



LDAC ADVICE

Working with Morocco to improve fisheries governance and resilient fishing communities

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1.- Background

The European Union (EU), and particularly Spain, shares with Morocco major marine ecosystems, rich fish stocks and grounds, a large seafood trade and, especially, a transboundary history and society around the Alborán Sea, the Strait of Gibraltar, and the Gulf of Cadiz. Morocco is a key neighbour and partner of the EU, and, in fisheries terms, it is an influential Contracting Party of the General Fisheries Commission for the Mediterranean (GFCM) and the International Commission for the Conservation of the Atlantic Tunas (ICCAT).

Morocco is also a strategic partner in the EU in terms of fisheries and trade, but also broader aspects such as foreign policy, maritime security, fisheries governance, and ecosystem approach, amongst others. The coherence and synergies between fisheries and other EU related policies (trade, labour, social policy, cooperation for development) will be sought in this advice.

2.- General considerations of the LDAC

LDAC believes that sustainable fisheries, blue economy, and marine conservation are key to contribute to the achievements within most of the priorities identified by the EU and Morocco.

LDAC is of the opinion – in fisheries terms – that collaboration among both partners can, should and would benefit from being strengthened to improve regional fisheries governance and safeguard the resilience of fishing communities that rely on those healthy ecosystems and fisheries. And for this, we need also a transparent and traceable seafood trade and a [Level Playing Field](#).

In view of the above, the LDAC believes that it is essential for the EU to step up its engagement with Morocco – working closer together towards similar sustainability and transparency standards to drive positive changes all along the supply chain.

With such aim, LDAC would like to have a dialogue with European Commission regarding this country and contribute to develop the tools to be applied within the future sustainable fisheries partnership agreements (SFPAs) as well as cooperation in the fight against illegal, unreported, and unregulated (IUU) fishing.



3. Main sections of the advice

3.1. Relations between the European Union and Morocco

Morocco and the EU maintained relations for over half a century. The solid foundations of this partnership have grown steadily. [The joint declaration](#) of 2019 for a shared prosperity partnership is the culmination of this relationship, adopted during the 14th meeting of the Association Council since it highlights the spaces of shared values between the two partners and their common ambitions.

Finally, [the new agenda for the Mediterranean](#) adopted by the EU on February 9, 2021, in consultation with the partners of the EU, includes all the priorities that Morocco and the EU had already identified, namely:

- Ensuring an ecological transition by fighting climate change, protecting natural resources, and promoting green growth. The EU and Morocco are working together on the formulation of a green partnership, which will detail their joint action on climate, environment, and the green economy.
- Human development, good governance, and the rule of law.
- Resilience, prosperity, and digital transition.
- Facing together the challenges of migration and encouraging legal and safe mobility.
- An economic and investment plan that identifies key programs, among which the Mohammed VI Fund for investment figures prominently. The European Fund for Sustainable Development (FEDD+) will be mobilized along with other European financial institutions to contribute to the Mohammed VI Fund.

3.2. Fisheries and seafood relations

The EU is the main commercial seafood partner for Morocco and absorbed 59% of the value of Moroccan exports in 2020. In particular, the EU absorbed 84% of Moroccan exports of fresh products and 46% of Moroccan exports of prepared-preserved products. At the same time, Morocco was the fourth-largest supplier of the EU market with a total value of [1.3 billion euros](#). In 2020, Morocco produced 1.36 million tons of marine according to FAO [SOFIA 2022](#) report.

The current SFPA last till July 2023 following the rulings T-344/19 and T-356/19 of the European Court of Justice (ECJ) annulling the agreement on the grounds of non-inclusion of the interests of the Saharawi people, with important fishing grounds where EU fishing vessels have quota. The agreement had a total budget of EUR 208 million for 4 years which allowed 128 vessels of 10 Members States to fish within the [Moroccan EEZ and Western Sahara](#). Pending of the decision of the ECJ on the appeal brought by the European Union, it is essential to foster dialogue with Moroccan government to promote the renewal of the SFPA within the EU and international legal frameworks.



