



Minutes

31th LDAC Working Group 4 Meeting

Bilateral Relations with Third Countries

Wednesday 22th March 2023, 10:00 – 13:00

Hybrid meeting : Hotel NH Brussels EU Berlaymont, Brussels

Chair: Julio Morón

Vice Chair: Sara Fröcklin

1- Welcome and opening of the meeting.

The Chair, Mr. **Julio Morón**, welcomes members, observers, and thanks them for their attendance and participation.

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

2- Adoption of the minutes of the last WG4 meeting (October 2022)

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

3- Adoption of the agenda.

The agenda is approved with no modification.

4- State of play on negotiations with third countries.

4.1. Report from DG MARE of implementation of SFPAs in force; negotiations on renewals for existing ones and prospective new SFPAs.

The EC representative, Mrs. **Marta Morén**, explained the situation for different SFPA.

MOROCCO

The protocol and the agreement, although legally annulled, are still working. The protocol ends on 23 July 2023. After that date the fleet will not have licences and it will become a "dormant agreement" so that fishing operations cannot take place.

Within the possible framework, the EC's objective is to make the fishing stop as short as possible. But, meanwhile, Morocco was asked to be able to raise the catch ceiling to Category 6 to which they agreed. Pending final Court of Justice of the EU decision, the DG Mare can anticipate the work for a new protocol if the agreement still in force. Reflexions are ongoing.

MAURITANIA

The agreement and protocol are functioning. On scientific aspects, worked as to be done, as well as for sectorial support. Mauritania is participating more than in the previous protocol. Now, it is necessary to work on a better utilisation of some categories, even more if Morocco protocol went in stand-by. Mauritania agreement could be a good complementary.

GUINEA BISSAU

DG Mare is preparing the Joint Commission in the coming weeks, which should allow progress on implementation, including on sectorial support.



SAO TOMÉ

There are no serious points out of order. A Joint Commission was celebrated a couple of weeks ago, with no problems.

IVORY COAST

Today and tomorrow a Joint Commission is taking place.

CAPE VERDE

There are no serious points out of order.

GUINEA CONAKRY

DG Mare is trying to work for a protocol. But there is not a precise calendar.

With Guinea Bissau, Sao Tomé and Ivory Coast, the DG Mare has just launched the evaluation for the renovation of their protocols.

The evaluation ex ante for Angola was also launched.

SENEGAL

With the new minister, it seems that the work is going well. The licences were issued in January.

On bait in the Hann Bay, the protocol will be applied. Hopefully, some more information will be soon available. The new minister is also improving discussions on sectorial support.

GAMBIA

There are no major issues. Negotiations will start soon.

SEYCHELLES

There was a Joint Committee meeting with no problems.

MADAGASCAR

The new agreement and protocol should begin soon.

MAURICIO

The new protocol is ongoing since the begin of the year. The licences have been issued, even if it took some time. The Joint Committee is scheduled on 28th and 29th March, but these dates could be changed.

KIRIBATI

There is no crucial problem, only some administrative issues and that the legal text has required a revision. It is expected to be fixed in the coming days.

COOK ISLANDS

There are no problems to mention.

4.2. Questions from the floor and feedback from members.



Mr. **Javier Garat**, CEPESCA, asked for some clarification on what kind of economic assistance can be provided to the Spanish bait boat based in Senegal.

Mrs. Marta Morén, EC representative, explained that the EMFAF 2021-2027 only contemplate “force majeure” situation in order to be align with WTO agreement on fisheries subsidies. The bait boat situation isn’t considered as a “force majeure”. The only possibility for Spain seems to use the FEP or State measures.

Mr. **Javier Garat**, CEPESCA, explained that for EP legal service, this situation could be considered as a “force majeure”. Spain is also waiting for an official answer from EC.

Mr. **Ment van der Zwan**, Europêche, and Mr. **Okeloh Namadoa**, Afrifish-net, have asked the Commission on social issue in the fisheries agreement.

The EC representative, Mrs. **Marta Morén** explained that the conditions agreed in the SFPA are reflected in the negotiations. Social clauses of SFPAs have improved, however, the EC hopes that evaluation will help to improve this better. Fishing vessels have the obligation to take local fishers nationals from those countries from the list that the Governmental authorities give to us as apt.

Nevertheless, this point will be discussed on point 6 of the agenda.

