



## Draft Minutes

### 15<sup>th</sup> LDAC Working Group 4 Meeting ***Bilateral Relations with Third Countries***

Wednesday, 15 October 2014. From 9 am to 1 pm

Martin's Central Park Hotel  
Boulevard de Charlemagne 80. Brussels

Chairman: José Ramón Fontán  
Vice-Chair: Béatrice Gorez

#### **1- Welcome and opening of the meeting.**

Mr. Fontán, Chairman of WG4, opens the meeting welcoming those present.

#### **2- Reading and approval of the minutes of the fourteenth WG4 meeting – Brussels, 20 March 2014.**

The minutes of the meeting held on 20 March 2014 are approved.

#### **3- Approval of the agenda.**

The agenda is approved with no comments or additional items to be included.

#### **4- Update on the latest negotiations and meetings held by the European Commission with regard to fisheries agreements with third countries or regions.**

Mr. Cesari, representative of the European Commission, reports that by October 2014 agreements in force were signed with Cape Verde, Côte d'Ivoire, Sao Tome and Principe, Madagascar, Mozambique, Seychelles, Comores, Kiribati and Mauritius.

There are 5 mixed agreements (or Protocols) being negotiated with Greenland, Mauritania, Morocco and Guinea Bissau (the latter is expected to be shortly adopted). Negotiations to renew the agreement with Mozambique in January are at a standstill.

According to the work plan drafted, technical meetings will be held in Tanzania and Kenya to try and launch a process leading to an agreement on tuna. Negotiations for a renewed mixed

fisheries agreement with Senegal have been completed and they are awaiting said agreement to come into force.

**a. Agreements in West Africa. Some aspects worthy of mention:**

*i. Morocco.- Development of Protocol application after 11 September 2014*

Morocco completed the ratification procedure on 15 July. Due to the fact that it was an inactive protocol since November 2011, the EC did its best to try and initiate fishing activities at the beginning of August, but there were difficulties that prevented this from happening. A **Joint Committee** was **convened on 4-5 September** in Rabat to move forward regarding technical issues. The representative of the European Commission highlights that positive work has been carried out in Morocco adopting guidelines in terms of rights and obligations as well as sectoral support; aspect that was **foreseen** in the protocol framework. In addition, a matrix of projects proposed by Morocco was examined, all of which contribute to the development of the Moroccan fisheries sector. **Parties** have also adopted a standard format in order to be aware of the level of preparation of the projects. Once the first year is paid for, the sector can be **further** supported provided that the planning has been respected. The EC **expects** the agreement to work as effectively as possible. Regarding **incidents** that occurred between category 1 and 2 vessels and the Moroccan fleet, the EC has sent official letters indicating that fishing areas and the protocol have to be respected. Moroccans have issued a written commitment to enhance surveillance and control operations. They are willing to provide a discussion framework to reach an operational plan or *modus operandi* for the next four years.

Regarding the pelagic category in Morocco, the message conveyed by the EC is that they have a quota of 80,000 tonnes per year, with representatives of active fleets having to submit quarterly and monthly fisheries plans, while member states submit them on a monthly basis. Moroccans wished to establish **a ceiling of 10,000 tonnes per month** for small pelagic species, except for **September – October** - November with 15,000 tonnes, since they did not start fishing until August.

The EC points out that they have tried to come up with a balanced plan. A common work and scientific cooperation framework has been agreed upon with Morocco, e.g. derogations in the number of category 1 and 2 vessels. Besides, the EC informs that the scientific committee will hold a meeting before 15 July 2015.

Mr. Garat declares that there is a conflict between Tangiers and Spanish fishermen, especially under category 1 and 2. Fishermen sectors have detected a lack of forcefulness by the Moroccan authorities in trying to solve this problem and, therefore, sectoral representatives have decided to hold a meeting next week in Tangiers.

The initial proposal is to divide working days as follows: Saturdays, Sundays and Mondays for the Moroccan fleet; Tuesdays 50% for each fleet; and Wednesdays, Thursdays and Fridays for the Spanish fleet. They hope to reach an equitable agreement.

WG4 Chairman says that they have had problems with crew members, especially under category 4, since they are causing problems to ship-owners due to the fact that they do not know the profession or are even reluctant to work onboard.

Another problem lies on the application of landing fees, since they are very high. There are also specific difficulties relating to by-catches, but the Chairman believes that they will be eventually solved thanks to the help of the EU. He requests the EU continue showing interest in the protocol working and supporting them to be able to overcome the difficulties encountered.

