



MINUTES

26th LDAC Working Group 4 Meeting Bilateral Relations with Third Countries

**Thursday 17 September 2020 from 10:00 to 13:00h
(Videoconference)**

1- Welcome and opening of the meeting.

The Chairman, Mr. Julio Morón, welcomes attendees.

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

2- Approval of the minutes of the last WG4 meeting held in Brussels on 6 November 2019.

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

3- Approval of the agenda.

The agenda is approved with no additional items or changes to it.

4- Summary of the European Commission on the EC report on the functioning of the Common Fisheries Policy and its effect on the External Dimension and future SFPAs

The representative of the EC, Ms. Céline Idil, begins her intervention by saying that they have started working on the retrospective assessment of fisheries agreements in the last 20 years in order to state what has worked and what has not, and how they could be improved in the future in the framework of the external dimension of the CFP. A public consultation will be carried out throughout 2021 and the final report of conclusions and any eventual modification proposal are expected to be integrated into the CFP review report in 2022. In this regard, although it is soon to talk about the review of the implementation and operation of the current CFP, she anticipates that we will be consulted in order to prepare a report to be presented in 2022.

As for the summary of the SFPAs currently in force, she says that there are 13 active agreements at present. The aim of the EC when negotiating these agreements is to ensure access to and fishing opportunities of the available surplus by the European fleets, based on the positions expressed by their representatives and other stakeholders. In this sense, the LDAC opinion is particularly valued as an inclusive stakeholders' body that provides the Commission with guidance in this regard.

She then lists the agreements that have been recently renewed: Morocco, Cape Verde, Guinea Bissau, Sao Tomé, Senegal and Seychelles; as well as the agreements that are undergoing active negotiations to be renewed: Mauritania and Greenland.



- Mauritania: in 2019 it was agreed to extend the agreement with the current technical and economic conditions for another year. A virtual meeting was held to this end in July 2020 and she hopes that the European Parliament will approve it and adopt this Commission proposal before the end of September 2020.

- Greenland: the pandemic prevented negotiations with this country from moving forward in 2020. However, two rounds of negotiations were held and technical groups were set up to discuss several issues (tonnage prices, ERS and MCS...). Negotiations are still not closed. The agreement terminates on 31 December 2020. The basic text and the annexes are ready and have been agreed by consensus, but an agreement has to be reached on quotas, not so much in terms of financial package but rather of fishing opportunities awarded to the European fleet by Greenland.

Before the month of July, Greenland offered a general reduction of 30% of quotas for species of interest for all fleet segments, although the representatives of the EU fleet had already said that they would not accept that reduction proposal, insofar as the investment made was not economically viable. The EC made a counter-offer where it accepted renegotiating prices but not reducing quotas. This counter-offer was rejected by Greenland since they wish to retain more quotas for their own fleet, so negotiations were suspended. It is thought that Brexit dynamics and the negotiations between the United Kingdom and Greenland for a fisheries agreement between both of them could have influenced on the course of negotiations with the EU, but they hope to get back on track before the agreement expires.

- Gabon: conversations have been resumed. There is a good pace of work and they are willing to collaborate. There have been advances in the development of the technical text, but they still have to define the economic sum and the amounts to be fished. They hope to be able to close negotiations at the end of 2020 and have good news to report.

- Madagascar: it is a dormant agreement, as the protocol expired and an agreement was not reached. It seems that they are willing to renegotiate. There is no exact date, but they expect to reach an agreement and go back to fishing in their waters in the not too distant future.

- Liberia: the agreement terminates in December 2020. Negotiations will not start until the yellow card awarded in the framework of the application of the Regulation against IUU fishing is withdrawn.

In general terms, the representative of the EC highlights that SFPAs ought to be seen as a dynamic and changing instrument that enables to expand access to fishing grounds, improve sectoral development cooperation, effectiveness of control measures and transparency in terms of activity reporting with non-EU fleets. However, to achieve these objectives there is still room for improvement as far as consistency and effectiveness are concerned. Particularly, DG MARE is reflecting upon how to optimise the responsible use and implementation of sectoral support bearing in mind not only the priorities of governments but also the needs of local communities.

As a final remark, these agreements must be seen from a more global perspective considering as well the possible interaction with other non-EU fleets operating in third countries' waters, having in turn further coordination at regional level and at RFMO level. At the end of 2020 they



will launch a public consultation process in order for a global assessment of SFPAs to be performed that will continue in 2021. She invites the LDAC to participate actively.

- Discussion and questions from the members:

The announcement of the consultation on SFPAs assessment is welcomed by WG4 members, who express their willingness to participate individually as organisations and/or through the LDAC.