Regarding, the question of Mr. Namadoa, about the importance of ensuring that the agreements have positive impacts on lives of people who live in Africa, the EC representative, Mrs. Marta Morén, replied that the objective of the sectoral support, is to develop the sector of the country in benefit of country and its local population, support to local communities and development of artisanal fisheries.

Mr. **Daniel Voces**, Europêche, asked an estimated date for the release of Court resolution on Morocco. The EC representative, Mrs. Morén, explained that there is no official date.

Mr. **Tim Heddema**, DPFA, highlighted that after Post Brexit developments in NEA, partnerships are of increasing importance for small pelagic fleet. In fact, it is very much appreciated all the EC efforts on ongoing work of evaluations and renewal and negotiations of agreements.

On Morocco, regarding the ECJ Court case, point raised at AGRIFISH Council, it was requesting EC to ask for a roll over until the appeal takes place.

On other note, he highlighted that as fisheries zones are moving further off the coast, the conditions are changing also as less successful fishing occur when depth increase. In fact, the fish is moving north also. These changes should be considered when a new protocol will in negotiation.

He also informed that Las Palmas de Gran Canaria is still preferred option for landings, due to different constraints in Moroccan ports.

On Mauritania he asked to the EC representative if she could share more information on the timeline for the implementation. He explained that since the introduction of a management plan (MP) for small pelagics, it is necessary to have information on timeline for implementation of it. It is good news that this plan may restrict activities of non-EU fleets. Nevertheless, utilisation rates are low and the effects of MP will take time to peak. Other factors prevent landing in Mauritania are: congestion in ports, lack of capacity for unloading and storage, fuel price or that other ports are too far, among others.



On Angola, Mr. Heddema confirmed that they have filled the questionnaire trying to provide the EC with possible interest. The zone will be important as most fishing takes place between 6 and 12 miles. It will have also to take a look at logistics, probably underdeveloped, look at social clause and also to the safety and training requirements for local crews.

The EC representative, Mrs. **Marta Morén**, gave some explanations about:

- Morocco: it is important to be transparent and realistic on the evolution of the protocol. On the possibility to have a rollover, the situation is complex because, now, the legal basis of the agreement is the judgment of the ECJ. If a new protocol is negotiated it should be on the basis of the decision of General Court of Justice, even if EC or Council have appealed the decision.
- Mauritania: it will depend on the last scientific evaluation. All the parties want to push forward on the implementation, but more time is needed. Moreover, all demands had to be negotiated so that developments would also benefit Mauritania.
- Angola: the EC have taken note of these different points for future development. For the moment, there are no date to start the negotiation.

Mrs. **Béatrice Gorez**, CFFA-CAPE, made a remark on the way sectoral support is utilized because it not always for the benefit of coastal communities, and asked the EC to improve the communication around SFPAs. On Mauritania, she asked for information on by-catches of demersal species in the different fisheries.

Mrs. **Marta Morén**, EC representative, did not have the information for Mauritania, but she made a more general comment: by-catches are an issue, but when the EU fishery represents no more than 10% of activity, it is the responsibility of third country to do something, as it is the case for demersal by-catch in Morocco. In the new agreement, EC has a transparency clause to ask to the third country to have information on other agreements and the conditions it has with other countries.

Also, the EC representative, Mrs. Mart Morén, recalled that to be the more efficient, sectoral support needs a national development plan. EC is also thinking on the way to better communicate on a complex situation with local population having, some time, different languages.

Mrs. **Amelie Giardini**, EIJ, expressed some concern on information from Senegal on other fleets having access to its EEZ, as Senegal have made a commitment for transparency and sustainability.

Mrs. **Marta Morén**, EC, explained that even if exchange of information with Minister has improved, information on other agreement depend on what is in the transparency clause of the agreement.

Mr. **Javier Garat**, CEPESCA, informed members that a new trawler has just been inaugurated. She will fish in Guinea Bissau and Mauritania. The particularity is that as well as being comfortable and safe, she will use flying trawl doors without contact with the bottom, and square mesh to improve gear selectivity. In fact, more and more vessels are incorporating this type of doors which also save CO2 emissions and energy consumption by more than 20%.

The Executive Secretary, Mr. **Alexander Rodríguez**, asked to have more information on ex-ante and ex-post evaluation and on what the EC is waiting from AC.



Mrs. **Marta Morén**, EC, expressed that the more information they could have, the better. ACs can compile information but the consultant needs detailed information.