Ms. Gorez highlights the importance of dialogue. In order for sectoral support to be unequivocal, transparency is essential. She inquires whether the protocol envisages any measures in this regard. As far as small pelagic species are concerned, she points out the decision of the Court of Justice of the EU relating to Swedish vessels that stipulates that fishing activities can only be carried out by means of a fisheries partnership agreement.

Regarding the application of the agreement for modality 4, Mr. Fontán insists on the importance of seafarers onboard having a minimum degree of experience and professionalism, since they can jeopardise the safety of the crew and of the vessel itself. For this reason, he requests the LDAC Secretariat to send a letter to the EC explaining this problem and indicating that ship-owning companies cannot continue enduring this situation. The representative of the EC recalls that seafarers ought to have at least 6 months' experience and that it is up to the ship-owner to select the members of the crew.

Besides, Mr. Fontán indicates that the taxes to be paid are not clear since the protocol establishes the obligation to land catches, but not to sell them. Nevertheless, the Moroccan authorities impose taxes as if the catches were to be sold, when that is not the case.

**ACTION: The LDAC will send a letter to the European Commission explaining the problem regarding Moroccan seafarers' qualification and safety on board Spanish vessels and indicating that ship-owning companies cannot continue enduring this situation.**

*ii. Mauritania.- 4th Round 09/10 Oct 2014*

The representative of the EC, Mr. Cesari, informs that, after the fourth round, negotiations are **suspended** and the next round has not been programmed yet. The Mauritanian negotiation team declared that their financial expectations involved obtaining **no less than** €67 million, without referring to fishing possibilities.

The EU clarified **that the intention of the Commission is to negotiate a decrease of the fishing possibilities, based on the actual utilization of the 2013-2014 Protocol, and hence of the financial contribution for access.** The new element included in the fourth round of negotiations involved requesting 200,000 tonnes per year for small pelagic species.

**Regarding sustainability, information recently received tend to demonstrate that the situation is worsening, mainly due to the uncontrolled development of activities by certain foreign fleets and Mauritanian private interests (e.g. *sardinella* is used for fishmeal, when it was accepted that 2% of pelagic catches would be given to stocks in need). According to the representative of the EC, the representatives of the NGOs should also know that the negotiating team has no interests in developing a partnership that could benefit the inshore fishing sector, industrial fishing sector or the development of infrastructures, etc. The EC is willing to resume the negotiations but only if the Mauritanian counterpart also demonstrates its willingness to establish a partnership agreement. The member states are also supportive of this approach.**

Regarding the bottom longline fleet, Mr. Garat declares that despite there being few vessels, they are going through serious problems in Ribeira since they have stopped their activities while awaiting a new agreement. Concerning the need to improve the protocol, he says that the fishing license fee is too high (it is currently set at €105 per tonne) and they are requesting €60 per tonne. With regard to the volume of authorised catches, they need over 2,500 tonnes.

Regarding the boarding of Mauritanian seafarers, even though they agree with the percentage set out in the protocol, they request measures be applied such as the 4 officers not being included in the number of national crew members that must be on board.

With regard to the fishing area, they believe that it is necessary to modify the current limits of 8 and 10 miles from the coast, and they deem it is not necessary to apply the biological standstill that is being imposed on other fishing gear, since it is selective gear.

Concerning the immobilisation period upon arrival in Spain, they say that they have to wait for a few days at the checkpoint until the Mauritanian authorities verify that the data are correct. Therefore, they request more dynamism from a bureaucratic point of view.

Ms. Gorez states that, in terms of sustainability, they support the position of the EC vis-à-vis Mauritania. She understands the concern of fleets when there is a long inactive period, so solutions ought to be found. Regarding the issue of small pelagic species, **Mauritanians, although they reserved priority access to the EU for what they estimate a surplus, did not receive boat owner's contribution in the first months, as trawlers fishing for small pelagics did not take the licences**, so their behaviour may be **understood** in this regard. She believes that cooperation projects such as the one carried out by the Canary Islands are very positive.

The representative of the EC highlights the importance of third countries also abiding by their part of the protocol.

Mr. Goujon points out that there are countries (such as Mauritania or Mozambique) that have not understood the scope of sustainable agreements for fishing cooperation. Some countries see them as an opportunity to get funds from the EU, and he thinks that this is something to reflect upon and that it should be clarified that access to funds has to be proportionate to catches, with sustainable levels. There are countries that fail to abide by the rules and have serious transparency problems.

Mr. Juan Pablo Rodríguez declares that the tuna fleet is interested in retaining the agreement since the Mauritanian fishing ground is important in terms of catch volume.

Mr. Garat mentions the shellfish fleet and adds that the request issued is the following: in line with the scientific reports, they request the fishing area return to two of the three beaches that were authorised in the previous protocol.

