

MINUTES

33rd meeting of LDAC Working Group 4 Bilateral Relations with Third Countries

Tuesday, 5 March 2024, 14:30-17:00h CET/GMT+1

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

Chair: Julio Morón

Vice Chair: Sara Fröcklin

1. Welcome and opening of the meeting.

WG4 Chair, Mr. Julio Morón, welcomes members and observers, thanking them for their attendance and participation.

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

2. Adoption of the minutes of the last WG4 meeting - Brussels, 19 October 2023.

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. Election of WG4 Chair and Vice Chair (1 June 2024-31 May 2027).

Mr. Alexandre Rodríguez, General Secretary, explains the election procedure informing afterwards about the expressions of interest received in good time and appropriate manner: Ms. Béatrice Gorez's (CFFA) for the position of Chair and Ms. Ángela Cortina's (OPNAPA) for the position of Vice Chair.

DECISION:

The GT4 members who are present and represented unanimously approve the appointment of the mentioned candidates, Béatrice Gorez and Ángela Cortina, for the positions of WG4 Chair and Vice Chair, respectively. They will have a 3-year mandate starting on 1 June 2024 and ending on 31 May 2027.

The LDAC Chair, Mr. Iván López, thanks the outgoing Chair and Vice Chair, Julio Morón and Sara Fröcklin, for their dedication and work over the years. He then welcomes the incoming Chair and Vice Chair.



5. Sustainable Fisheries Partnership Agreements (SFPAs) - Report from DG MARE

5.1. State of play on implementation of SFPAs currently in force.

5.2. Negotiations with third countries for renewal of SFPAs and exploration of new ones.

5.3. Report on retrospective evaluation of SFPAs.

The EC representative and deputy head of the DG MARE Fisheries Agreements Unit, Mr. Emmanuel Berck, explains the situation of the different SFPAs. He says that there are at least six agreements due for renewal this year and recalls that this adoption process takes into account the mandatory consultation of co-legislators and stakeholders, Council and European Parliament, as well as data compilation and analysis, so there is sometimes a lack of time to carry out the assessment.

As for implementation and agreements in force, there is concern about the under-utilisation of many of them, in some cases below the reference tonnage level. He highlights that the EC is making great negotiation efforts to ensure fishing opportunities for the European fleet, although some agreements seem to have limited interest. Therefore, he would like to know the main reasons behind this under-utilisation, especially by the tuna fleet.

Moreover, he thanks and acknowledges the LDAC's work in issuing such an interesting and comprehensive piece of advice about the Chinese distant water fleet and conveys DG MARE's apologies for their delayed reply.

He then gives an update on the state of play of negotiations and agreements with the following countries:

- Morocco: the decision of the Advocate General is scheduled for 21 March and the judgement of the Court of Justice of the EU is expected for the end of the year. He says that he would like to know the alternatives found by fleets previously fishing in Morocco.

In addition, he highlights the importance of continuing with the collaboration and cooperation framework to finish off the work of the Joint Scientific Committee, as they wait for the report to be concluded in the next few weeks.

Finally, he points out that the evaluation of the conclusions drawn from the assessment report on Morocco is available since December on the DG MARE web site, where the position of the EC is described in detail. In fact, the EC, with the support of the Council, believes that both the protocol and the agreement comply with international legislation.

- Mauritania: there are new vessels that have shown an interest in fishing in the EEZ of Mauritania. A technical commission is yet to take place for the advice to be mandatory. Moreover, the derogation of the landing obligation requirement is under consideration.



- Senegal: this is an agreement they are worried about, he understands the concern about the difficulties to achieve the number of licences by European vessels and the problem regarding the situation of European pole and liners with access being restricted to the bait areas. Nevertheless, they managed to have the final list with the names of the vessels at the end of December and the item allocated to sectoral support was approved.

Besides, he mentions that presidential elections will be soon held and that they hope they will be able to renew the agreement.

- Gabon and Sao Tome and Principe: there is a limit of reference tonnage set at 30,000 tonnes, but it is very much underused.

Indian Ocean:

- Madagascar: this agreement was renewed and is in force since last year. The longline fleet is satisfied with the implementation of the latter, since it is a fishing ground with good productivity and the cost was adequate.

- Seychelles: so far it is developing well, as it has been seen at the IOTC and WTO meetings. The protocol includes a mid-term review of its use, which has not been defined, but the authorities of Seychelles wish to carry it out to study the possibility of improving the agreement. The EC believes that stakeholders should also be involved in the review.

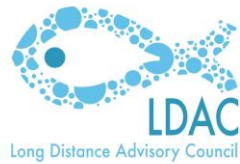
- Mauritius: it is a complementary agreement to that of Seychelles.

Pacific Ocean:

Mr. Berck points out that having these two agreements in the Pacific Ocean is a great step forward.

