and opening of the meeting.

Mrs. Manuela Iglesias, LDAC secretariat, gave apologies for Mr. Julio Morón and Mrs. Sara Fröcklin as they were not able to chair this meeting. For that reason, Mrs. Iglesias chaired the meeting.

She welcomed members, observers, and thanked them for their attendance and participation.

The complete list of members and observers is included in Annex I.

2- Approval of the minutes of the last WG4 meeting (held through hybrid format on the 22nd March)

The minutes of the last meeting were approved with no additional comments.

3- Approval of the agenda.

Mrs. Manuela Iglesias informed participants that upon request of DG MARE representatives points 6 and 8 were switched. In this way some were able to participate in the discussion on the transparency of SFPAs.

A point was also added to the agenda regarding the latest news about the Focus Group on regional fisheries management for small pelagic shared stock in West Africa, and additional concerns for demersal stocks.

With these changes, the agenda was approved with no additional items or changes to it.

4- State of play on negotiations with third countries.

4.1. Report from DG MARE of implementation of SFPAs in force; negotiations on renewals for existing ones and prospective new SFPAs.

The EC representative, Mrs. Marta Morén, informed participants that the agreements are working smoothly. There are a number of agreements still under negotiation, such as Madagascar or Kiribati. Various are about to finish their protocol in 2023-2024, so it is necessary to prepare for negotiations in order to renew the protocols. The EC will try not to have a delay in the renewal of the protocols.

Then, she informed us about the state of play of the SFPAs and negotiation with:



- **Seychelles:** they have problem with the declaration of bycatch. The country is not happy at this stage with these declarations. The EC needs to look at this carefully, as the situation in the Indian Ocean is very sensitive, it is preferable to avoid having other problems that are not connected with fishing operations.

- **Gabon:** the obligation to declare is not well fulfilled even with observers on board it is sometimes not very well implemented. It is important to ensure transparency. The same problem happens in **São Tome e Principe**.

- **Morocco:** the protocol will come to an end in July 2023. The Court of Justice will give its opinion on the situation in Western Sahara and the EC needs to remain objective and neutral. They will need the sectoral support in Morocco, not only towards the administration but also towards the society. The EC are discussing internally. An interruption will not be an issue for the sustainable development of the sector, as an important part goes to scientific research. The EC will try to make any interruption as short as possible.

- **Mauritania:** the EC is in the home stretch for the approval of the management plan for small pelagic species, which is one of the pillars on which the EC bases their negotiations. Indeed, Mauritania had taken measures without prior negotiation. The joint committee met several times this summer.

The national authorities have put their national categorisation of the fleet segments in order, because for example in the coastal segments there were vessels under charter (in the coastal fleet segment).

Next year, there will be a mid-term review of this agreement.

Related to sectoral support: there are clauses linked to the financial compensation. For the first few years, the use of the agreement in this term is not satisfactory, especially for small pelagic species. 20% of the use of the support (provisional data) is not being reached. The EC hopes that with the enlargement of the fishing zone this will change.

4.2. Questions from the floor and feedback from members.

Mrs. Béatrice Gorez, CFFA-CAPE, asked about the obligation to take observers on board pelagic trawlers under the protocol with Mauritania, as she recalled problems with certain EU Baltic countries.

The representative of the European Commission, Mr. Mirco Marcolin, replied that he did not have any recent data but that there would be more information for the next meeting of the Joint Committee.

Mr. Marcolin, EC, highlighted that the main issue is the sectoral support, and also, he explained that for the next official meeting they will discuss the measures Mauritania is setting to limit the fishmeal industry.

On the other hand, he explained that with the new minister, the exchanges are very productive. They have set thresholds by decree to define the part of the fish intended for



human consumption and the part intended for fishmeal. They have also committed themselves to traceability.

The situation of stocks will also be discussed.

Mr. Raúl García, WWF, commented on the situation in the Alborán Sea, in the framework of the protocol with Morocco, which shares ecosystems and fishing zones with the EU. Also, in the Strait of Gibraltar, he explained that there are difficulties for the Spanish boats of Conil in the exploitation of pink sea bream or scabbardfish, which are faring well.