3.3. Observations on implementation of the EU-Morocco SFPAs - Sustainable Fisheries Partnership Agreements

Fisheries Agreements between the EU and Morocco began almost thirty-five years ago, in 1988, and have continued to be strengthened with the time. The last agreement and its implementation protocol entered into force in July 2019 and expired in July 2023.

Under the SFPAs, the EU provided a total financial contribution estimated at € 208m over 4 years (€ 48.1m for t^{he} 1st year, € 50.4m for t^{he} 2nd and € 55.1m for t^{he} 3rd and 4th years). This includes compensation for access to the fishing zone, support for the Moroccan fishing sector and payment of fees by shipowners. The implementation of the protocol gives access to around 128 vessels flying the flags of 10 Member States. It is also worthwhile to note that Morocco makes an efficient use (near 100%) of the sectoral support dedicated under the SFPAs and has a stable and solid legal and administrative framework.

However, on 29th September 2021, the General Court of the European Union [annulled](#) the Council decisions concerning the SFPAs (cases T-344/19 and T-356/19) for being applied to Western Sahara, due to not taking into consideration the interests of the Saharawi people in relation to benefit from fishing grounds. Such ruling was appealed by the European Commission. While waiting for the final ruling, it is crucial to foster the dialogue with the Moroccan government to promote the renewal of the agreement expired in July 2023 within the international and European law framework.

As set in the External Dimension of the Common Fisheries Policy, the objective of the Fisheries Agreement is to enable the Union and the Kingdom of Morocco to work together more closely on promoting a sustainable fisheries policy and sound exploitation of fishery resources in the fishing zone defined in the Fisheries Agreement and supporting the Kingdom of Morocco's efforts to develop the fisheries sector and a sustainable blue economy. It thereby contributes to achieving the objectives of the Union under Article 21 of the Treaty on European Union.

On 15th November 2021, the European Commission informed through a [press release](#) about the results of the third Joint Commission in the framework of the fisheries agreement between the European Union and Morocco making an overall positive evaluation.



Recommendations:

- **Foster dialogue with the Moroccan government to promote the renewal of the SFPA expired in July 2023, within the international and European legal framework.**
- **Continue to provide regular update regarding the development and implementation of the future SFPA with the Kingdom of Morocco in the LDAC Working Group 4, including planned meetings.**
- **Facilitate engagement of Moroccan and European stakeholders on topics of common interest within the SFPA. For example, co-organizing a public event to present outcomes of the implementation of the agreement and host an open discussion with stakeholders and authorities on aspects to improve on the future agreements.**
- **Follow LDAC [advice](#) regarding the Social Dimension of Sustainable Fisheries Partnership Agreements (SFPA) between the European Union and Third Countries - where many of its recommendations we believe are valid for the case of Morocco. Similarly, the November 2020 LDAC [recommendations](#) for making SFPAs evaluations more efficient.**

3.4. Cooperation in the fight against illegal, unreported, and unregulated (IUU) fishing

Information on the cooperation in the fight against IUU fishing between the EU and Morocco in recent years shared by the Directorate-General for Maritime Affairs and Fisheries (DG MARE) remains limited. Based on discussion held during the 30th meeting of the LDAC Working Group 5 in October 2022, the LDAC understands that the European Commission is not engaged in a structured formal or informal dialogue and cooperation with Morocco on IUU fishing – though [ad hoc cooperation](#) takes place and can be channeled through the SFPA or DG MARE’s unit in charge of controls, the expiration of the current SFPA makes evident the need to articulate an structured dialogue for deterring and preventing IUU fishing.

The magnitude of the seafood trade between Morocco and the EU – in 2019, Morocco ranked amongst the top 10 biggest exports in 16 of the Member States¹ – and lasting well-known serious illegal fishing issues which contributes to marine biodiversity destruction and constitutes an unfair competition for European operators, the LDAC believes that it is necessary a more structured anti-IUU fishing cooperation between the two partners to ensure no IUU fishing products enters the EU market as well as to contribute to improved fisheries governance benefiting local communities and long-term sustainability – particularly should Morocco intend to develop its own catch certification/catch document scheme (cf. Customs Circular No. 6361/311 of 7 September 2022)².