Ms. Béatrice Gorez, CFFA-CAPE, underlines that transparency is the essential element of SFPAs. She states that there is still great room for improvement in countries like Mauritania, Senegal or Liberia, among others. She asks to what extent the LDAC can contribute to improving transparency in fisheries agreements. She also asks if there are any novelties regarding zonal management measures for fisheries of small pelagics.

Regarding Gabon, Mr. Javier Garat, CEPESCA, highlights the interest of at least 4 Spanish shellfish vessels to be able to fish shrimp. Concerning Angola, he asks if the EC is interested in having a new fisheries protocol. He also asks for an update on the agreement with Guinea Bissau and Conakry, as well as about the future situation with Equatorial Guinea.

- Replies by the European Commission:

Ms. Céline Idil, EC, replies to the questions asked:

Regarding Mauritania and transparency, she says that they are constantly addressing this issue. Indeed, they still have not received notification from the Mauritanian authorities on the activity of third countries' fleets operating in Mauritania. The EC will continue insisting on this aspect and will include stricter transparency provisions in the new agreement.

In addition, she points out the issue of the circulars published by Mauritania that the EC only knows about through European operators. They wish to have a specific meeting about this. They will keep us informed, since they are aware of the importance of this issue.

As for the question about there being any novelties about fisheries limits for small pelagics in Mauritania, Mr. Berck, EC, says that there are fishing areas that will be withdrawn from the current map as a preventive measure. It was agreed not to expand the protocol without a more advanced assessment, but they expect to discuss the future situation in the next few months. He recalls that when access to specific areas was restricted three years ago, the reason behind it was protecting local small-scale fishers and giving them the capacity and possibilities to fish.

Regarding Liberia, he points out that there has been a long discussion with them. Although SFPAs are a good governance tool, a balance ought to be found with the implementation of other policies, such as the fight against IUU fishing. In his opinion, not having an agreement with countries that have been given a card might be an incentive to improve the fight against IUU fishing.

As for Gabon, Mr. Emmanuel Berck, EC, informs that technical elements are being discussed in the negotiation, but that fishing opportunities have not been addressed yet. However, they are concerned by the sustainability of the shrimp fishery. The scientific report is 10 years old, so it



needs to be updated, but they are not capable of doing so. In addition, another factor to bear in mind is the economic profitability of this fishery. They are waiting to know the financial conditions.

Regarding Angola, Mr. Berck, EC, highlights that there was a great agreement ten years ago, but that the government has undergone some changes. The EC expressed its interest to speak with the new government in the framework of the Blue Economy, but there has been no specific reaction from Angola yet. Caution is called for, and the situation of the different stocks has to be assessed as well as the material scope of the agreement, prioritising the commercial species to be covered and an adequate cost-benefit ratio in balance with other agreements.

As for Equatorial Guinea, Ms. Idil, EC, states that they are working on the mandate to negotiate an agreement. However, she says that there are different positions within the EC regarding a possible agreement owing to political and human rights-related reasons. In 2019 they tried to relaunch this project, but there is still no consensus within the EC to negotiate this agreement.

In Guinea Bissau, she informs that they had additional problems due to the health crisis. It looks like they will be able to hold a meeting of the joint committee in autumn. The change in government also cause some delay in their aim to move from an effort-based system to a quota-based system. They do not know when the change of system will take place. It is believed that they would be able to move to the quota-based system in two years' time, but it shall be decided within the joint committee. Although the EC is optimistic, contact ought to be made with the new teams.

Regarding Guinea Conakry, Mr. Emmanuel Berck, EC, informs that they are satisfied with advances being made in terms of fisheries management, so they are considering holding a meeting with this country. They will carry out an assessment study. The problem is still political instability, but the presidential election will be held in October. Depending on political stability, they will request a mandate for negotiation.

As for the agreements in the Pacific area, Mr. Idil, EC, informs that:

- The agreement with Cook Islands could be extended, on 16 July there was a negotiation and they are working on it to try to renew the agreement.
- Regarding Kiribati, she states that they met with them in 2019, but that they never received a reply. Although they have a negotiation mandate with this country, they are waiting for the new Minister to make a move.

The chair, Mr. Julio Morón, thanks the representatives of the fisheries agreements unit at DG MARE for their attendance, transparency in reporting and availability for constant collaboration with the LDAC.

5- Introduction on revision on the future EU SFPAs with third countries:



a. Presentation of NGO Joint Position Paper on ten priorities for the future of SFPAs: recommendations to the EU and third countries

Ms. Antonia Leroy, WWF European office, presents the document containing the priorities of the European NGO coalition for the future of SFPAs, where she highlights the importance of increasing transparency, complying with EU obligations, scientific knowledge, rethinking the aims of financial support and devoting a specific section to topics where NGOs and the industry are aligned.

