



MINUTES

20th meeting of LDAC Working Group 4 Bilateral Fishing Agreements with third countries

**Thursday, 6 April 2017, from 2 pm to 5.30 pm
Hotel Renaissance. Rue du Parnasse 19. 1050 Brussels, Belgium**

Chair: Mr. Julio Morón
Vice-chair: Ms. Béatrice Gorez

1- Welcome and opening of the meeting

The Chair opens the meeting and thanks the Commission representatives and members for their attendance and participation.

The list of attendees as members and observers is enclosed in Annex 1.

2- Approval of the minutes of the last WG4 meeting - Brussels, 25 October 2016.

The minutes of the previous meeting are adopted after incorporating the comments made by Mr. Emmanuel Berck, EC, clarifying his own interventions.

3- Approval of the agenda.

The agenda is approved with no modifications or addenda.

4- Update by DG MARE of the negotiations and meetings held by the Commission on fishing agreements with third countries.

Mr. Emmanuel Berck, Deputy Head of the Agreements Unit of DG MARE, informs that the situation generated by the Brexit process leads to political and budgetary type uncertainties. As a positive aspect he indicates that, after restructuring DG MARE, the trade and fishing agreements are now integrated into one same unit, B3.

Work will be carried out with the fisheries sector to increase the value of the agreements with countries by means of initiatives such as incentivising landings or constructing processing plants, among others.



4.1. Atlantic Ocean

The EC representative, Mr. Emmanuel Berck, informs about the different countries and the calendar of ongoing negotiations this year with the following countries: Morocco, Guinea Bissau, Ivory Coast, Mauritius Islands, and Sao Tomé and Príncipe.

- Morocco: an essential partner. Although there has been a certain amount of political instability related to the Sahara as a result of the ruling of the CJEU, this does not directly affect the fishing agreements. The calendar for the assessment protocol begins now: the assessment report is expected to be finished after summer. Afterwards, the Council will give its mandate to the Commission to start negotiating the agreement that expires on 14 July next year. For the moment, this agreement is working well and they hope that the fishing activities will not be interrupted. He acknowledges that there are some technical difficulties that may arise in the landings, sometimes even with sanctions, but globally the agreement is working well. The contact between them and the political and control authorities is also fluid, so any problems that might arise can, in general, be sorted out in a friendly manner.

- Mauritania: a problematic agreement. At a technical level, there is a new operational category for demersal species (hake, squid,...). It forms part of a technical regulation that was passed on to the Council and whose imminent adoption is foreseen. There is concern about the transparency of fishing activities with respect to other non-European fleets, and the need for official communications. The next meeting of the Joint Committee is scheduled for the month of July, although they must provide information beforehand. One reason to be pleased is the use of sectoral support, as this was blocked and undervalued for many years. This began to improve in 2016 and the deadline has been set for 15 July, which means that there will be no more blocking of the current protocol. The support amounts to 4 million Euros a year, money that can be used to help develop local small-scale fishing communities, as well as to improve control and monitoring systems. On the other hand, they have financed a large patrol vessel to reinforce the scientific and environmental capacity of the marine parks of Mauritania.



- Guinea Bissau: a priority as it is a mixed agreement. The situation of the negotiations is tricky, and the protocol expires on 23 November 2017. The negotiations tackle technical questions, some of which are complicated such as the conversion from GRT to GT in terms of the vessel capacity. This question will continue to be discussed in coming rounds. Regarding the global financial package, the Guinean negotiators are asking for a large amount of money, much more than what can be justified for this agreement. A scientific meeting was held in the Canary Islands last week, but the results of the scientific report have not been seen yet. The second round of negotiations is scheduled for the month of May.

- Senegal: the Joint Committee will be held next week in Dakar. The available data indicate that this is an agreement that is being well-used in all categories (fleets for tuna-like and demersal species,...). Although sectoral support is essential, it is making very slow progress.

- Greenland: meetings will be held at the end of the month of April and also a Joint Committee meeting, mainly to tackle sectoral support issues, as well as aspects related to experimental fishing and about joint fisheries undertakings and investments.