- Kiribati: the first joint committee was held a few days ago in Fiji with a positive atmosphere, but there are methodological misgivings about the days-at-sea management scheme.

- Cook Islands: they have a more complex system, with some differences in terms of licences and sectoral support.



5.4. Questions and feedback from the floor.

Mr. Juan Martín, ANACEF, focuses his intervention on the main difficulties encountered by the fleet when making incomplete use of the fishing opportunities available to them and on how they could make fisheries agreements more attractive in Mauritania, for instance. He notes that ANACEF has settled in West Africa, but that each year it is increasingly difficult to make fishing profitable, owing both to access conditions and existing resources. Furthermore, the sale of the surplus from these countries goes to Asian countries or other European ones, such as Turkey.

In addition, he voices his concern about the agreement with Guinea-Bissau, since it will be concluding in mid-June and the EU has not started negotiations yet.

As for Senegal, he says that there is a situation of constant political tension due to the fact that they do not know for sure whether the minister will sign fishing licences or not. In his opinion, they should demand the agreement be complied with and not be subject to random conditions set by the third country. Moreover, since several countries share resources with different biological measures, the EC should work with scientists in order to adopt recommendations at regional level.

Ms. Béatrice Gorez, CFFA-CAPE, suggests opening detailed discussion on the added value of SFPAs. The dialogue and cooperation framework enables progress towards more sustainable fisheries, with a level playing field, with more research and sectoral support that benefits all, so it is not just a question of limiting fishing opportunities.

Mr. Anertz Muniategi, ANABAC, notes that for the freezer purse seiner fleet the level of use of fishing opportunities is totally linked to management by RFMOs. He highlights that since 2020, the feasibility of the freezer tuna fleet has become complicated following measures adopted at ICCAT and IOTC. In fact, even fewer licences could be applied for. He then asks what the situation is regarding dormant agreements with Equatorial Guinea, Mozambique and Angola.

Mr. Aivaras Lavanauskas, Lithuanian Long Distance Fisheries Association, explains that the Lithuanian fleet is encountering different problems (e.g. corruption) when fishing in Mauritania and Morocco. For this reason, they have been looking for alternative fishing grounds and species (such as South Atlantic squid) and they have found that after carrying out scientific assessments of stocks and submitting exploitation programmes or plans with scientific studies complying with provisions set forth in the SMEFF Regulation, they always face EU objection. However, there are hundreds of Chinese vessels in the areas they fish in and, in spite of them not taking into account the level of stocks or the sustainability of resources, so there is a lack of consistency. It seems that their only concern is the European fleet and that the level of demand of the EC is higher when it comes to them.

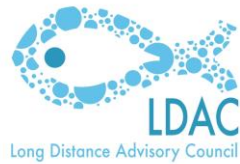


Then, Mr. Berck, EC representative, replies to the questions previously asked:

- Regarding Guinea-Bissau, he says that they have carried out all the preparatory work and that they have the negotiation mandate since mid-February. Nevertheless, after contacting the country's authorities several times, they have not received an answer. While there is a particular political situation going on and there is certain level of confusion, there is no stability in this regard and the person in charge of the file does not reply. A meeting will be held this week to set a clear schedule, since they are aware of the fact that the protocol is coming to an end, so they will decide who can travel to Guinea-Bissau to start negotiations as soon as possible.
- Regarding Cape Verde, he notes that negotiations started in January in Mindelo. There are some elements of change concerning the current protocol, as well as some gaps and differences in terms of finances. There will soon be a second round of negotiations.
- As for Côte d'Ivoire: the negotiation mandate started yesterday (4 March), the negotiation committee will be held on 25 or 26 March and another round is expected on 15 April. He adds that communication is good.
- Regarding Greenland: he says that there is a four-year agreement. They wish to renegotiate this procedure. Negotiations will be over in June in order to have a new protocol as of 2025.
- As for Senegal and Sao Tome and Principe: they will be over this year, assessment studies are still taking place and although there are some economic problems they hope they can make some quick progress.
- Regarding Cook Islands: he notes that they are currently carrying out assessment studies. The European authorities shall strengthen everything related to the social clause and data improvement. In fact, the standard clause suggested by the EU Social Dialogue Committee is a good example to propose to the partner country. Social partnership is of great importance, although subsequent adjustments will have to be made to amounts and figures, the budget will have to be studied, etc.

Concerning technical and scientific conditions, he points out that they are complicated in some countries such as Gambia and Senegal, he insists on the difficulty of carrying them forward from Morocco to the Gulf of Guinea.

- As for Mauritania: he agrees with the opinion voiced by Ms. Gorez on the need to improve dialogue and take into account financial support and the use of sectoral support.