¹EU IUU Fishing Coalition, Water-tight? Assessing the effectiveness of EU controls to prevent illegal seafood imports, November 2022, <https://www.iuuwatch.eu/wp-content/uploads/2022/11/Member-States-Write-up-EN-1.pdf>.

² The circular foresees that fisheries products imported in Morocco shall be accompanied by a catch certificate used to certify that catches do not stem for IUU fishing activities. The circular mentions that the implementation of this



Special mention should be done to driftnets for large pelagic fishes which have been prohibited in the Mediterranean Sea, including in Exclusive Economic Zones (EEZs), by ICCAT recommendation 03-04 which dates back 2004. Similarly, General Fisheries Commission for the Mediterranean (GFCM) resolution 97/1 prohibits the use of driftnets, irrespective of net size, to capture large pelagics in the Mediterranean Sea from 2005 onward, including in EEZs.

The wide use of illegal driftnets by Moroccan small-scale vessels in recent times in the Strait of Gibraltar and more recently in the Alborán Sea has been repeatedly denounced by Spanish fishers and conservation NGOs. Vessels carrying illegal driftnets have been seized by the Spanish Guardia Civil in the last three years and numerous of these vessels have been rescued by the SASEMAR (Maritime Safety and Rescue Society) from Spain.

It is enough to visit some North Moroccan ports – both in the Mediterranean Sea and the Atlantic Ocean – to witness that driftnets are still present being easy to witness the landing of swordfish and sharks with clear marks of driftnets, which are often exported to Spain and EU with verified documents. We wish to refer here to two ACCOBAMS documents related to driftnets: Resolution 8.9 adopted at MOP8 and a legal analysis on its links with IUU fishing³.

Underwater footage shows the effects of ghost driftnets in corals and other bottom wildlife around Ceuta or Melilla cities, sperm and pilot whales, dolphins have been entangled in the Gibraltar and Alborán corridors as other cetaceans threaten species according to NGOs and media reports.

Recommendations:

- **Morocco could play an important role as a key partner and ally of the EU in the fight against IUU fishing. Therefore, the LDAC encourages the EU to strengthen cooperation with the Moroccan Government on the issue.**
- **Establish a more structured anti-IUU fishing cooperation with Morocco to work together to fight against IUU fishing and to improve fisheries governance in the region and beyond (including in regional fisheries management organisations (RFMOs) and in West Africa where both the EU and Morocco actively support initiatives in fisheries and development).**
- **In this context, consider proposing Morocco to establish an EU-Morocco IUU fishing Working Group that would be complementary to cooperation under the future SFPA and other relevant formats and could cover in details issues pertaining to the partners respective anti-IUU policies and transparency, catch certification, suspected, or confirmed IUU cases, and cooperation in RFMOs and around the partners' respective fisheries and development initiatives and projects overseas.**

measure is postponed until the process of notification by foreign countries of their competent authorities to the Moroccan authorities concludes.

³ also find more details on Alnitak work related to IUU and ghost gears in their annual report: https://alnitak.org/wp-content/uploads/2022/12/Alnitak-Report-2022_compressed.pdf (page 32 and following).



- **In cooperation with EU Member States and where situations at-risk are identified, strengthen import controls over consignments of fisheries products stemming from Morocco through checks, verifications, and inspection. Non-compliant consignments must be rejected.**
- **Strengthen regional support (e.g., at RFMO level) to reinforce Morocco’s monitoring, control, and surveillance capacity anti-IUU fishing systems. In this context, the expertise of the European Fisheries Control Agency and the lessons drawn from the [eFish-Med initiative](#) should be taken into account. When exploring the extension of the EFCA’s Joint Deployment Plan involving third countries, Morocco should be considered as a priority partner country. This includes cooperation between the European Fisheries Control Agency and Morocco on any evidence found on IUU fishing in the international joint inspection and surveillance scheme established in the GFCM.**

3.5. Social and labor dimension

The LDAC notes that the spirit of the SFPAs is to contribute to progress towards the achievement of the social objectives, which were raised in the successive CFP reforms. However, the result is still insufficient and requires further ambition.