In 2022, EC launched five evaluations:

- Morocco, Cape Verde, Guinea Bissau, Angola (ex-ante only) and Ivory Coast. .
- Sao Tome and Gambia (ex-ante and ex post) will be launched.

On Equatorial Guinea, Mr. **Julio Morón**, OPAGAC, said that it is a dormant agreement and asked if denouncing the agreement is an option, as there are certain European vessels that could be interested, but there is not option due to the exclusivity clause.

From EC point of view, it is not an option. It is still on standby.

5- Evaluation of the EU SFPAs with third countries and regional dimension of SFPAs.

5.1. Presentation from DG MARE on outcomes of the EU Evaluation of SFPAs report.

5.2. Questions from the floor and feedback from members.

The EC representative, Mrs. **Marta Morén**, explained that a study on SFPAs evaluation was launched in 2021. It was used by EC to make an internal assessment. The draft report is almost finished and was discussed with all DG Mare Units and with other EC DG. In some week, it will enter the “Better Regulation” process by the “Scrutiny Board”.

In 2-3 months, the report will be published as well as the consultant report.

The main outcomes are : objectives are broadly achieved, improved regional cooperation, communication, transparency, social aspects, communication with EU fleet, sectoral support and scientific evaluation (develop internal knowledge and better use it).

Mr. **Edelmiro Ulloa**, OPNAPA, asked how, in this evaluation it will be consider the distortion induced by Chinese fleet. EC representative agreed on the subject but it is not in the evaluation.

Mr. **Julio Morón**, OPAGAC, asked if the economic point of view of the reference tonnage has been considered. EC representative, replied, that it is a point of discussion but the evaluation will not give a unique solution for all agreement.

Mr. **Raúl García**, WWF, asked how its environmental policies (bycatches, bottom impacts, selectivity...) are included in the SFPAs for EU fleets. and How local stakeholder are involved.

Mrs. **Marta Morén**, EC, replied that it is a point to improve even if the Environmental Base Approach are to be in the scientific aspects.

Mr. **Alexandre Rodríguez**, Executive Secretary, asked how this evaluation will be included in the CFP state of play communication.

Mrs. **Marta Morén**, EC, explained that the Staff Working Document allows to talk more on international aspects.

ACTIONS:

- The EC representative, **Marta Morén**, asked to all LDAC members to send all their comments on the different SFPAs by writing.



- The LDAC Secretariat will include a “presentation from DG MARE on outcomes of the EU evaluation of SFPAs report” in the WG4 agenda of October 2023.
- The consultants of the different evaluations (Sao Thome and Gambia) will email the LDAC with the new consultations.

6- Social dimension in SFPAs:

6.1. Follow up on implementation of social clause on SFPAs: way forward.

In may 2022, LDAC produced an advice on the social clause in SFPA, composed of two document: a [summary of policy recommendations](#) and a more detailed document on [specific case of implementation and issues of social clause](#). Mr. **Alexandre Rodríguez, Executive Secretary** gave a quick overview of the [EC answer](#) which was very detailed. He gave also an update on EC agenda for the coming months: a directive is in preparation on the implementation of ILO convention on standards of training and certification, STCWF.

Mr. **Daniel Voces**, Europêche, explained that there is a follow up from DG MARE and DG EMPLOY about specific agreements such as Mauritania. Nevertheless, the EC is also dealing with a model for social clause to discuss with future of SFPA with social partners. From Europêche, some issues were raised on matter of competence, like regulation of salaries. They are waiting for an official response.

Mr. **Andrea Albertazzi**, ETF, welcomed all efforts to have a more harmonized social clause in SFPA and proper implementation. He asked to EC representative to what extent, in the context of social clause, other parties are asking for changes in employment of local fishers.

The EC representative, Mrs. **Anaïs Demaille**, thanked LDAC for the letter and social partners for input. She explained, in the context of a renewal of protocol, the negotiation is based on the former one. Third countries always pouched for employment of national fishers, not ACP fishers. It is the main point for the moment.

About the wages, it is criteria that is easy to identify for fishers and third countries. They very much rely on those criteria.

Mrs. **Béatrice Gorez**, CFFA-CAPE, asked if, in the context of Senegal which has ratified ILO C188, it is possible to have the discussion dialogue on working conditions onboard EU vessels but also in a wider scale, using sectoral support.

Mrs. **Anaïs Demaille**, EC, explained that social dimension is discussed in Joint committee meetings. Sectoral support programs are designed by partner countries, so EC cannot oblige them to use it for labor improvement conditions. EC wants to better coordinate international work with ILO and with IMO to better implement their international conventions.