- Regarding Angola: they know that it is a priority country both for European fleets and for third countries' fleets. They hope to be able to start moving forward soon, although they need more time and to plan a schedule.
- Concerning dormant agreements: he says that negotiations of these six agreements need to be resumed. However, they need to study which agreements will be useful. For instance, there is no interest in reactivating the one with Mozambique.
- As for Equatorial Guinea: they are still making an effort to fight against IUU fishing, but it is still dormant and there is no prospect of it becoming active.
- Regarding Gabon: they have improved, but without much prospect of reaching the level required to reach an agreement.

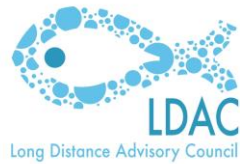
As for comments from ANABAC, the EC representative highlights the need to continue working on the transparency and non-discrimination clause, since it is not working effectively.

Regarding the comments made by the Lithuanian representative, he says that he does not know the reasons why their projects or exploitation applications for new fishing grounds or species are rejected. They might need enhanced coordination with scientists as the same species that are fished are not mentioned. There is a need for further dialogue, since the SMEFF Regulation was not created to block and stand in the way of the European fleet.

As for Mauritania, the EC representative, Ms. Charlotte Gobin, points out the need to have scientific guidance at regional level. In the framework of the Scientific Committee, she informs that a workshop will be organised for late June where they hope to have maximum representation of coastal states and European experts. In addition, she highlights the importance of exchanging information with Mauritians. In December 2023 problems regarding by-catches were already mentioned, making it essential to improve the recording of data. In fact, there are several cases under category 6, this being a topic of utmost importance. Besides, she says that there is overexploitation of some small pelagic stocks. She notes that Mauritanian authorities have confirmed that improving the state of stocks is a political priority for them, and that they will monitor control measures in order to improve management of their stocks.

As for sectoral support allocation, they need to reflect upon it. They have a programme they hope will help strengthen port infrastructures.

The minimum number of observer coverage is expected to be dealt with at the next joint committee and in the protocol, as the number of observers in reserve is insufficient for European shipowners.



Then there is a second round of questions and feedback from the floor:

Regarding Guinea-Bissau, Mr. Julien Daudu, EJF, voices his concern about convenience flags and about massive flagging in countries that have been given a red card, like Cameroon, for example.

Ms. Béatrice Gorez, CFFA-CAPE, thanks the EC for their efforts in Mauritania and collaboration with DG INTPA. However, she shows concern for the state of small pelagic stocks for the production of fish meal.

The EC representative, Mr. Berck, says that he shares this concern about the re-flagging and the convenience flags policy, noting that they have already asked Guinea-Bissau for explanations. Although they usually speak with representatives of the Ministry of Fisheries, sometimes other affected ministries intervene such as that dealing with transport, upon which this issue depends.

Mr. Julio Morón, OPAGAC, explains the problem of the tuna fleet linked to ICCAT, highlighting the situation of Chinese and Korean vessels flagged in countries like Senegal, Ghana or Guinea Conakry, jeopardising environmental, economic and social sustainability.

Mr. Michel Goujon, ORTHONGEL, enquires about Gabon. In addition, he says that with the events that have taken place in recent years, the ocean has become less productive. He believes that the LDAC ought to convey a "win-win" message.

Mr. Berck, EC, says that they are going to make the same effort for Angola and for Gabon.

Mr. Alexandre Rodríguez, LDAC, asks about the state of play of the regional plan for small pelagics that came into force in 2023 and on which the LDAC issued a piece of advice to which the EC has already sent a reply. Moreover, he asks if there is any further information about the studies for the promotion of the role of CECAF in the assessment of small pelagic and demersal stocks and its transformation into an RFMO in the medium term.

Regarding the development and management plan for small pelagics in Mauritania, the EC representative, Ms. Charlotte Gobin, says that it is aimed at artisanal fisheries and landings, explaining that there is a one-year deadline for its implementation and that they have not received any further information from Mauritania so far. They are currently awaiting the application of management measures that could limit the European fleet. The first mid-term assessment will take place in 2025.

Moreover, Mr. Berck, EC, notes that CECAF plays an essential role by issuing scientific pieces of advice at regional level. However, the issue of its potential transformation into RFMO is something that concerns other DG MARE units, so he is not directly in charge of that file. He suggests coordinating the meetings of the Joint Scientific Committees of SFPA-signing



countries with the workshops and other meetings held by CECAF Scientific Working Groups to ensure wide participation of scientists in the coastal and flag states involved to have as much scientific information and data as possible.

5.5. Next steps: Focus Group for drafting a piece of advice on present opportunities and future challenges of SFPAs for EU DWFs and artisanal coastal communities in partner countries.