The European Commission should be encouraged to carry out an in-depth evaluation of the SFPAs through an analysis of the social issues in collaboration with the European social partners (and potentially expanding to Moroccan counterparts) from the stage of drawing up the specifications. Among the elements to be studied, it would be convenient to analyze how financial resources are spent, if they are destined to reinforce the action of the social interlocutors (for example capacity building), to improve the living and working conditions of salaried workers, whether natural of a Member State or of a third countries, as well as the living and working conditions in force in the sector of the 3rd country signatories of those agreements.

Previously, most crew members on board EU vessels with access to partner countries' waters were EU nationals. The current situation has changed considerably since more labor force has been hired from third countries, especially Morocco, whose remuneration and working conditions are often poor.

The LDAC increasingly calls for the need to integrate a true social dimension into foreign policy, without losing sight of the objective of non-discrimination between workers from the EU and from third countries as regards their working conditions, remuneration and access to training. The training section must have a financial endowment so that workers from third countries can access the essential qualifications to carry out the activity according to the international agreements of the IMO, ILO (STCW-F, the Manila amendments of 2010 to the Convention and the Training Code, Torremolinos Agreement). It is also important for the LDAC that the recruitment of fishermen from third countries cannot be done without social dialogue to guarantee crew members fair living and working conditions on board EU vessels whose fishing activities take place in partner countries offshore waters.



For the case of Spain, even though many Spanish flagged fishing boats remain moored due to lack of crew and many Moroccan citizens would be interested to be employed, many difficulties remain to facilitate hiring at origin and legal migration pathways.

According to the requirements in the SFPAs, local crew works on all EU vessels. However, a vessel must always be productive and above all safe. Therefore, it is necessary to manage the fishing vessel responsibly and effectively, and the requirements regarding crew from the partner country must always take this into account.

Some EU Member States have implemented international conventions, like IMO STCW-F and ILO C.188 Work in Fishing Convention, into national legislation. One of the requirements based on the STCW-F is for all fishing vessel personnel to be in the possession of the certificate basic safety training (STCW-F, Chapter III). It is necessary that countries, party to a Protocol, from which workers will be employed or engaged on board a fishing vessel flying the flag of one of the EU Member States, comply with the requirements imposed by crew legislation of the Member State concerned.

In this respect, it is worthy to note that Morocco has already ratified several ILO Agreements and Conventions including C188 on Fishing⁴, so the improvement in the working conditions of Moroccan workers on board fishing vessels from Morocco, Spain and the EU could be promoted.

Recommendations

- **Carry out an in-depth evaluation of the SFPA through an analysis of the social issues in collaboration with the European social partners (and potentially expanded to Moroccan counterparts) from the stage of drawing up the specification.**
- **Include a responsible social international dimension in the CFP in general and the SFPAs, integrating a true social dimension into foreign policy, without losing sight of the objective of non-discrimination between workers from the EU and from third countries.**
- **Training and contract of crews at origin, doing it in an easy and simple systematic way so that they can come hired at origin if they come to Spain/EU, and see what can be improved in operational aspects.**

⁴ Link to list of ratifications made by Morocco on ILO Conventions and Agreements:
https://www.ilo.org/dyn/normlex/es/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102993



TECHNICAL ANNEX 1. Specific considerations made by the demersal trawl fleet (Category 4) on implementation of a future SFPA

Time-area closures

According to available scientific reports, it is confirmed that there is no scientific evidence justifying the current closures in terms of area and time periods established. Therefore, the time area closure in spring (April and May) should not be applied. It should be instead reassessed the need for closing the area in the period from October to December.

Fishing zones

The spawning areas for hake, target species for category 4, are within the range of 100-150 meters depth between 29° 30' N and 24° 30' N, and the recruitment areas are between 28° N and 20° N, around the 100m isobath. To access other demersal species without altering the spawning and recruitment of hake, a modification of the fishing area is proposed allowing fishing activity from isobath 150 meters. With this modification, the fishing area for the Moroccan fleet would still be respected and those species they target, namely cephalopods in shallower depths.

By-catch

According to scientific reports from the Spanish Instituto Español de Oceanografía (IEO) made by observers' onboard vessels belonging to Category 4, it has been documented the discard of cephalopods and crustaceans, as they are not authorized in the technical modality.