- Cape Verde: the protocol is being increasingly used, and the number of landings has increased. They organised a seminar on sharks as there was a certain controversy and attacks by the civil society on the activity of European longliners. A study was also conducted by European scientists with the collaboration of the Cape Verde Scientific Institute, with tagging programmes, which concluded that both the blue shark and the shortfin mako were over-exploited species.

- Ivory Coast: the EU relationship with this country is very good. Although there were problems with landings in Abidjan, these were not specifically with fishing products.



- Gabon: its political situation is very complicated. The EU is expectant, waiting for Gabon to indicate its commitments. That is why it is difficult to commit to a calendar. The protocol expires tomorrow.

- Equatorial Guinea: a dormant agreement, although it could be an interesting potential partner. There is an internal debate in the EC about whether to hold a negotiation or not within the SFPA, due to this country's stance regarding such important issues as the revised Cotonou Agreement, the observance of human rights or governance.

- Ghana: they are renewing contacts with them, and they will verify if they are ready and have already determined their new negotiation team. However, they have better perspectives with Ghana than with Tanzania, insofar as there is mutual interest in reaching an agreement and establishing priorities with the former. When things have matured, they will do everything necessary for the negotiations to begin.

- Liberia: many issues must be clarified during the coming Joint Committee, to be held in July in Brussels, such as for instance the embarkation of crew members. In general, the seiners are making good use of the agreement.

- Sao Tomé and Príncipe: they are doing things very well, with good capture levels. The sectoral support is doing well too, and it was the first country in the region to adopt the MVS.

4.2. Indian Ocean

This point is introduced with the uncertainty of the recent development of SWIOFC proposals, such as the minimum terms and conditions (MTC) for access by foreign vessels for tuna fisheries in the EEZ of third countries of the Indian Ocean. Although the technical conditions differ according to the countries, the financial conditions are the same. The text has not been finished, and it is being reviewed by the FAO in terms of its legal validity and its binding or voluntary nature.

Regarding the individualised summary, country by country:

- Comoros: the agreement was suspended in the month of December 2016 and it has not been renewed. Furthermore, the country has the fishing red card of the IUU fishing regulation, so, as it does not cooperate, it is not compatible to manage to sign an SFPA. There have been legislative elections and they now have a new president. Not accepting to sign the protocol conditions, despite all the efforts made, is considered a missed opportunity.

- Kenya and Tanzania: the EU wants to know what these countries want. Seemingly, Tanzania is neither prepared nor willing to sign an agreement. In contrast, Kenya seems to be interested, but they need to talk and see how to organise the modalities.

- Mauritius: there is willingness to reach an agreement, there are points on the negotiation agenda that are in decline based on the lack of use of the quotas, so they need to have time to accept them. Noteworthy is the fact that Mauritius authorities suspect that the European fleet is not totally transparent when declaring their captures, although this question seems to be ungrounded as they provide no evidence. It is necessary to be stricter with the surveillance, monitoring and control system of the vessels that fish in their waters. The lead negotiator has been changed from the Fisheries Ministry to the Foreign Affairs Ministry. The next round of negotiations will take place from 23 to 26 April. They hope that this third round will be the last.

- Mozambique: nothing new, in the same situation as Tanzania.

- Seychelles: DG Machado was there in the month of March. It is a very important agreement for the region, and it is very useful to foster cooperation in the SFPA, in topics of governance, blue growth, marine uses, etc. The next Joint Committee meeting will be at the beginning of May in Brussels.

- Madagascar: many questions on fishing were asked during the Joint Committee held in Brussels.



4.3. Pacific Ocean

- Cook Islands: the first agreement of the Pacific, with four fishing licenses. The closure of some areas near to the coast of about 50,000 m² was announced on the occasion of the designation of the Protected Marine Areas, so the impact of this measure for the European fleet must be assessed. A Joint Committee meeting will be held at the end of the year.

- Kiribati: a dormant agreement. Although they seem interested, they do not specify the efforts that they are willing to make. They have some problems with IUU fishing that have led to a “yellow card”, which they are examining and trying to solve.