After discussing this point, the following **ACTIONS** are agreed:

- **WG4 will start to draft a reply with comments on the recommendations to the [EC report on the retrospective evaluation of SFPAs](#).**
- **The possibility of setting up a specific focus group (FG) will be considered. The aim of this FG would be to reflect upon this and identify priority areas for guidance (e.g. regional approach and level playing field, sectoral support and minimum access and negotiation conditions).**
- **The LDAC will also explore the MRAG-GIZ study on the future of SFPAs.**

6. Work progress report on LDAC-CFFA seminar on the role of EU fishing companies with investments and operations in third non-EU countries (Berlin, 23 May 2024)

The Chair, Mr. Julio Morón, summarises the aim of the seminar by saying that it is an event jointly organised by the LDAC and CFFA-CAPE.

Ms. Béatrice Gorez, CFFA-CAPE, notes that the programme including the speakers is already available, although there are some case studies yet to be confirmed, such as that of Nigeria. She highlights the importance of knowing the practical examples that will be explained as important success stories related to different African countries, like that of Nueva Pescanova in Namibia and Mozambique, for which they will try to explain the social and economic impact that this type of companies have had in the countries where they have been established.

Moreover, Ms. Manuela Iglesias, LDAC, adds that the General Secretariat for Fisheries of the Spanish government has confirmed that they will make a presentation on the Registry of Joint Ventures, this being an important point to enhance transparency, mentioning the fact that in the past this registry was updated by the Cluster of fishing companies in third countries, dissolved in 2012.

Mr. Edelmiro Ulloa, OPNAPA, informs that Mr. Xavier Martínez Cobas, from the Ardán Chair of the University of Vigo, will also present the main conclusions of the study "*Estimation of the Economic and Social Impact of Joint Fishing Ventures in Spain*", published at the beginning of this year.



The following **ACTION** is agreed:

- **To continue with the organisation of the Seminar and to inform about any developments in this regard.**
- **The recommendations drawn from this seminar can be the basis for a potential piece of advice on this matter in the future.**

7. AFRIFISH-Net: Work progress on regional approach to fisheries arrangements.

The AFRIFISH Secretary General, Mr. Namadoa Okeloh, informs that the Memorandum of Understanding (MoU) with the LDAC is well on its way to success, in fact, they have already drafted their first joint advice on the role of women with reference to SFPAs.

In addition, he confirms the participation of AFRIFISH-Net at the Seminar to be held in Berlin and he asks whether it would be possible in the future for the LDAC to include the topic of subsidies for African fleets.

Ms. Béatrice Gorez, CFFA, deems appropriate to address together with AFRIFISH-Net the impact of subsidies on overfishing and on artisanal fisheries. She insists on the need to promote dialogue with third countries to find practical solutions to the problems detected.

The following **ACTION** is agreed:

- **To continue working together with AFRIFISH-Net and to keep on making progress on the issues already identified.**

8. AOB - Information points only

The General Secretary informs that the next WG4 meeting will be held in October 2024 in Brussels.

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, 5 March 2024 from 09:30 to 13:00h**

MEMBERS OF WORKING GROUP 4

1. Julio Morón. OPAGAC
2. Edelmiro Ulloa. Opanapa / OPP3/ Acemix / Agarba
3. Anertz Muniategi. ANABAC
4. Julien Daudu. EJF
5. David Troncoso. ANASCO
6. Michel Goujon. ORTHONGEL
7. Juan Carlos Martín Fragueiro. OP ANACEF
8. Iván López. AGARBA/CEPESCA
9. Daniel Voces. Europêche
10. Béatrice Gorez. CFFA-CAPE
11. Ignacio Fresco. OCEANA
12. Rosalie Tukker. EUROPÊCHE
13. Joelle Philippe. CFFA-CAPE
14. Sergio López. OPP-Puerto Burela
15. Despina Symons. EBCD
16. Emil Remisz. High Seas Fish Producers Organization
17. Juan Manuel Trujillo. ETF
18. Aivaras Labanauskas. Lithuanian Long Distance Fisheries Association
19. Juana Parada. ORPAGU
20. Maximilian Schwarz. EBCD
21. Antonia Leroy. WWF
22. Iris Ziegler. SAR

OBSERVERS

23. Emmanuel Berck. DG MARE B3
24. Charlotte Gobin. DG MARE B3
25. Rita Santos. EFCA
26. Carlos Aldereguía. Secretariat General for Fisheries (SGP), Ministry for Agriculture, Fisheries and Food (MAPA)
27. Ismael Yagüe. Secretariat General for Fisheries (SGP), Ministry for Agriculture, Fisheries and Food (MAPA)

SECRETARIAT

28. Alexandre Rodríguez. LDAC
29. Marta de Lucas. LDAC (Zoom)
30. Manuela Iglesias. LDAC