He also explained that the pandemic has hit many coastal communities and some of the NGOs in Morocco are struggling. What's more there are still navigation problems with driftnets. He highlighted that it is essential to work with Morocco to improve governance.

Mr. García also asked the DG MARE representatives if they could tell us how the sectoral support is going and what needs have been identified with Morocco?

Mr. Daniel Voces, EUROPÊCHE, asked when the final ruling of the European Court of Justice is to be expected. He shared the views of Raul Garcia but also insisted on the socio-economic benefits for the country and economic fleet, thus it is fundamental to continue operating in this area. He estimated reassuring that the EC is preparing for different scenarios.

Mr. Julien Daudu, EJF, asked for the state of play in Senegal in the implementation of the protocol and with the appointment of a new minister.

Mr. Juan Manuel Trujillo, ETF, explained that it is well known that there are EU states and others such as the US in which the criteria on Sahrawi territory have changed. Therefore, he asked if the ECJ's criteria could change and make the ruling favourable to the Sahrawi state, in order to be able to operate.

He remarked it is necessary to work together on economic, social and biological levels. He also highlighted that they are concerned about the demands of the workers.

Marta Morén, EC, replied to the questions:

- **Mauritania:** the introduction of non-EU fleets in the area (especially Asiatic) are very worry, as their only concern are economic considerations.

- **Senegal:** there is a new minister of fisheries in Senegal since September. The EC hopes that the attitude will change and expects things to improve.

- **Greenland:** the agreement is working well, next Joint Commission will be held on 23-24 November, no problems foreseen.

- **Mauritius:** the extension of the protocol expired on 4th October. There is delay due to change of administration and the late submission of comments, but the EC hopes that the new protocol can be approved by the end of November.



- **Angola:** the EC will launch the ex-ante and ex-post evaluation. The evaluation will be prepared in the coming weeks.

- **Morocco:** Mrs. Morén agrees that the SFPAs with Morocco are very important, for many reasons as: it is a neighbouring country, the fishing sector is small but important especially for coastal areas in the south, in the Sahara. It is also the largest agreement in financial terms in terms of sectoral support and for its impact. For example: in Dakhla, the sectoral support is crucial, if there is no continuation it will represent a major economic and social halt in the area, it is a fact.

Regarding the Sahara, in Morocco they called it the 'southern provinces'. The position of the EU High Representative for Foreign Affairs, recalls that the EU respects the UN process, and human rights debate is taking place there.

Thus, the EC awaits what that process dictates, in the meantime the EC tries to work with neighbouring country without ignoring the debate but remaining neutral.

Considering the timeline: the European Court of Justice issued a judgment in September 2019, there was an appeal and we hope it will be as favourable as possible to the EC arguments in that process. The Court does not give information about timelines. It is speculated that we would have a judgment towards the end of 2023 or early 2024 but without any confirmation. There could be a Court hearing in early 2023.

The EC is interested in exploring what can be done. The ex-ante and ex-post assessment looks at various scenarios from a technical, not political, point of view.

The EC is aware of the need for scientific cooperation. Today and tomorrow is the scientific meeting and the Joint Committee is scheduled for 9 and 10 November.

Considering the state of the stocks, there is a need for a coordinated work from Guinea Bissau to Mauritania and Morocco. We have reduced participation from EU scientists but certain discussions should be maintained.

Morocco and Mauritania have signed a recent cooperation agreement on blue economy, which is an important opportunity. Morocco is a model of agreement and management in general for other countries. In February 2023 there will be the Salon HALIEUTIS and surely there will be technical or scientific sessions in relation to SFPAs and shared stocks in West Africa. The protocol with Morocco will end up in July 2023.

Mr. Mirko Marcolin, EC, explained that despite other fleets operate in Mauritanian waters, the EU is a qualified and privileged partner, not only because of the money (very important contribution) but also other wider aspects.

He highlighted that there are active fleets from China, Japan and Senegal and also cooperation agreements with Algeria and Turkey.