Concerning the biological standstill, he points out that, in accordance with scientific reports, the interaction between the shellfish fleet and the **local** cephalopod fleet is virtually non-existent; therefore, the biological standstill in Spring (May and June) and Autumn is not necessary and should be transferred to the months of September and October in order to minimise the negative impact on the Christmas campaign.

Concerning the fishing license fee, they request it be reduced to €350 per tonne caught and, with regard to crab by-catches, they do not see any problems with 10%, but they do disagree

with the interpretation by Mauritians, according to whom it refers to the by-catches of each trip. Therefore, they request this 10% be counted in the catches for the whole year.

On their part, bottom longliners are having difficulties in coming out of the area and it is requested that paperwork be speeded up in order not to waste days waiting.

Ms. Mercedes Rodríguez recalls the importance of the surface longline fleet with regard to the Mauritania, Senegal and Cape Verde agreement. She requests the technical conditions be maintained (economic conditions too, if possible) for surface longliners. Discussions on shark by-catches shall be held at ICCAT.

Mr. Fontán highlights that there is a cephalopod surplus. In fact, the overproduction of octopus in Mauritania has led to storage of large amounts of octopus in Nouadhibou, more than 6,000 tonnes, which has led to a 3-month commercial standstill, which is different from a biological standstill. He insists that there are no appropriate scientific reports.

**ACTION: The fisheries sector suggests that the LDAC request that the Commission assess the abovementioned arguments in order to consider going back to the situation of previous years in the event there is evidence showing there is an octopus surplus.**

*iii. Senegal.- IEO report on hake. Protocol coming into force*

The representative of the EC, Mr. Cesari, reports that objections made by a member state delayed the signing of the agreement, which is now imminent. He believes that it is a balanced agreement with respect to that in force until 2006 and he is happy with the results.

In addition to the tuna modality, which is very important, the protocol includes the Senegalese hake on an experimental basis up to 2,000 tonnes, with both parties committing themselves to observing the activities of the two only trawlers. It was agreed that a debate be held by the Joint Scientific Committee on the situation of stocks. The Council of Ministers approved the EC proposals and a visit by the Senegalese representatives is expected to sign the new Agreement and its Protocol (around the end of October, beginning of November).

Mr. Fontán says that they wish to prove that the stock of Senegalese hake is more than enough, that the quota of 2,000 tonnes is far below the MSY and that they have very few by-

catches (around 7% of cephalopods). In order to prove so, they are going to be subject to all sorts of controls.

Finally, Mr. Fontán believes that the existing scientific reports ought to be updated with the landing declarations to be issued to prove the abundance of stock and requests the IEO's collaboration.

The representative of the EC clarifies that the Commission is working with the European Fisheries Control Agency (EFCA) in order to increase control capacity in countries such as Côte d'Ivoire, Gabon or Cape Verde; and that actions are being carried out in Senegal in terms of governance.

*iv. Guinea Bissau.- Resumption of 2012 Protocol*

The representative of the EC reports that owing to political reasons the agreement with Guinea Bissau was suspended in 2012. The country is now recovering its institutional normality. The Council of Ministers will approve the EC proposals, so a protocol which is identical to the previous one will be signed. He understands that activated protocols are cooperation instruments in themselves and highlights the importance of sectoral support. He declares that in approximately one month they will be ready to sign.

*v. Other countries*

Regarding Liberia, the representative of the EC declares that there is a will to develop the agreement in a more favourable period.

Mr. Juan Pablo Rodríguez adds that the tuna fleet has also interests in Sierra Leone and asks the EC to bear this in mind, since it could improve the situation in the country.

Ms. Mercedes Rodríguez enquires when it will be possible to fish in Cape Verde.

The representative of the EC says that there are difficulties as far as the negotiation is concerned and that, even though they have to act promptly, they ought to wait until the end of the year.

**b. Agreements in the Indian Ocean** (Latest news regarding Seychelles, Mauritius, Madagascar, Mozambique, etc.).

The representative of the EC informs that the situation is fairly stable, since the agreement with Seychelles will be effective for six more years; the agreement with Mauritius has come into force for the next four years, and the protocol with Madagascar has been renewed and it is expected to be provisionally applied in January 2015.