Round of questions from LDAC members:

Mr. Juan Pablo Rodriguez, ANABAC, congratulates Mr. Berck on the clarity of his presentation and the work carried out by his Unit on the expansion of an agreement network with third countries. Although, in his opinion, complicated times await and he encourages the EC to continue doing their work. He asks about the negotiations with Mauritius, if they think there is any possibility of reaching an agreement soon. He also asks about Liberia’s interpretation of the clause relating to the embarking of seamen.

Mr. Michel Goujon, ORTHONGEL, also congratulates the EC team. About Mauritius, regarding the accusation of lack of transparency of the community fleet, he highlights that it could be recalled that they systematically embark observers on board the vessels. These are aspects that must be tackled in the Joint Committees, for there to be a more adequate regulatory framework and to try to specify the observers’ wages.

Regarding the minimum access conditions proposed by SWIOFC, he believes that some requirements such as having 100% coverage of observers in the IOTC are only a pretext to obtain more money in the negotiation. In the Indian Ocean they need to associate the fishing agreement with blue growth. When an agreement is negotiated it is important to know the total cost of the rates they are going to have to access the resource. He highlights that they are going to pay 12% of the value just for the licence, but there are other costs.



Based on Director Machado's visit to Seychelles, he believes it is important to associate the fishing agreements with other aspects. For example, this used to be done with access of canned products to the community market.

Regarding Mauritius Mr. Emmanuel Berck, EC, informs that they hope the negotiations will end soon. From his viewpoint, the external dimension of the CFP still has mileage in it as well as potential, so in the agreements they want to go beyond technical assistance. The agreements should also help develop governance, blue growth and sustainability. He does not reject the possibility of having a specific budgetary item for the development of the blue economy. In addition, the financing of observers onboard fishing vessels must be considered.

Regarding the way of publicising these agreements and counteracting critical press, the EU is considering carrying out specific promotion events in the future.

Respect to the question of crew members in Liberia, they uphold the different interpretation of the protocol.

Mr. Julio Moron, OPAGAC, asks about sectoral support in Morocco and highlights that investment must be favoured in the fishing agreements, associating commercial interest, as in private agreements.

Regarding Morocco Mr. Emmanuel Berck, EC, announces that the next meeting of the Joint Committee will be held in September. He highlights the large volume earmarked for sectoral support in Morocco, 14 million Euros. Its use has also been monitored, verifying an execution of 65% with a high level of information and detail, and with the obligation to inform each year. Finally, he informs that no free trade agreements or customs issues have been negotiated for the moment, as they are not exactly trade agreements, but rather incentive or accompanying measures.

Mr. Raul Garcia, WWF, informs that there is a DG DEVCO project with WWF, on possible initiatives to support sectoral aid and its association with Europe. Worthy of note is the fact that practically all current initiatives are financed by the US or by the Japanese agency. Seemingly, they are working with some companies on the management of small-scale fishing. That is why he wonders what margin for manoeuvre the EU has to decide where to invest the funds earmarked for this issue.



Mr. Juan Pablo Rodriguez, ANABAC, comments on the EU's interest in expanding its fishing agreement network. He believes that perhaps it would be advisable to prioritise countries where interest in the EU is detected, such as for example Ghana or Equatorial Guinea. In his opinion, having dormant agreements is of no use and does not get the countries to reflect.

The EC representative, Mr. Emmanuel Berck, states that the EU financing in third countries is not a problem. In fact, fishing needs more attention, and donors such as the World Bank may be complementary to the work carried out by the EU regarding sectoral support.

He highlights that there are ex ante and ex post assessments in the SFPA agreements. However, an effort will be made to update and offer a detailed summary about the use made of sectoral support by each country.

Actions:

- **Copies of the new leaflet published by DG MARE on the “EU’s Sustainable Fisheries Partnership Agreements” were given out at the meeting. The Secretariat has additional paper copies in French that will be given out at future meetings.**
- **The Fisheries Agreement Unit of the DG MARE undertook to review the methodology of the ex-ante and ex post assessments for fishing agreements, including a detailed summary of the consistent use of sectoral support basis, and generating an annual data sheet-summary per country of ongoing projects financed with EU budget for development cooperation and sectoral support.**
- **Mr. Berck offered LDAC to collaborate with DG MARE in a possible side event on 9 May, coinciding with Europe Day, to show the positive impact of SFPAs with third countries in order to increase the dissemination to the public.**
- **Mr. Berck also accepted to create a specific focus group on the use of the SFPA sectoral support, with concrete examples of investments in projects related to infrastructures and development of coastal communities.**



5- Coherence between Community Fishing and Development Cooperation Policies.