The EC insists on the importance of scientific work and the use of resources considering the production of meal and oil. There is a need for cooperation at regional level and works need to be carried out at CECAF level.

Mr. Julio Morón, OPAGAC, asked for an update of the agreement with Kiribati.

Mr. Edelmiro Ulloa, Opnapa / OPP3/ Acemix / Agarba, underlined the role of China in different African countries. He recalled the speech from Mrs. Von der Leyen who seeks to reposition Community policy with regard to other strategic actors such as China or Russia and to have allies in Africa. He asks if DG MARE takes into account the importance of SFPAs for supply in the Community market and socio-economic development of coastal countries.

Mrs. Marta Morén, EC, explained that European Commission is aware of that. For example, in Cape Verde, there is an intermediate agreement but very important for the country because it is the main economic activity in some islands. The EC supports the development of their local industry with the sectoral support and also, they also work with the EU development cooperation services. (As an example, it allows the development of Mindelo blue port, port services, etc).

The EC knows that China is there. The EU is consistent with its policy and is confident that they have a positive impact and enjoy the backing of the coastal countries themselves that they will not plunder their resources and attach importance to governance and sustainable development. The dialogue that the EC has through SFPAs is important and it helps to improve its governance.

Mrs. Béatrice Gorez, CFFA-CAPE, was glad to see that the regional dimension of SFPAs is taken into account and cooperation with development aid. There are things that need to be improved such as research vessels with shared resources to improve scientific cooperation. She also asked about the state of play in Madagascar and in the Guinean Republic.

Mrs. Marta Morén, EC, answered that for Guinea they are waiting for political procedures in order to get an agreement. As for Madagascar the negotiation is ongoing. There is no agreement yet.

Mr. Mirko Marcolin, EC, explained that regarding Mauritania, there is a full support for sharing research resources. The EC is ready to pay maintenance costs of research vessels through sectorial support. In fact, sustainability of resources is the first axis of the EC protocols. They will insist on this matter with their scientist colleagues during the next joint committee.

Regarding **Kiribati**, the EC representative explained that it is a long process. The negotiation started in 2015 and had been interrupted because of a yellow card for IUU fishing, which has been withdrawn one year ago. A new protocol is being written. The EC has nearly finalized the



text and the remaining discussion deals with the financial part. It is a priority in terms of delivery, they are trying to do as quick as possible.

ACTION:

- According with the suggestion made in the debate, the LDAC will study the possibility of organised a side event in Halieutis Show (Feb. 2023). A request for Permission to organise this Side Event will be sent to the EC. The aim of this event would be to share views on how to strengthen collaboration between the EU and the Kingdom of Morocco in fisheries management and cross-cutting issues including labour and maritime safety at sea, international ocean governance, transparency of fishing activities or fight against IUU fishing, amongst others.

- This WG will follow closely the evolution of the agreements and the state of play of the negotiations of the SFPAs.

**5- Evaluation of the EU SFPAs with third countries and regional dimension of SFPAs.
Marta Morén. DG MARE**

5.1. Presentation from DG MARE on outcomes of the EU Evaluation of SFPAs report.

5.2. Questions from the floor and feedback from members.

The EC representative, Mrs. Marta Morén, informed that in 2020, the EC launched a study for which the LDAC was an important element. The consultant prepared a report which will be made public in a few weeks. This document is one of the base papers for the Commission's own document.

Timetable: it is expected to be finalised in the coming weeks and it could be published in January or February 2023.

The report includes:

- Analyse experience and results of SFPAs in the period 2015-2020/2021 taking into account that not all protocols start at the same time;
- Assess impact, utilisation of fishing opportunities and benefits in economic, social and environmental terms;
- Assess impact in particular of the sectoral support of these SFPAs;
- Very different multispecies tuna agreements: each country has its particularities, needs, levels of development and capacity to manage and limit fishing impacts;
- See what lines of work could be improved, with many actors involved and circumstances to take into account;
- Identify improvements for implementation

A priori, there is no need to modify the general legal framework, it seems correct and appropriate but it is necessary to see if there are further improvements to be made. It also look at the management of the agreements.