With regard to negotiations to renew the agreement with Mozambique that will expire at the end of January of next year, **two** rounds of negotiation took place and now the approach is similar to that of Mauritania. The problem in this case is the reality of fishing activities in Mozambique. There is a reference tonnage of 8,000 tonnes for catches, and the average of the last few years accounts for 1,200 tonnes, which shows that **the fishing opportunities are not being fully utilized**. For this reason, **Mozambique** they wish to try their best to find **alternative methodologies to try and maximize the return from the Agreement**. Accordingly, they are requesting an unreasonable and unacceptable financial compensation based on unrealistic calculations of days at sea (they are talking about 60 days per seiner whereas only 7.5 are being required). A third round of negotiations has yet to be programmed. The Commission wishes to initiate negotiations with Tanzania and **initial contacts were made** at the beginning of December and Kenya is another country with which negotiations may be initiated in the future.

Moreover, he reports that next week a joint committee will be held with Kiribati to analyse the progress made during last year. The agreement will be renegotiated at the beginning of next year to try and ensure fishing activities, since it expires on 31 December **2015**.

Concerning Cook Islands, a text was drafted and is to be confirmed. However, they have problems affecting their domestic politics so it will be difficult for a final decision to be taken.

**5- Update on the cooperation project between the EU (Canary Islands) and Mauritania (operators at the Nouadhibou port).**

The representatives of the port companies in Las Palmas involved in the MACAPEL project explain the project and its current development situation. The presentation given was electronically distributed among the WG members.



## 6- Horizontal aspects.

### a. Situation in different Third Countries with respect to the implementation of IUU regulations (EU Regulation 1005/2008).

Republic of Guinea.- Formalities. Removal from the IUU “black list”.

The representative of the EC says that they have been in conversations with Guinea for many years. So far, Guinea has been subject to commercial sanctions. At present, some progress has been made with the adoption of four important decrees aiming to reform the legal framework of its fishing code: transshipments have been banned at sea, a satellite control system has been implemented, their sanction system has been re-assessed, their fisheries management plan has been reviewed, they have decided to create closed areas for pelagic fisheries during the Summer and they have committed themselves to fighting against IUU fishing. However, further efforts are still required, since they are still awarding more licenses than their management plan enables them to.

In addition, it has been detected that some IUU vessels have been fishing in their fishing grounds without paying any fines or sanctions. This ought to be solved and a suitable surveillance system ought to be implemented.

The World Bank is going to allocate funds to Guinea so that it can have means of control. She believes that Guinea can solve these problems but it has to be adamant that IUU vessels are no longer active. Cooperation with the Guinean authorities will continue, so the EC hopes to solve this situation in a positive way.

Mr. Fontán says that they think it is unfair that the EU fleet has to make sacrifices while fleets flying other flags (China, Russia, Ukraine) can fish in waters where they cannot, and they are allowed to sell in the EU market.

Ms. Gorez reports that the message received from the Guinean society is that they are the first victims of IUU fishing. She points out the problem Guinea has to implement and apply rules. It is important for inshore fishing that progress is made. She also highlights an existing problem in terms of transparency, resources and surveillance regarding licenses. It is requested that vessels with licenses are regularly published on the web site (every six months, for instance). She also requests all agreements with third countries be published, since the situation with Asian countries is unknown.

The representative of the EC understands the situation of unfair competition of Asian fleets. The Guinean government has already sanctioned Chinese vessels and some of them have paid their fines. The EC has sent letters to the Chinese government explaining that, if these actions continue, they might review the authorisations enabling imports from China to enter the EU. The EC demands more transparency.

Mr. Fontán recalls that the port of Las Palmas used to be considered a place of refuge for illegal fisheries. In the last two years several visits from governmental and non-governmental organisations have verified that their control system and means are exemplary.

However, how can the Authority of the Port of Las Palmas de Gran Canaria verify that a catch certificate is real if it cannot be checked with the relevant authority that issued it? There are many countries facing this kind of problems, it is important that we are aware of this and that we try to help these countries.

The representative of the EC says that they are reflecting upon the use of catch certificates and modernising practices. They hope that next year they will be able to come up with specific solutions to help Member States.

Besides, she acknowledges the effort made by the port of Las Palmas. The EC is studying how to enhance cooperation.

Regarding the assessment and application of the IUU Regulation, Mr. Morón adds that it would be advisable that the EC sits together with the LDAC to exchange views particularly in this regard, analysing the important points for the LDAC members as users of the different fisheries agreements in the different countries, and the links of this regulation with fisheries agreements and with RFOs.

After discussion among the members of the WG, it is approved that a letter be sent to the EC on this issue.

**ACTION: The Secretariat will send a letter to the European Commission requesting a specific meeting is held for an LDAC delegation and members of the Commission (DG MARE and DG DEVCO) to exchange ideas regarding a more effective application of the IUU Regulation.**

The representative of the EC reports that at the end of this year a paper on IUU will be published and that there will be a discussion with the member states, with the control agency and third countries. The EC points out that they cannot accept that products coming from illegal fishing activities enter the European market, so they consider that the catch certificate has to be modernised and the countries not abiding by the international rules have to be sanctioned. She requests that any information we might have regarding illegal fishing activities, be reported to the EC.

