



MINUTES

34th LDAC Working Group 4 Meeting EU bilateral fisheries agreements with third countries (SFPAs)

Tuesday, 15 October 2024, 14:30-17:00h CET/GMT+1

Venue: Martin's Brussels EU Hotel - Bd Charlemagne 80, 1000 Brussels

Chair: Béatrice Gorez

Vice Chair: Ángela Cortina.

1. Welcome and opening of the meeting by WG4 Chair.

WG4 Chair, Ms. Béatrice Gorez, welcomes members and observers, thanking them for their attendance and participation. She presents apologies received from Messrs. Francisco Mari (Bread for the World) and Juan Manuel Trujillo (ETF).

The whole list of members and observers is included as Annex I.

2. Adoption of the minutes of the last WG4 meeting - Brussels, 15 March 2024.

The minutes of the previous meeting are approved without any modifications.

3. Approval of the agenda.

The agenda is approved with no changes to it.

4. Sustainable Fisheries Partnership Agreements (SFPAs):

4.1. Ongoing negotiations for renewal of SFPAs and exploration of new ones – DG MARE

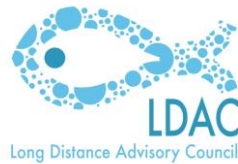
The EC representative and acting Head of Unit B3 for trade and fisheries agreements with third countries at DG MARE, Mr. Luis Molledo, explains developments regarding:

- Morocco: the EU has noted the judgements of the Court of Justice of the EU and the legal services of the Commission and the Council are analysing possible future action to be taken by the EU, with the expectation of being able to continue the close strategic and commercial relationship they have always had with this country.

In addition, he says that the ex post and ex ante evaluation (that has already been completed and published) includes the conclusions and recommendations to be borne in mind in the event that a new protocol is negotiated with Morocco. Among these, the possibility of compensating losses for the European fleets affected as a result of the cessation of activity due to the suspension and non-renewal of this agreement will be assessed. He recalls that, in principle, the EMFAF only covers cases of force majeure.

He then proceeds to briefly summarise the judgement focusing on three key aspects:

- 1) Trade: the CJEU has ratified the decision that the Polisario Front has the capacity to act before the EU as valid representative of the Sahrawi people. Therefore, any agreement with Morocco including waters or territory attributed to Western Sahara must have the consent of the



Sahrawi people and not of the population of Sahara, as the EU intended, and obtain precise, specific and verifiable compensation for the Sahrawi people.

- 2) Fisheries: the CJEU rules that the benefits should accrue directly to the Sahrawi people and not to Morocco. In addition, the Court considers that the conditions for presumed consent on the part of the Sahrawi people are not fulfilled. At present, the SFPA protocol has expired.
- 3) SFPA: there are several issues regarding the judgement that require additional clarifications.

- Cape Verde: Mr. Molledo informs that the new protocol is now signed and has been provisionally applied since July 2024. It will last for 5 years and includes tuna and tuna-like species. Although the reference tonnage was lowered from 8,000 to 7,000 tonnes, it provides some improvements to the protocol clauses. As it happens with other agreements, there is pressure coming from a section of civil society regarding the under-use of fishing opportunities set out in the protocol and the use of EU funds for this purpose. The EU will try to make as efficient a financial contribution as possible, for example by trying to decrease the amount of reference tonnage to the historical and recent average catches.

- Guinea Bissau: negotiations concluded on 16 May. The protocol was signed on 18 September and is being provisionally applied since. Mr. Molledo points out that the EC can only take action against vessels flying the flag of EU countries, but that together with the local authorities they are assessing the problem of control, monitoring and surveillance with non-EU fleets. As for governance, a kind of "ocean diplomacy" is intended to be developed using all the regulatory and operational tools available to improve ocean governance.

- Côte d'Ivoire: this country is another example of the need to conclude negotiations soon. More time is needed, but an agreement could be imminent. Nevertheless, internal procedures ought to be completed for it to be possible to sign by December 2024 or by the end of January 2025 at the latest.

- Gambia: negotiations have started. Ex post and ex ante evaluations are being carried out. This SFPA is linked to that with Senegal, who was awarded a yellow card for IUU fishing.