6.2. Summary report on DG MARE-LDAC workshop on SFPAs (HALIEUTIS, 2 Feb 2023)

Mr. **Alexandre Rodríguez**, Executive Secretary, briefly summarised the side event organised during the Salon HALIEUTIS, Morocco, on implementation of SFPA. The issues raised during the workshop were about: science, transparency, use of sectoral support, social clause, international ocean governance.

More information can be found on these three links:

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



https://ldac.eu/images/Intro_Presentation_LDAC_HALIEUTIS_2023.pdf

https://ldac.eu/images/Questions_for_Panellists_Halieutis_2023.pdf

6.3. Update of work plan EUROPECHE-ETF-LDAC

Mr. **Daniel Voces**, Europêche, summarised the last discussions held on social dimension in CFP with social partners. They were about: socio-economic impact of deep-sea access implementing act, joint resolution on forced labor, with a proposal to ban products produced by forced labor.

In the field of work with DG Employment, work was developed on: guidelines for recruitment of migrant fishers by external consultant, program of medical examination for fishers, legal analysis of trade measures to combat force labor in fishing industry (the study will be useful in the context of the resolution proposal). MAC also launched a study on this resolution on how will impact companies of whole supply chain, fishing industry and retailers.

A mobile app called "Fishery Speak" app has been launched to improve communication between fisheries vessels and crews of different nationalities.

Then, he also explained the ongoing consultation on Directive of Safety Construction of Fishing Vessels. The question is on whether to update this Directive based on the upgrade of SOLAS Convention and Torremolinos Convention (now Cape Town Agreement), directive applicable to vessels over 24m length. The progress goes to the right direction but it is important to make sure it is applicable to all kind of fishing vessels.

Mr. **Andrea Albertazzi**, ETF, on the joint resolution on forced labour, considered that it should be developed considering the IUU regulation.

Mr. **Julio Morón**, OPAGAC, proposed that LDAC endorsed the Joint resolution from ETF and Europêche by circulating it to WG members and then to the ExCom. If it is endorsed, the LDAC will also circulate it among other ACs.

Mr. **Nikolas Evangelides**, PEW, explained that Pew is part of IUU Fishing Coalition, working on a document putting together 10 points for improving SFPAs, and that includes social dimension, human rights and social clause and better tailored sectoral support which should be available soon.

On Cape Town Agreement, he wonders how it could be part of SFPA dialogue that can be an encouragement for countries to ratify this.

Mr. **Julio Morón**, OPAGAC, underlined that this work on SFPAs could also be done for other agreements by third countries.

ACTIONS:

- Draft a letter supporting the "[Resolution of the Social partners in the sea-fisheries sector on the fight against forced labor](#)" (ETF+Europêche) to be sent to the EC.

As soon as it is approved by LDAC, we will invite other ACs to also co-sign this document.

- This topic will be included in the agenda of the Ex. Com in May.

- Nikolas Evangelides, PEW, will share with WG4 member a document containing recommendations on the social dimension (It will be published in the next couple of months)

7- Update on outreach and network of external partnerships and projects:



7.1. Presentation of the MoU agreed between AFRIFISH-Net and LDAC: identification of joint initiatives and participation at LDAC GA/ExCom meetings In Stockholm.

Mrs. **Béatrice Gorez**, CFFA-CAPE, made an overview of the discussions with AFRIFISH, recalling that its composition reflects the structure of the LDAC. They are interested in SFPAs to better understand the structure and how they contribute to local sustainable fisheries and how they have been improved. The MoU in preparation is on SFPAs, IUU, transparency. The discussions with AFRIFISH should be on more practical issues to improve the general climate of dialogue between EU and third country. The MoU should be ratified in May 2023. It can be found on:

[https://ldac.eu/images/i/EN_MoU_LDAC_AFRIFISH_2023_sin_nombre .pdf](https://ldac.eu/images/i/EN_MoU_LDAC_AFRIFISH_2023_sin_nombre.pdf)

ACTIONS:

- **WG4 members will start thinking about good practices examples and project that could be done within the MoU between AFRIFISH and the LDAC.**
- **This topic will be added in the agenda of the Ex.Com in May.**

7.2. State of play of work with COMHAFAT

Mr. **Alexandre Rodríguez**, Executive Secretary, informed that we are trying to schedule a date to have the annual coordination meeting between COMHAFAT and LDAC soon. More information will be provided in the following meetings of WG4.