The document "taking stock" analysis of agreements, it is linked to the EC review paper on the CFP, with two documents: a communication making general orientations and a technical document attached.

Mrs. Bèatrice Gorez, CFFA-CAPE, informs that there is an ongoing study by the German development agency (GIZ) to be published next year on the same issue. She wonders whether it will be taken into account. She informed that they are also discussing sectoral support and the impact of landings.

Mrs. Marta Morén, EC, sees it as complementary study for the EC considering the importance to take into account the landings and their use.

ACTION:

- The LDAC Secretariat will follow closely when the study is published (January or February 2023).

Mrs. Manuela Iglesias thanked the EC representatives their presence in the WG4, then, she introduced the next point which have been added to the agenda regarding the **Focus Group on Regional Fisheries Management for Small Pelagic shared Stocks in West Africa and additional concerns for demersal stocks.**

Mr. Benoît Guerin, LDAC secretariat, explained that 2 technical meetings have been held in the last weeks: one dealing with the draft management plan for small pelagic species in Mauritania (with representatives of the fleet and NGOs) focusing on some operational difficulties encountered by the EU fleet targeting demersal species in Mauritanian EEZ.

Mrs. Bèatrice Gorez, chair of this FG, supported the timeline proposed and underlined that looking at the global fishing effort at regional level on small pelagic (the scientific advice recommends a 60% reduction of the fishing effort), she would recommend that the Turkish owned vessels should be moved to the industrial fleet category. She also shared her concern about the development of a new national little purse seine fleet.

ACTION:

- The focus group will meet again to prepare the draft advice and should -in particular- contribute to the draft management plan, possibly in advance of the next Joint Committee between the EU and Mauritania.

7. Update on outreach and network of external partnerships:

Mrs. Manuela Iglesias, LDAC, informed that none representatives of COMHAFAT could attend this meeting. Nevertheless, the annual coordination meeting between COMHAFAT-LDAC will be scheduled soon. Also, **the LDAC will continue working with COMHAFAT in organising a joint workshop on implementation of SFPAs in Africa. This will be discussed at the annual coordination meeting.**



The LDAC secretariat will follow development on the training and operationalisation of regional Observers at sea and Harmonised Control Inspections Schemes at ports, in coordination with WG1.

7.1. Presentation of the work programme of AFRIFISH

7.2. Debate from the floor: identification of specific joint initiatives AFRIFISH-LDAC

Mrs. Manuela Iglesias, welcomed the AFRIFISH representatives and she reminded attendees that one of the recommendations of the LDAC performance review was to expand the network of collaborators, especially in those areas where the LDAC has less direct input.

After an interchange of letters between LDAC and AFRIFISH, in this meeting the Chair and the General Secretary of AFRIFISH will present the African Continental Non-State Actors Coordination Platform in Fisheries and Aquaculture, established under the African Union.

Mr. Namadoa Okeloh, General Secretary of AFRIFISH, gave a presentation and explained their mandate and role.

Their objective is to exchange their experiences and views, and also to advise, as a privileged interlocutor, African decision-makers on fisheries issues, including in the negotiation of fisheries agreements between the European Union and African Union including its Member States.

AFRIFISH-Net would wish to engage LDAC to advise the European authorities in the establishment and implementation of policies that affect fisheries on the African continent.

He explained that there is a shared vision with the LDAC to exchange viewpoints in particular while talking to the decision-makers.

The relationships between Afrifish and LDAC would be based on sustainability of resources and transparency. They are concerned by all the components of the blue economy. They are also working on the exclusive rights for artisanal fishers, the implementation of the ILO C-188 convention whereas only 6 African states supported this convention.

- The presentation of AFRIFISH can be found on: https://ldac.eu/images/AFRIFISH-Net_LDAC_Meeting_25th_October_2022.pdf

Next, Mrs. Bèatrice Gorez, CFFA-CAPE, highlighted various topics for collaboration such as the transparency of foreign fishing operations (Russia, China) or the implementation of ILO convention 188. She suggested that it could be envisaged to develop a Memorandum of Understanding (MoU) as the one established with COMHAFAT and some joint advice could be given to the EU and Africa on the blue economy, the exploitation of fishing resources, ...