- Gabon: the protocol expires in June 2026, but it has been decided to bring forward the negotiations for the renewal of the protocol (including the ex ante evaluation). A targeted consultation will soon be sent in this regard.

- Sao Tomé and Príncipe: negotiations are ongoing. The first round of negotiations took place two weeks ago and the next round will take place next week, there is hope they will be over by then.

- Mauritania: the next Joint Committee will meet in December and there will be a technical meeting with stakeholders in mid-November. Work on the port access derogation procedure is being carried out. Mr. Molledo highlights that the EC is aware of the problem there is in this country, that is why part of sectoral support is used to overcome identified difficulties, such as those related to ports. As for scientific advice for small pelagic stocks, he notes that the European fleets are not the only ones fishing there, but that the EU has a duty to do something. There are contacts with FAO, CECAF and the relevant Mauritanian authorities, and a response will be requested with an action plan to improve the existing problem in terms of overexploitation of small pelagic stocks and their poor biological state. The EU must show its commitment to the sustainability of stocks and take steps in this direction. Moreover, he underlines that in the SFPA evaluation, there was a comment on transparency regarding



fisheries activities in Mauritanian waters, indicating as a recommendation that Mauritania needs to be more proactive.

Indian Ocean:

- Seychelles: the Joint Committee will soon meet and it will be the opportunity to address outstanding technical, operational and financial aspects. Mr. Molledo informs that the LDAC will soon receive a consultation on the renewal of the protocol. The agreement expires in 2026, but negotiations are expected to be concluded and a new protocol is expected to be agreed before the legislative elections in Seychelles scheduled for September 2025.

- Mauritius and Madagascar: a meeting is being planned to be held in mid-January 2025 to undergo a joint review of both countries. He points out that work is going well, although there are some aspects to be improved regarding the use of sectoral support.

Pacific Ocean:

- Cook Islands: the agreement expires in December 2024, but there is a mandate provided by the Council to meet up with the authorities of this country. The scheduling of the rounds of negotiations is under consideration. However, there are delays in the new protocols. There is still pressure to try to set the round of negotiations as soon as possible and thus be able to have a valid protocol before spring.

- Kiribati: there will be a meeting at the beginning of 2025, but no dates have been set yet.

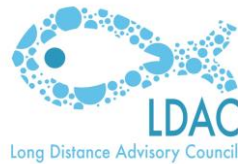
4.2. Questions from the floor on specific countries and agreed actions

After discussion among the members, the following **ACTIONS** are agreed:

- **Morocco**: The EC representative, Mr. Luis Molledo, will convene the LDAC to a brainstorming meeting in this regard once the EC has information from the legal services and a clear strategy.
- **Mauritania**: Luis Molledo, EC, will send an invitation to the LDAC Secretariat and its interested members to the preparatory stakeholders meeting for the Joint Committee to be held in November.
- **Seychelles**: the LDAC will soon receive from the consultants appointed by DG MARE the invitation to participate in the consultation on the protocol renewal.
- The representative of PEW, Mr. Nikolas Evangelis, informs that the NGO coalition is going to publish a study on the evaluation of SFPAs, so he offers the possibility of it being presented at the next LDAC WG4 meeting once it is published.
- **Evaluation of SFPAs**: now that the EC final report on the retrospective evaluation of SFPAs is available, the LDAC will work on developing a response with comments on some of the recommendations made therein. A specific focus group (FG) will be convened to reflect upon this and identify priority areas for the advice (e.g. regional approach and level playing field, sectoral support and minimum access and negotiation conditions).
- **DG MARE** will soon convene the LDAC to discuss in a future strategic planning session the new generation of fisheries agreements (SFPAs) in order to identify priority fishing grounds and areas for the next 5-10-15 years by countries, target species, etc.

5. Evaluation of the EU CFP and of Sustainable Fisheries Partnership Agreements (SFPAs) with third countries

5.1. DG MARE update on timing and process of consultation on CFP evaluation focusing on the CFP external dimension.



The Chair, Ms. Béatrice Gorez, suggests that WG5 must continue addressing this issue in order to fill in the general questionnaire, but that it must also focus on specific topics of its interest. She suggests that if the Executive Committee approves it, she would like to give priority to this issue.