Therefore, the fixation of the following by-catch percentages: 10% cephalopods and 2% crustaceans (*aristeus spp*) would avoid the discards of the above mentioned species and it would prevent clash or interactions with Moroccan flagged fleets conducting their activities in depth ranges lower than those of the Spanish demersal fleet.

Landings

The obligatory volume of landings of 30% should be counted on an annual basis.



TECHNICAL ANNEX 2. Specific considerations made by the pelagic freezer trawler fleet (Category 6) on implementation of a future SFPA protocol

The current fishing area is causing major problems for the vessels of category 6 operators in catching their pelagic target species. This is mainly because the depth of water in fishing areas outside the 15-mile zone increases too fast, making fishing activity negative for sardine and mackerel. As a result, many fishing trips last year had disappointing results, and trips regularly took considerably longer than usual.

The category 6 operators recommend changing the fishing zone to 27.30NB - 20.46.3 NB (Stock B/C) with a limit of 12 miles outside the coast. This will result in several fishing advantages for the EU operators, without negatively impacting the local fishing fleet:

- For several years now, category 6 vessels have observed an evident trend in the movement of small pelagic fish from south to north in Moroccan waters.
- The fish in the north are larger than those currently caught further south.
- For example, the sardine off Leyoune is much bigger. This is mainly due to the colder water.
- In addition, mackerel migrates from the north in Moroccan waters. In other words: there is a more effective potential fishing area for category 6 vessels to operate.
- The current utilization of the allowed catches are 60 percent of (horse) mackerel and 40 percent of sardine. By changing the fishing zone as above, it is expected that the utilization of both species will increase.

The relocation and expansion of the fishing zone will not affect the local fleet, because these vessels do not move that far north. This is mainly because of the distance to Dakhla: it is too far to port to keep the fish continuously refrigerated.



TECHNICAL ANNEX 3. Specific considerations made by the purse seine fleet (Category 1) on implementation of a future SFPA protocol.

Problems related to uncertainty on landings in Moroccan ports and entry of stowaways

This fleet segment manifests its operational problems related to crew safety occurring in the port of Larache, namely when unloading cargo and due to the intrusion of stowaways in fishing vessels. Furthermore, the poor hygienic and sanitary conditions on Moroccan auctions and the low price of fish makes the operations not appealing.

Therefore, in future, a reassessment should be made to the obligation of unloading fish in Moroccan ports to be met on an annual basis, whenever there is guarantee of a minimum set of conditions of safety, hygiene, and sanitation as well as sale prices.

Scarce presence of EU vessels in the fishing grounds

The amount of Moroccan fishing vessels in the area makes it very difficult for EU vessels to carry out their fishing operations as they have different technical requirements and conditions (in terms of gear, use of lights, distance from the shore, etc.). Furthermore, the high Price of fuel during the last protocol has made it less attractive for Spanish vessels to fish in Moroccan grounds, given the poor state of fish stocks such as sardine or anchovy.

Landings

The established percentage of landings should be accounted for on an annual basis.

Hiring of Moroccan fishers / crew

It is evident the recent problems to hire Moroccan fishers in the ports, but also the frustration that they cannot do the necessary training courses in Spain for language issues. It is necessary for those fishers that come already with a qualification in Morocco, that this certification is acknowledged and recognized or making them available the necessary means to complete these courses / certifications.



Bibliographic references

EUMOFA – Case Study on Fisheries and Aquaculture in Morocco (2021)

<https://www.eumofa.eu/documents/20178/471975/MH8+2021+EN.pdf/19e22701-82cd-ed94-bdf7-f957ce788969?t=1633511552415>

Statistics on Moroccan Seafood exports (2021)

<https://www.morocoworldnews.com/2022/02/347183/moroccan-seafood-exports-hit-new-record-of-2-5-billion-in-2021>

SFPA with Morocco (agreement, protocol, reports from Joint Scientific Committee...)

https://oceans-and-fisheries.ec.europa.eu/fisheries/international-agreements/sustainable-fisheries-partnership-agreements-sfpas/morocco_en#ecl-inpage-398