Mr. Gaoussou Gueye, Chair of Afrifish, explained that Afrifish gathers non state actors and supports what has been said by Mrs. Gorez.

Mrs. Manuela Iglesias, LDAC, proposed to submit this issue to the next Executive Committee meeting and the LDAC Secretariat will draft a MoU between LDAC and AFRIFISH.



ACTION

- Following the presentation of the work of AFRIFISH, CFFA-CAPE with the LDAC Secretariat will prepare a draft MoU to be discussed at the next Ex. Com (30th Nov) in order to formalise the collaboration between Afrifish and the LDAC.

8. Update on Roadmap on European Fishing investments in third countries: next steps

Mrs. Manuela Iglesias, LDAC, informed that the steering committee which aims to organise a high-level stakeholder workshop has met twice (29Sept. and 19 Oct.). The committee is finalising the updated roadmap. The idea would be to held the workshop in Galicia in the first week of July (as the informal meeting of EU agriculture and fisheries ministers -AGRIFISH- will be held on 3 and 4 July 2023, withing the framework of the Spanish Presidency of the Council of the European Union during the second half of that) year. The objective of the stakeholder's workshop will be to issue an official declaration containing a number of recommendations. The Steering Committee will hold a new meeting before the end of the year. Further information will be given in the next Executive Committee.

Mrs. Béatrice Gorez, CFFA-CAPE, considered it to be a very important event. When the EC explains that joint ventures are not included within the CFP this not true. There is a specific article on this. And we need a framework for them to be transparent and sustainable that should apply to all joint ventures not only those from the EU. We need a level-playing field.

Mr. Edelmiro Ulloa, OPNAPA / OPP3/ Acemix / Agarba, reminded that ACEMIX also belongs to the LDAC. It's been years since they are worried with the loss of a legal framework and a recognition from the CFP. Russia and China are establishing themselves in Africa or South America and there is no specific consideration of the responsibility of these joint ventures in these countries. With the new Spanish law for fishing, we are losing reference to these activities. We flagged it already but we also need some recognition from the CFP. We should not feel ourselves as David against Goliath, we are undermining the position of the EU. We do have a position important. The university of Vigo is also working on the impacts of the corporate and social responsibility activities of these companies.

Mrs. Béatrice Gorez, CFFA-CAPE, considers that we should go back to the responsibility of the coastal states. The companies are important but at the end it is the coastal state which decide how everyone will be treated. From the EU we indeed have an important role, we have tools, we have big development projects. And the state needs to decide how to deal with these companies for all joint ventures. The EU should have a framework in mind and requests it to be implemented for all companies. See for example in Cameroun, where Baltic vessels have been reflagged and do anything outside SFPA in the whole Western Africa.

Mrs. Manuela Iglesias, LDAC, explained that they will also consider the conclusions from the seminar from Las Palmas de Gran Canarias.



Mr. Iván López, AGARBA, explained he got news from Galicia but there are still difficulties to get news from the Spanish authority. He hopes to provide some news for the Ex.Com.

ACTION:

- The updated roadmap version will be included in the agenda of the next Ex.Com. meeting
- Mr. Edelmiro Ulloa, OPNAPA, will share with WG4 members the study about fishing companies in third countries which is being made by Zona Franca de Vigo, as soon as it is published.

6. Transparency of SFPAs - social and labour conditions onboard EU vessels:

6.1 EC Reply letter to the LDAC advice on the inclusion and implementation of the “social clause” in the SFPAs.

Mrs. Caroline Mangalo, LDAC, informed that 2 letters have been transmitted in the year on the social clause for work onboard EU vessels.

The first letter deal with the social clause within the SFPA and supported by a conceptual note sent in May.

The note from the LDAC looked at the social clause considerations within the SFPA. The EC answered in a rather detailed manner. The EC is currently working on this within the RFMOs but also within the ILO (188 convention and STCW convention). On capacity and training for the crew members on board EU vessels recalls that EC works within the framework of OIT 188 convention and STCW standard.