5.2. ToR for a Focus Group for drafting a LDAC advice on implementation of SFPAs: benefits and challenges for EU DWF and coastal communities in partner countries.

The General Secretary, Mr. Alexandre Rodríguez, explains the draft version of the specific ToR for the focus group, which are available at:

https://ldac.eu/images/Draft_ToR_WG4_SFPAs_15October2024.pdf

The following **ACTION** is agreed:

- **The LDAC Secretariat will send the Terms of Reference and will convene the Focus Group (FG) on SFPAs to be held in the first four months of 2025.**

5.3. ToR for a Focus Group on fisheries management for shared small pelagic stocks in West African countries.

The General Secretary, Mr. Alexandre Rodríguez, explains the draft version of the specific ToR for the focus group, which are available at:

https://ldac.eu/images/Draft_ToR_WG4_Regional_Mgmt_Small_Pelagics_15October2024.pdf

Mr. Juan Carlos Martín, OPRMAR, suggests extending the work of the LDAC and preparing an advice targeting demersal species separately from small pelagic stocks.

Regarding the question asked by Ms. Béatrice Gorez, WG4 Chair, on whether the dialogue should be opened up to LDAC partners in third countries now (ATLAFCO-COMHAFAT and AFRIFISH-Net), Mr. Iván López, AGARBA, suggests starting without them, seeing how the FG evolves and then reflecting upon this idea.

The following **ACTIONS** are agreed:

- **The comment made by Mr. Rob Banning regarding the Mauritanian DWF will be added to the ToR of the Focus Group on small pelagic stocks.**
- **The LDAC will launch a call for interest for the creation of Focus Groups on SFPAs, small pelagic stocks and (maybe) demersal species in the first four months of 2025.**
- **The FG will decide whether or not joint ventures should be considered as an additional element of the advice, based on the proposal put forward by Mr. José Ramón Fontán, ANEPAT.**

6. LDAC-CFFA seminar on the role of Fishing Companies with Investments and Operations in Third non-EU Countries (Berlin, 23 May 2024)

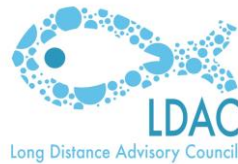
6.1. Summary of the main outcomes and recommendations of the meeting

Ms. Béatrice Gorez summarises the main recommendations of the Seminar, which are available in the following document:

https://ldac.eu/images/EN_Conclusions_Seminar_Berlin_23May2024final.pdf

6.2. Next steps: report, preparation of draft advice, possibility of a follow up event.

Ms. Manuela Iglesias, LDAC, informs that work is in progress on the publication of the final report of the Berlin Seminar to be presented at the Executive Committee to be held on 7 November in Madrid. As for its table of contents, the report contains a foreword by the LDAC Chair, a summary of the



speakers' interventions in the different panels as well as each of the case studies presented. In addition, there are the conclusions and several annexes such as the recommendations of the Seminar held in Las Palmas in 2015. Finally, web links to each individual presentation will be made available to all interested parties as well as a [link to the full video of the whole seminar on the LDAC YouTube Channel](#).

On the preparation of a draft advice on joint ventures, Ms. Iglesias notes that a focus group will be set up in the near future, open to all interested members. To this end, the Secretariat will send all the information via email with the terms of reference.

The following are agreed as **ACTIONS** from the LDAC Secretariat:

- **To finalise the content and layout and submit the Seminar report/publication at the LDAC ExCom to be held in November.**
- **To make available to all members web links to each of the presentations made by the speakers and the complete footage of the conference via the LDAC YouTube Channel.**
- **To email to all WG4 members the call to be part of the FG on joint ventures as well as the draft ToR.**

7. Update of external partnerships and projects:

7.1. State of play of work with ATLAFCO-COMHAFAT.

The General Secretary, Mr. Alexandre Rodríguez, summarises the annual coordination meeting held in Madrid in September 2024. He highlights that ATLAFCO has a new Executive Secretary since 2024, Mr. El Ktiri, and that under his leadership they wish to carry out more concrete actions in the field of scientific guidance, training, stocks conservation and management, and control and monitoring with a direct impact and a more practical approach.