Update of the Commission and discussion on:

5.1. Initiatives of the Southwest Indian Ocean Fisheries Commission (SWIOFC).

The Commission representative of DG DEVCO, Ms. Isabelle Viallon, informed that the comments arriving about SWIOFC are more favourable than those of a year ago. In fact, thanks to the efforts and comments, some guidelines will be adopted. The legal aspects of the text are being reviewed by the FAO and as soon as this has been done, it will be disseminated. She points out that some countries want to renew conversations with the EU for the development of SFPA.

Ms. Isabelle Viallon also highlights that DG DEVCO is financing a project implemented by ICCAT, on tuna tagging in the Atlantic, which is starting to provide results and data after one year of operation. This programme will help provide a better knowledge of the tuna populations.

In Western Africa, the recovery work is being carried out by scientific institutes in Dakar, Abidjan and Tema. The data will also be analysed by the different ICCAT working groups.

5.2. IOC/SMARTFISH Project: regional programme of observers in the Indian Ocean

Ms. Isabelle Viallon, EC, informs that DEVCO new regional programme for Indian ocean is still under preparation. It is a complex project that covers not only marine and ocean fishing but also freshwater and inland water fishing, so how to implement this aspect should be discussed. Although there is a lot of collaboration, formulas on how to improve this on a regional level must be considered. The idea is to propose and adopt the proposal at year-end. The EC representative undertakes to inform LDAC about any new aspects that might arise, indicating that they also want to work with the private sector.

Mr. Julio Morón, OPAGAC, comments that their perception of the existing programme (Smartfish) is controversial, as this project has not taken into the account the proposals and ideas of the private sector and long-distance fleet originating from the EU. Although they



believe in the project, which the EU finances, he does not understand how they can promote issues that are contrary to what the EU does. Situations such as this surprise him a great deal. He hopes that the LDAC will be a platform for dialogue and consultation for the future programme as it is being for COMHAFAT, as this would be beneficial for both parties and to achieve good governance.

The EC representative, Ms. Isabelle Viallon, states that LDAC's message is clear. However, she points out that it is important to clarify that different partners and bodies that carry out activities independently and autonomously.

She knows that the LDAC has been very critical with this project in topics such as tuna-like species fisheries management, but she also highlights that a lot of work has been done in different countries in terms of coastal or small-scale fishing management, which has been very positive. On the other hand, she informs that the EU is financing a programme with Sweden for the Pacific Ocean with 45 million Euros. She indicates that this programme, called "*Pacific EU Marine Partnership*" will probably be presented at the Malta Conference.

Mr. Raul Garcia, WWF, informs that, through their *Fish Forward* project, they are mapping the initiatives and study cases in Senegal on co-management. In general, they were surprised that many of the initiatives were financed by the US and by Japan.

Ms. Isabelle Viallon, EC representative, found this very interesting. In fact, over the last few months, there have been several initiatives at local level, for example, EJF or CARE.



5.3.PESCAO Project: International Cooperation in the fight against IUU Fishing in the Gulf of Guinea (DG DEVCO), and

5.4.European Development Cooperative Fund: possible links with fishing agreements

The EC representative, Ms. Isabelle Viallon, informs that the PESCAO project was recently presented to the Member States (European Development Fund committee), and that it is expected to be approved by the EC at the end of April, highlighting that all Member States support it. In fact, last week in Vigo, the EFCA announced that they are going to organise two field missions in Dakar, one on monitoring, control and surveillance (MCS) and another on IUU fishing, and that they are going to start to work very quickly.

In autumn, DEVCO should launch the call for proposals for the management of shared resources in Western Africa. The EC will continue to report to LDAC on the progress of this project. The idea is to involve the Control Agency (EFCA) so that EU experts can work together with national and sub-regional organisations, and can identify all the needs of the region, even preparing joint operations at sea, even with air/satellite surveillance methods. They believe that, in this way, they can get good operational results and achieve a political commitment from ECOWAS.

