



Att. Ms. Charlina Vitcheva

Director General DG MARE – Maritime Affairs and Fisheries

European Commission, JII 99, 1000 - Brussels

Subject: Questions on code of conduct for EU delegates in RFMO meetings.

Madrid, 5th of November 2024

Dear Director General Vitcheva,

We are addressing to you in relation to the code of conduct for EU delegates in RFMO meeting that was received in September in occasion of NAFO Annual Meeting and subsequently for ICCAT.

The members of the LDAC had the opportunity to have a look and discuss at the content of this document at the Working Group 1 on Tuna RFMOs held on 15 October in Brussels. They raised a number of questions requiring clarification on how to implement this in practice.

The questions gathered are indicated below. In terms of timing, the LDAC would like to seek clarification and a reply from your services in advance of the participation of both the LDAC and its member organisations at the forthcoming 24th Special Meeting of the ICCAT Commission that will take place in Limassol (Cyprus) on 11-18 November.

Questions raised by the LDAC

Article 2

Members of the EU delegation are required to behave in a manner that is loyal to the EU position and in line with the instructions of the Head of the EU Delegation. They shall conduct themselves with the interests and reputation of the Union in mind.

Q: Could you clarify what “loyal to the EU position” exactly means? It is not clear as some organisations might have certain positions which are not in line with the EU known or deduced position. It is even more complicated that neither the full content of the EU mandate is communicated to the industry and NGO delegates, nor most of their final intentions disclosed. How to conciliate loyalty with this ignorance?

Article 4 par 2.

2. Except if specifically authorised by the Head of the EU Delegation, delegates are strictly forbidden to disclose information that might jeopardise the EU negotiating position, including in informal talks with other third country representatives, on the matters that are the subject of discussion by the RFMO.

Q: Does this mean that the EU delegates cannot engage in any sort of informal talks with colleagues from organisations belonging to other CPCs under any circumstances, even if not disclosing any sensitive information compromising the EU?



A strict application of this rule would mean de facto no dialogue at all during a 10-days meetings with anybody else except the EU negotiating team and/or EU MS representatives or MEPs. Reversely, in the past some informal talks have helped to make the EU position more understandable (e.g. related to the naturally attached fins policy defended by the EU operators and NGOs vis-à-vis third countries). Can a delegate refuse to convey an EU message to third countries delegates or industries, or NGOs when the head of delegation requests it?

Article 6

- 1. Members of the EU delegation are bound by the duty to behave with integrity and discretion.*
- 2. Members of the EU delegation shall refrain from any action or behaviour which might reflect adversely upon the EU or the EU delegation.*
- 3. Members of the EU delegation shall refrain from inappropriate behaviour, including any form of psychological or sexual harassment.*

Q: In case a delegate witnesses such inappropriate behavior from any member of the EU delegation (be it industry, NGO, MEP or MS representative or even a Commission representative), what would be the appropriate procedure to handle it?

Article 7

The Head of Delegation can revoke the status of delegate of an accredited member of the EU Delegation for failure to comply with the provisions of this Code of Conduct.

Q: How is this revocation of delegate status is going to be executed in practice and articulated with the Council? Is there a grievance procedure or a dispute resolution system in place? Clarification and transparency would be needed in this respect prior to the meetings, in particular to know the grounds for which such a revocation could be triggered.

Observers at RFMOs

Some of our members have received the code of conduct while they are not part of the EU delegation as they are attending RFMOs as observers and are only invited to stakeholders' meetings, but not to coordination meetings. **Could you precise the exact application field for stakeholders that are both members of the LDAC and observers in RFMOs?**

We remain at your disposal for any queries you may have and look forward to receiving your response to these questions.

Yours sincerely,

Iván López van der Veen

LDAC Chair