ACTION:

- **Prepare the annual coordination meeting between COMHAFAT-LDAC (date and place to be scheduled)**

7.3. CFFA proposal for LDAC advice: “FishGov II and the support to non-state actors platform”.

Mrs. **Béatrice Gorez**, CFFA-CAPE, explained that AFRIFISH have been created but have not funding (even for translation), so they have difficulties to have their own agenda. The EU is funding a 13 million EUR project, FISHGOV II, which is to promote sustainable fisheries, by supporting livelihoods, food security, stakeholder participation. However, this project is being used to finance 120 studies already done before by consultants on the importance of fisheries. EU cooperation money must be used wisely to the local communities. CFFA proposed that LDAC develop an advice on FishGov II.

Mr. **Raúl García**, WWF, asked to try to develop more concrete connection and project under this MoU with AFRIFISH.

Mr. **Iván López**, AGARBA, agreed on these proposals and gave the example of gild to develop self-regulation, self-administration of fishing grounds.

Mrs. **Béatrice Gorez**, CFFA-CAPE, emphasized the need to work between fishermen on practical issues

ACTION:

- **Distribute between WG4 members for approval the draft LDAC letter on: FishGov II and support to non-state actor platforms.**



- In case of approval by the WG4 members, we will send the document to the Ex.Com for approval.

8- Update on European Fishing Investments in third countries: next steps

Mr. **Iván López**, Chair of LDAC, informed that the event organization have taken some delay as the Government of Spain is still interested into it to be organized during Spanish Council Presidency. In the Ex.Com of May more information will be given.

The updated map road can be found on:

https://ldac.eu/images/EN_Final_updated_roadmap_joint_ventures28Nov2022.pdf

ACTION:

- This topic will be included in the next Ex. Com meeting to give an update.

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



Annex I: Attendance list

LDAC Working Group 4

22th March, 2023

WORKING GROUP MEMBERS (in person)

- | | |
|---|--|
| 1. Julio Morón. OPAGAC | 8. Béatrice Gorez. CFFA-CAPE |
| 2. Tim Heddema. Pelagic Freezer-Trawler Association | 9. Raúl García. WWF |
| 3. Erik Olsen. The Danish Society for a Living Sea | 10. Nikolas Evangelides. The Pew Charitable Trusts |
| 4. Edelmiro Ulloa. Opnapa / OPP3/ Acemix / Agarba | 11. Amelie Giardini. EJJ |
| 5. Ángela Cortina. Opnapa / OPP3/ Acemix / Agarba | 12. Eduardo Míguez. Puerto Celeiro |
| 6. Iván López. AGARBA/CEPESCA | 13. Joelle Philippe. CFFA-CAPE |
| 7. Daniel Voces. Europêche | 14. Vanya Vulperhorst. OCEANA |
| | 15. Javier Garat. CEPESCA |
| | 16. Despina Symons. EBCD |
| | 17. Andrea Albertazzi. ETF |

OBSERVERS (in person)

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| 18. Marta Morén. DG MARE B3 | 20. Anaïs Demaille. DG MARE |
| 19. Mariana Corte Real. DG MARE B3 (International Relations Officer) | 21. Alexandre Rodríguez. LDAC |
| | 22. Manuela Iglesias. LDAC |

MEMBERS OF THE WORKING GROUP (present via ZOOM)

- | | |
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| 23. Emil Remisz. High Seas Fish Producers Organization | 28. Octavio Melián. ANACEF |
| 24. Esben Sverdrup-Jensen. DPPO | 29. Rob Banning. DPFA |
| 25. Rocío Béjar. CEPESCA | 30. Juan Manuel Liria. CEPESCA |
| 26. José Beltrán. OPP-Lugo | 31. Rosalie Tukker. Europêche |
| 27. Juan Carlos Martín Fragueiro. ANACEF | 32. Anaid Panossian. CFFA-CAPE |
| | 33. Ment van der Zwan. Europeche |

OBSERVERS (present via Zoom)

34. Natalia Sánchez. MAPA
35. Ana Sedenko. Ministry of Agriculture of the Republic of Lithuania
36. Carla Baz. MarInnleg
37. Stephanie. GIZ
38. Gaussou. AFRIFISH
39. Okeloh Namadoa. AFRIFISH
40. Eva Nabwire. AFRIFISH
41. Francisco Fernández. OPROMAR