The EC replied in August and it can be found on:

[https://ldac.eu/images/EC Reply and Technical Annex to LDAC Advice Social Clause SF PAs 5Aug2022.pdf](https://ldac.eu/images/EC_Reply_and_Technical_Annex_to_LDAC_Advice_Social_Clause_SF_PAs_5Aug2022.pdf)

Mrs. Béatrice Gorez, CFFA-CAPE, recalled that some specific issues were mentioned for Mauritania that could be included in the draft advice.

6.2. LDAC letter sent to the EC regarding the request for designation of European fishers as essential workers.

Mrs. Manuela Iglesias informed the letter was sent following an action agreed in the WG4 meeting of March 2022. The idea was asked the EC to consider seamen as essential workers.

The letter can be found on:

[https://www.ldac.eu/images/LDAC Letter to DG EMPL TRADE MARE Fishers Essential Workers 30May2022.pdf](https://www.ldac.eu/images/LDAC_Letter_to_DG_EMPL_TRADE_MARE_Fishers_Essential_Workers_30May2022.pdf)

Nevertheless, she highlighted we have not received yet a reply from the EC.

ACTION:

- The LDAC Secretariat will ask the DG MARE the reply of this letter.

CLOSING



Mrs. Manuela Iglesias, LDAC, thanked the members present for their attendance and active participation, the representatives of the European Commission for their availability to keep us informed, the AFRIFISH representatives for their presentation and the interpreters for their technical job.

With no other issues to address, the session is adjourned.



Annex I: Attendance list

LDAC Working Group 4

25th October 2022

WORKING GROUP MEMBERS (in person)

1. Tim Heddema. Pelagic Freezer-Trawler Association
2. Erik Olsen. The Danish Society for a Living Sea
3. Edelmiro Ulloa. OPNAPA
4. Ángela Cortina. OPNAPA
5. Julien Daudu. EJJ
6. Einar Ingvarsson. ELDFÁ
7. Iván López. AGARBA/CEPESCA
8. Daniel Voces. Europêche
9. Rosalie Tukker. EUROPECHE
10. Marc Ghiglia. UAPF
11. Béatrice Gorez. CFFA-CAPE
12. Joelle Philippe. CFFA-CAPE
13. Eduardo Míguez. Puerto Celeiro
14. Juan Manuel Trujillo. ETF
15. Emil Remisz. High Seas Fish Producers Organization
16. Aivaras Labanauskas. LLDFA
17. Alexandra Philippe. EBCD
18. Vanya Vulperhorst. OCEANA

OBSERVERS (in person)

19. Marta Morén. DG MARE
20. Mirko Marcolin. DG MARE
21. Mariana Matías. DG MARE
22. Paola Ladisa. DG MARE
23. Manuela Iglesias. LDAC
24. Benoit Guérin. LDAC
25. Caroline Mangalo. LDAC

MEMBERS OF THE WORKING GROUP (present via ZOOM)

26. Rocío Béjar. CEPESCA
27. Sara Fröcklin. SSNC
28. Julio Morón. OPAGAC
29. Anertz Muniategui. ANABAC
30. Esben Sverdrup-Jensen. DPPO
31. José Ramón Fontán. ANEPAT
32. Juan Manuel Liria. CEPESCA
33. Michel Goujon. Orthongel
34. Rob Banning. DPFA
35. Raúl García. WWF
36. Luis Vicente. ADAPI
37. Anaïd Panossian. CFFA-CAPE
38. Juan Carlos Martín Fragueiro. OP ANACEF

OBSERVERS (present via Zoom)

39. Justina Szumlicz-Dobiesz. Ministry of Agriculture and Rural Development Poland
40. Gisli Gislason. MSC
41. Ana Sedenko. Ministry of Agriculture of the Republic of Lithuania
42. Okeloh W'Namadoa. AFRIFISH



43. Eva Nabwire. AFRIFISH

44. Capoa Gaossou. AFRIFISH