Mr. Julio Moron, OPAGAC, asks if she believes that LDAC could collaborate, and the EC representative, Ms. Isabelle Viallon, answers that they will launch the call to select 3 projects on marine resources in Western Africa. As she indicated previously, this will be in autumn. He highlights the change observed in DG DEVCO, which has managed to link development projects on ocean governance matters. In his opinion, he believes that now is the moment when the Atlantic divide should be monitored, extending it to the Indian Ocean and being able to find the formula to be involved as an advisory entity in projects such as Smartfish.



Action:

- **The LDAC will closely monitor the evolution of the PESCAO project to improve fishing governance, management and SCV/MCS in Western Africa. The call for proposals financed by the European Development Fund is scheduled to be published shortly. Although the COMHAFAT will not be directly involved in PESCAO, the LDAC will help COMHAFAT as much as possible to engage in the development of actions or specific initiatives in the region when this project is implemented and divided into different Work packages.**

6- Collaboration and Partnership between LDAC and ATLAFCO/COMHAFAT

6.1. Summary and actions of the annual Coordination meeting between LDAC and ATLAFCO/COMHAFAT (Vigo, 24 January 2017).

Mr. Alexandre Rodriguez, Secretary General of LDAC, informs about the meeting held on 24 January in Vigo at EFCA headquarters. The report of this meeting is available for consultation on the LDAC website:

<http://ldac.ldac.eu/attachment/bf154294-dc70-4029-81c6-e590ee7c3b1b>

The main actions identified are indicated below:

- LDAC and COMHAFAT will advance in the work relating to financing and the functioning of the initiatives presented for an inspection programme for regional control, and a regional port control system. All of this will be discussed at later bilateral meetings with DG MARE and DG DEVCO in 2017.
- COMHAFAT will invite LDAC to attend its coming Ministerial Conference scheduled for this year.
- LDAC and COMHAFAT will consider participating or jointly organising side events at the “Our Oceans” Conference in Malta, in October 2017.
- COMHAFAT and LDAC will ask the Commission to actively involve them and be informed about the application of the PESCAO project, as this is relevant for their work.



- All participants will reflect upon and consider future proposals from associations or collaborative actions to prevent piracy in the Gulf of Guinea.
- The LDAC and COMHAFAT Secretariats will be in contact to plan the next Annual Coordination Meeting in 2018 (date and venue to be confirmed).

6.2. Development of regional observer-at-sea programme.

Mr. Alexandre Rodriguez, LDAC, highlights that the study conducted to start up a Regional Programme of Observers in the Atlantic Ocean is very important, and that a budget of 1.6 million Euros a year has already been defined. The idea is to enhance the work of the EU, with a view to it being a strategic partner.

The COMHAFAT is awaiting political approval from its governing body, the Ministerial Conference, to develop the project.

More information about the Programme:

<http://ldac.ldac.eu/attachment/37603f38-4cbc-4dcf-be08-0da52ef7ce14>

6.3. Future steps: Participation in EU financed projects.

Mr. Alexandre Rodriguez points out that LDAC, by virtue of its collaboration agreement, will attend the COMHAFAT to contact representatives from DG MARE and DG DEVCO, as well as in other forums.

7- Other matters:

7.1. Follow-up of Commission's answer to the LDAC letter on transparency and responsibility within the framework of sectoral support to the SFPA (19-12-2016).

The General Secretary, Mr. Alexandre Rodriguez, explains the specific points requested in the letter sent by LDAC, which is available at the following link:

<http://ldac.ldac.eu/attachment/8632702d-65a3-4e8c-b21c-58b5796884f9>



He also sums up the response received from the European Commission:

<http://ldac.ldac.eu/attachment/4aa5dae5-57c3-4145-938b-cdf814d94e18>

The EC representative, Mr. Emmanuel Berck, states that they are aware of the request made by LDAC, suggesting that if this Advisory Council wishes or considers it useful, an ad hoc working group could be created to talk about the sectoral support, and the EC could make contributions. **It is agreed that the LDAC will bear this suggestion in mind.**

7.2. Presentation of the Swedish Agency for Marine and Water Management on the IOC Regional Consultation Workshop for the application of the voluntary guidelines of the FAO to ensure the sustainability of small-scale fishing in Southern Africa and Indian Ocean Region (Dec. 2016).