She also highlights the fact that Europe ought to push the rest of countries towards a change for good governance of oceans so that they realize that stocks are not endless. Awareness needs to be raised and the sector has to take part in this reflection not to face problems in the European markets.

**b. Harmonisation of access conditions (TTI Project with COMHAFAT-ATLAFCO).**

Mr. Morón reports that they wish to organise a side event at ICCAT in collaboration with ISSF, where ISSF would present improved control systems and the LDAC would give a presentation on the importance of transparency in fisheries agreements (in collaboration with COMHAFAT-ATLAFCO).

Besides, he asks the EC about the possibility of setting up a programme similar to the Smartfish one in the Atlantic Ocean.

The representative of the EC declares that they have to study and coordinate with DG DEVCO the way to develop similar aspects to cooperate at sub-regional level in terms of control and harmonisation in West Africa, but he declares that he thinks it is a very interesting initiative.

**ACTION: It is approved that LDAC request a joint meeting with DG MARE and DG DEVCO in order to find synergies in West Africa and boost this initiative.**

**c. Participation and work involvement of the LDAC in STEFC.**

Mr. Fontán requests the possibility of the LDAC taking part in the Scientific, Technical and Economic Committee for Fisheries (STEFC) be considered in great detail.

It is agreed that the LDAC's participation in the STEFC is to be assessed taking into account access **limitations**.

**ACTION:** The appointed Secretary General, Mr. Alexandre Rodríguez, is proposed as coordinator and institutional representative of the LDAC at the STECF to carry out a specific follow-up of the work and attend relevant meetings as an observer **for those meetings where participation is restricted to only one representative per AC. However, where possible, the LDAC will seek to apply for three seats for those meetings of high relevance such as Expert Working Groups on implementation of the landing obligation. The LDAC delegation will include at least one representative of the other groups of interest.**

**Mr. Rodríguez agrees to the proposal and commits himself to submitting a request once his contract enters into force in January 2015.**

**d. Exclusivity clause in FPAs. Connection with Protocols instead of with Agreements**

Mr. Garat points out that in several occasions they have requested the exclusivity clause be connected with the protocol and not with the agreements. In fact, in the negotiation with Gabon, the interest of the shellfish fleet was avoided, focusing on the tuna fleet. He highlights that the shellfish fleet is still interested in that country and that it could be an alternative. This way, if the clause were connected with the protocol, then this fleet could be improved to some extent.

**Mr. Cesari clarifies that the exclusivity clause being part of framework agreements is now something established in the new CFP Basic regulation.**

**7- Any other business.**

No other items are discussed.

**8- Place and date of next meeting.**

They are yet to be decided.

**9- Closure.**

The meeting is closed at 1:10 pm.

## ANNEX I. PARTICIPANTS LIST

### MEMBERS OF WORKING GROUP 4

1. José Ramón Fontán. OP-ANACEF
2. Antonio Cabral. ADAPI
3. Juan Manuel Liria. CEPESCA/FEOPE
4. Julio Morón. OPAGAC
5. Mercedes Rodríguez. OPP-Lugo
6. Konstantinos Kokosis. EBCD
7. Pablo Lourenzo. AIPCE
8. Juan Manuel Trujillo. ETF
9. Björn Stockhausen. Seas at Risk
10. Beatrice Gorez. CFFA-CAPE
11. Juana Parada. ORPAGU
12. Marc Ghiglia. UAPF
13. Javier Garat. CEPESCA/FEOPE
14. Juan Pablo Rodriguez. ANABAC
15. Edelmiro Ulloa. ANAPA, ANAMER, AGARBA
16. Vanya Vulperhorst. OCEANA
17. Michel Goujon. ORTHONGEL

## OBSERVERS

18. Roberto Cesari. EC
19. Louis Leroy. EC
20. Jurate Smalskyté. EC
21. Valerie Laine. EC
22. Desiree Kjolsen. EC
23. Irene Vidal. EJV
24. Max Schmid. EJV
25. Konstantinos Kalamantis. EP
26. Alexandre Rodríguez. NWWAC
27. Bernardino Santana, Representante de MACAPEL.
28. José Juan Ramos, Presidente de FEDEPORT.
29. M<sup>a</sup> Dolores Rodríguez Mejías. Asesora técnica del proyecto.
30. María José Castellano Fuentes | Delegada de PROEXCA en Europa
31. Manuela Iglesias. LDAC
32. Marta de Lucas. LDAC