- The presentation is available on the following link:

https://ldac.eu/images/Presentation_WWF_EPO_SFPAs_LDAC_ALEROY_17Sept2020.pdf

Moreover, Ms. Béatrice Gorez, CFFA-CAPE, encourages visiting the following links to documents developed by CFFA-CAPE:

- *“Mauritania: How the EU agreement can be used to improve fisheries management”*

<https://www.cffacape.org/publications-blog/how-the-eu-mauritania-fisheries-agreement-can-be-used-to-improve-fisheries-management>

- *“Towards greater coherence and budgetary efficiency in future EU sustainable fisheries partnerships”*

<https://www.cffacape.org/publications-blog/towards-greater-coherence-and-budgetary-efficiency-in-future-eu-sustainable-fisheries-partnerships>

The chair, Mr. Julio Morón, suggests that an advice could be drafted based on the available alignment points between NGOs and the industry.

b. Discussion: Identification of priority issues and elements for an LDAC advice.

Mr. Iván López, LDAC Chair, suggests setting up a specific focus group to insist on the items to be developed in the SFPAs and subsequently prepare a draft advice.

Ms. Antonia Leroy, WWF, underlines the importance of transparency and of the EU requiring coastal countries to report their data. They need a legal requirement and to study whether an SFPAs may be signed if it is not fulfilled. She says that a regional monitoring system may also be needed.

Mr. Emmanuel Berck, EC, thanks the NGO coalition for the presentation with the proposals. He points out that all the issues identified are very important and are being reflected upon. In fact, the EC is currently drafting the terms of reference for the consultants that will carry out the study, so ideas from the LDAC in this regard would be much welcomed within a period of about 8 weeks. In addition, he informs that a specific consultation on this matter will subsequently take place.

Ms. Béatrice Gorez, CFFA-CAPE, highlights the importance of the LDAC having an updated and regular negotiations timeline from the Commission, in order to organise the preparation of advice, adapting them to the EC internal schedule.

After some discussion, the following **ACTION** is agreed:



- To prepare a series of advice on SFPAs, with a timeline based on the information provided by the EC. As for the follow-up on the implementation and/or negotiations for the renewal of agreements with third countries, ideally the LDAC should send the each advice to the EC 3 weeks prior to each mission.

- The LDAC will consider inviting consultants appointed by the Commission to conduct the assessment of SFPAs to attend future meetings of the focus group or WG4; and will take part in the consultations put forward.

- To prepare an advice based on the joint recommendations/priorities presented by the NGO coalition.

6- EC reply to LDAC advice on the role of women in SFPAs.

Mr. Alexandre Rodríguez, General Secretary, summarises the LDAC advice on: “Addressing women in fisheries issues: The example of EU sustainable fisheries partnership agreements (SFPAs)”. He then explains the reply received from the EC.

Both documents are available on the following links:

- LDAC advice:

https://ldac.eu/images/EN_LDAC_Advice_on_Women_in_Fisheries_SFPAs_26May2020.pdf

- Reply by the European Commission:

https://ldac.eu/images/EN_Reponse_role_femmes_peche.pdf

7- Transparency of fisheries agreements and social and working conditions on board EU vessels.

Mr. Alexandre Rodríguez, General Secretary, informs that the general point on the social dimension of the CFP will be specifically addressed at the WG5 meeting on 18 September 2020. He also informs that Seychelles is going to launch a FITI country report and two seminars will be held at the end of September.

He invites WG4 members to send their questions on this issue and to draft proposals for the preparation of specific advice from the point of view of fisheries agreements, as it was the case with the role of women in local communities in the past, or the role of fisheries agents in third countries.

The Chair thanks the Secretary for his summary and a round of comments and questions is then opened.

Ms. Béatrice Gorez, CFFA-CAPE, informs that she was contacted by the Côte d’Ivoire trade unions (that are part of ETF) to be notified that the crew was having transparency problems with contracts and payment of salaries. It seems that it is not the only country with this problem. She states that the social clause promoted by Europêche and ETF is not easy to implement in practice.



They are currently compiling more information about this matter. Nevertheless, she suggests putting these ideas in a draft advice in order to improve the implementation of this “social clause”.

Mr. Julio Morón, OPAGAC, says that since 2007 that they signed the social clause, they have had the best possible conditions for the crews in their vessels; they even have certificates corresponding to ILO Convention 188. Therefore, he agrees with Ms. Gorez and suggests including social conditions in the advice to be prepared on SFPAs.

Mr. Javier Garat, CEPESCA, says that the news comes as a surprise to him. He requests all the information he may be provided with to clarify and try to solve this issue, since they wish to avoid this type of situations.