Ms. Gunilla Greig, from the Swedish Agency for Marine and Water Management gives a presentation on the workshop. This can be found at the following link: <http://ldac.ldac.eu/attachment/78852320-1018-4a7b-987f-aae9474ee9a8>

In the presentation, she highlights how sectoral support could potentially be improved. The objective is for the voluntary guidelines of the FAO (VGSSF) to be applied in order to ensure sustainability of small-scale fisheries. She highlights the SADEC protocol on fishing and the IOC Regional Fisheries and Aquaculture Strategy, with the need to establish better fisheries-governance frameworks, as well as to improve participation in decision-making processes. She also points out that the VGSSF includes guidance on “Foreign Access Agreements” and gender equality.

In the LDAC context, she highlights how the contribution to local development, as well as, transparency and accountability of SFPA sectoral support could be enhanced. She also refers to, a gender analysis of Fisheries Partnership Agreements between the EU and the development coastal states, commissioned by her agency.

Mr. Raul Garcia, WWF, comments on the participation of stakeholders in fishing agreements, highlighting that there are no local consultation forums. He indicates that they only have information when the agreement starts and when it ends. He highlights that the small-scale fleet uses own sectoral funds, but if the potential beneficiaries do not participate, the results do not reach them. He believes it is essential to invite local players.

Actions:

- **The presentation made by Ms. Gunilla Greig on the IOC/Smartfish Workshop on Implementation of the Voluntary Guidelines of the FAO for Small-scale Fisheries will be placed at the disposal of all stakeholders through the LDAC meeting site.**
- **Ms. Gunilla Greig suggests that the LDAC WG4 could include gender aspects and gender-equality issues related to SFPA sectoral support in its debates, as well as the role of women in promoting local development. She offers to share the study commissioned by the Swedish Agency for Maritime and Water Management (undertaken by Gothenburg University) on this issue for 10 SFPAs.**



8- Date and place of next meeting of WG4.

The LDAC Secretariat will inform about the place and specific date of the next meeting, although it will be held in Brussels in October.

The meeting is adjourned at 5.20 pm.



ANNEX I. LIST OF THOSE ATTENDING

LDAC Working Group 4 Brussels, 6 April 2017

WORKING GROUP MEMBERS

1. Julio Morón. OPAGAC
2. Erik Olsen. Living Sea
3. Juan Manuel Liria. FEOPE/CEPESCA
4. Despina Symons. EBCD
5. Iván López. AGARBA/CEPESCA
6. Edelmiro Ulloa. Anapa / Anamer / Acemix / Agarba
7. Irene Vidal. EIJF
8. Juan Pablo Rodríguez. ANABAC
9. Michel Goujon. ORTHONGEL
10. Sara Fröcklin. SSNC
11. Jose Manuel Fdez. Beltrán. OPP-Lugo
12. Mireille Thom. WWF
13. Luis Vicente. ADAPI
14. Juan Manuel Trujillo.ETF
15. Vanya Vulperhorst. OCEANA

OBSERVERS

16. Emmanuel Berck. EC B3 (SFPAs)
17. Isabelle VIALON (DEVCO) (Policy Coherence between Fisheries and Cooperation for Development)
18. Josu Santiago, AZTI
19. Gunilla Grieg. Swedish Agency for Marine and Water Management (implementation of FAO voluntary guidelines on small scale fisheries in IO)
20. Sarah Jones. Department for Environment, Food and Rural Affairs (Defra)
21. Ramón de la Figuera, Subdirector General de Acuerdos y Organizaciones Regionales de Pesca. Secretaria General de Pesca
22. Alexandra Maufroy. ORTHONGEL
23. Anna Boulova. FRUCOM
24. Katrin Heeren. RARE
25. Alexandre Rodríguez. LDAC
26. Manuela Iglesias. LDAC