All presentations made at that meeting are available at:

<https://ldac.eu/en/meetings/archive/comhafat-ldac-annual-coordination-meeting-2024>

The following **ACTIONS** are agreed:

- **The LDAC Secretariat will distribute among WG4 members the information on the invitation to participate in the workshop "Cooperation and coordination at regional level for sustainable and equitable access arrangements to ATLAFCO member States' fisheries resources" to be held on 30 October 2024 in Casablanca.**
- **To continue with outstanding actions to be completed throughout 2024-2025:**
 - **To organise a joint workshop on the implementation of bilateral fisheries agreements (SFPAs and other type of public and private agreements in Africa).**
Topics suggested: social clause, clause on transparency, non-discrimination and level playing field, efficient use of sectoral support, participatory governance processes and stakeholder access to documents and consultations, funding priorities.
 - **Regional control system in African ports: To analyse links to the FAO PSMA and the new EU Fisheries Control Regulation to ensure proper enforcement of the Regulation and landing of purse seiners.**
 - **Regional scientific and monitoring observer programmes in African countries: this is a slightly more difficult subject to implement in practice and should be discussed further with the EC, EFCA and the relevant scientific bodies.**



7.2. State of play of work with AFRIFISH-Net.

The General Secretary, Mr. Alexandre Rodríguez, summarises the state of play of outstanding actions since the last meeting held with AFRIFISH-Net.

The main areas of collaboration are as follows:

- Transparency of fisheries agreements with foreign fleets;
- Development of a solid and common legal framework for joint ventures with foreign capital established in third countries;
- Improved safety at sea and fishers training (adoption and implementation of ILO C188, OMI STCW-F);

The following **ACTION** is agreed:

- **Regular coordination meetings between the LDAC and AFRIFISH-Net will be resumed online in order to make further progress in the areas of common interest and effectively implement the MoU signed in May 2023.**

7.3. Update on FAO work on access arrangements.

Ms. Béatrice Gorez, Chair, notes that this issue should be followed up in future meetings.

8. AOB (only information points)

The General Secretary informs that the next WG4 meeting will be held in March 2025 in Brussels (date and venue to be confirmed soon).

With no other issues to address, the session is adjourned by the Chair thanking present members for their participation, the interpreters for their valuable work and the Secretariat for their efforts in organising and coordinating the meetings.

END



ANNEX I: LDAC Working Group 4 attendees
Tuesday, 15 October 2024 from 14:30 to 17:30h

MEMBERS OF WORKING GROUP 4

1. Béatrice Gorez. CFFA-CAPE – WG4 Chair
2. Angela Cortina. Opnapa / OPP3/ Acemix / Agarba – WG4 Vice Chair
3. Julio Morón. OPAGAC
4. Luis Vicente. ADAPL
5. Anertz Muniategi. ANABAC
6. Vanya Vulperhorst. OCEANA
7. Tim Hedemma. Pelagic Freezer trawler Association
8. Michel Goujon. ORTHONGEL
9. Juan Carlos Martín Fragueiro. OP ANACEF
10. Iván López. AGARBA/CEPESCA
11. Ignacio Fresco Vanzini. OCEANA
12. José Manuel Beltrán. OPP Burela
13. Emil Remisz. High Seas Fish Producers Organization
14. Aivaras Labanauskas. Lithuanian Long Distance Fisheries Association
15. Iris Ziegler. Seas at Risk
16. Nikolas Evangelides. The Pew Charitable Trusts
17. Anne-France Mattlet. Européche Tuna Group
18. Joelle Philippe. CFFA-CAPE
19. Raúl García. WWF Spain
20. Charlotte Goulot. Oceana
21. José Ramón Fontán. ANEPAT
22. Margaux Rochefort. CFFA-CAPE
23. Rob Banning. Pelagic Freezer Trawler Association

OBSERVERS

24. Luis Molledo. DG MARE B3 – Deputy Head of Unit SFPAs
25. Juan Acacio. Secretariat General for Fisheries (SGP) - Spain
26. Sebastien Crom. European Parliament.
27. Natalia Sánchez. SGP (Zoom)
28. Carmen Asencio. SGP (Zoom)
29. Hannah Richardson. Fauna & Flora International

LDAC SECRETARIAT

30. Alexandre Rodríguez. LDAC
31. Manuela Iglesias. LDAC
32. Marta de Lucas. LDAC (Zoom)