Ms. Béatrice Gorez, CCFA-CAPE, states that it looks like part of the problem is caused by local consignees, as they request a fee to cover social security expenses that they allegedly do not register, so they are going to analyse where the fault takes place in that chain.

Mr. Julio Morón, OPAGAC, shows his availability to collaborate in this regard.

After some discussion, the following **ACTION** is agreed:

- Implementation of the “social clause” in SFPAs - Role of fisheries agents in countries with SFPAs: to prepare a draft letter/advice at the beginning of 2021 to shape relations between operators (ship owners) and fisheries agents and suggest ways to find solutions and incentives to fight against any abuse of labour rights owing to irregularities/deregulation of agents. This advice will be based on a study to be published by ITF at the beginning of 2021.

8- Update on FarFish H2020 Project on Case Studies on SFPAs (Mauritania, Senegal, Seychelles) and related outputs / deliverables (D4.2, D5.3)

Ms. Sonia Doblado, FarFish coordinator, provides updated information about the project: The FarFish project includes 6 case studies, 2 of which are related to high seas areas (SEAFO and FAO41) and 4 developed in areas covered by SFPAs. These case studies are: Cape Verde, Seychelles, Senegal and Mauritania.

The first version of the Management Recommendations (MR1) and their targeted results has been subject to modifications after receiving comments from stakeholders (including the industry, NGOs and governmental authorities), these consultations being part of an iterative process.

During the presentation, information was provided on the final version of each of the targeted results for the SFPA areas. Some potential actions were also included.

The presentation is available on the following link:

https://ldac.eu/images/Presentaci%C3%B3n_Farfish_GT4_videoconference_17Sept2020.pdf



9- Way forward: working plan for 2nd half of 2020 in generation of advice.

Mr. Alexandre Rodríguez, General Secretary, summarises the actions identified during the meeting (highlighted in bold under each item of these minutes) and informs about a seminar to be held by ATLAFCO on the impact of COVID-19 on fisheries.

Besides, he informs that he will contact the person in charge of the ECOFISH programme in order to arrange a rapprochement meeting.

The following **ACTION** is agreed:

- ECOFISH programme in the Indian Ocean: to find ways for a possible collaboration with the LDAC. This is in line with the LDAC dissemination and communications strategy to expand its partnerships network and promote collaboration and commitment to fisheries management in the Indian Ocean.

Finally, the Chair, Mr. Julio Morón, thanks the Secretariat for its efforts in coordinating and preparing working documents and meetings logistics; the members present for their attendance and active participation, the representatives of the European Commission for their availability to inform on the new developments regarding fisheries agreements, and the interpreters for their technical job.

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



ANNEX I. LIST OF PARTICIPANTS **LDAC Working Group 4 Meeting**

WORKING GROUP MEMBERS

1. Julio Morón. OPAGAC
2. Antonia Leroy. WWF
3. Béatrice Gorez. CFFA-CAPE
4. Iván López. AGARBA/CEPESCA
5. Daniel Voces. EUROPECHE
6. Anertz Muniategi. ANABAC
7. Sara Frocklin. SSNC
8. Yaiza Dronkers. International Pole & Line Foundation
9. José Beltrán. OPP-Lugo
10. Javier Garat. CEPESCA
11. Juan Manuel Liria. CEPESCA
12. Gerard van Balsfoort. DPFA
13. Rob Banning. DPFA
14. Emil Remisz. NAPO
15. Rosalie Tukker. EUROPECHE
16. Joelle Philippe. CFFA-CAPE
17. Anaid Panossian. CFFA-CAPE
18. David Troncoso. ANASCO
19. Stavroula Kremmydiotou. EBCD
20. Despina Symons. EBCD
21. Katrin Poulsen. WWF
22. Haydeé Fernández. CONXEMAR
23. Vanya Vulperhorst. OCEANA
24. Julien Daudu. EIJ
25. Edelmiro Ulloa. Anapa / Anamer / Acemix / Agarba
26. Alexandra Maufroy. ORTHONGEL
27. Juan Carlos Martín Fragueiro. OP ANACEF
28. Andrea Albertazzi. ETF
29. Raúl García. WWF

OBSERVERS

1. Céline Idil. DG MARE EC
2. Emmanuel Berck. DG MARE EC
3. Alberto Martin. MSC
4. Sophia Kochalski. GIZ
5. Mariana Toussaint. FAO
6. Anna Gruszczynska. Polish Ministry of Maritime Economy & Inland Navigation
7. Isabel Teixeira DGRM – Portugal
8. Irene Vidal. EFCA
9. Sonia Doblado. FARFISH
10. Alexandre Rodríguez. LDAC
11. Manuela Iglesias. LDAC
12. Marta de Lucas. LDAC