

A new generation of EU Sustainable Fisheries Partnership Agreements (SFPAs):

Improving transparency to empower communities and prevent unsustainable and illegal, unreported and unregulated (IUU) fishing

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EU IUU FISHING COALITION



Background

Sustainable Fisheries Partnership Agreements (SFPAs) allow EU vessels to fish in the Exclusive Economic Zones (EEZ) of partner countries in exchange for a financial contribution, as well as sectoral support and technical support. These agreements, subject to bilateral negotiations, form part of the EU Common Fisheries Policy and aim to benefit both the EU and the partner country concerned, including their local fishing communities and fishing industry.¹

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The European Commission acknowledges the importance of ensuring that all EU vessels follow the same rules of control and transparency within SFPAs as when operating in EU waters.² Transparency within the fisheries sector, including information on who is catching what, where, when, how and who benefits, is crucial as it allows all stakeholders to ensure that fisheries are legal, ethical and sustainable.³

In September 2024, the President of the European Commission, Ursula von der Leyen, addressed a mission letter to Costas Kadis, Commissioner for Fisheries and Oceans, tasking the new Commissioner with working on “a new generation” of SFPAs, while ensuring these agreements are “in line with [the European Commission’s] wider regional strategies and priorities.”⁴ This presents an opportunity to address some of the shortcomings of current SFPAs and ensure they are truly sustainable and less opaque.

There are currently thirteen SFPAs with active Protocols⁵ in force,⁶ and vessels from Spain, France, Portugal, Italy, Greece, the Netherlands, Ireland, Poland, Latvia and Lithuania are authorised under SFPAs to fish in the EEZs of non-EU countries. In this position paper, the EU IUU Fishing Coalition examines the current SFPAs, identifies challenges and opportunities and outlines principles and actions to improve these agreements. Key principles outlined below for ensuring transparency, protecting local fisheries and encouraging reforms aimed at preventing IUU fishing are informed by the ex-post and ex-ante evaluations of previous SFPA Protocols.

¹ Article 31(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02013R1380-20230101>. Accessed 8.3.23.

² European Commission. ‘Sustainable fisheries partnership agreements (SFPAs)’. Available at: https://oceans-and-fisheries.ec.europa.eu/fisheries/international-agreements/sustainable-fisheries-partnership-agreements-sfpas_en. Accessed 13.10.22.

³ For more information on the importance of fisheries transparency is available at: <https://fisheriestransparency.net/>. Accessed 30.11.23.

⁴ The mission letter sent by Ursula von der Leyen to Commissioner-designate for Fisheries and Oceans Costas Kadis is available at: https://commission.europa.eu/document/download/028ce7d5-e328-4416-8f0d-35c8884acaa8_en?filename=Mission%20letter%20-%20KADIS.pdf. Accessed 18.9.2024.

⁵ The SFPA Agreement is implemented by the Protocol, its Annexes and Appendices. The Protocol of the SFPA authorises fishing access for EU vessels and specifies the fishing opportunities available to them. The Protocol establishes the maximum number of EU vessels authorised to fish under the Agreement, the volume that EU vessels are able to catch (fishing opportunities) and the costs to be paid by the EU and the vessel operator. The Protocol also stipulates the amount to be paid annually by the EU as sectoral support.

⁶ European Commission. (2022). ‘Sustainable fisheries partnership agreements (SFPAs)’. Available at: https://oceans-and-fisheries.ec.europa.eu/fisheries/international-agreements/sustainable-fisheries-partnership-agreements-sfpas_en. Accessed 13.10.22.

Key principles

1

Transparency should be prioritised to allow for informed participation of all stakeholders and ensure the sustainability of all fishing operations.

- **Transparency Clause.** Ensuring transparency of fishing activities by other flag States in the partner country EEZs (the 'Transparency Clause') is essential and should be strengthened.
- **Sectoral support accountability.** Public information and information sharing on the implementation of sectoral support in the context of SFPAs must be prioritised to hold all sides accountable to their commitments and better tailor initiatives according to the needs of non-EU countries.
- **Catch data.** Transparency of fisheries-related data, including the SFPa catch data (catch and effort data from all active ships (EU and non-EU)) and data on "surplus stocks" (if applicable) should be improved.
- **Beneficial ownership.** Increase transparency regarding the beneficial owners of fishing vessels operating in the waters of the SFPa partner countries. As part of the transparency clause, coastal states should be required to request and disclose beneficial ownership data for any fishing vessel fishing in their waters.

2

Enhanced inclusivity and participatory processes, both during the negotiation and implementation phases of all SFPAs.

- **Stakeholder engagement.**

To ensure that SFPAs are truly equitable and align with Common Fisheries Policy (CFP)⁷ principles, coastal States and the EU should involve all relevant stakeholders, including representatives of small scale fisheries, at the local, national, and regional levels throughout negotiations and implementation.

- **Structured dialogues.**

Coastal state governments and EU institutions should host open, structured dialogues with all relevant stakeholders for the Protocol's duration.

⁷ "The [EU] shall endeavour to ensure that the [SFPAs] with third countries are of mutual benefit to the [EU] and to the third country concerned, including its local population and fishing industry" (Article 31, CFP).

3

Modification and improved implementation of existing clauses within SFPAs to create a level playing field and protect the interests of all stakeholders.

- **Non-discrimination clause.**

The 'non-discrimination clause', whereby all fishing vessels operating in the partner country's EEZ are required to be placed and operate under the same conditions as EU-flagged vessels by the coastal State, should be strengthened to prevent partner countries from granting more favourable conditions on to other foreign fleets (both financial and technical) and information on implementation should be included in published evaluations.

- **Human rights and social clauses.**

The human rights clause, social clause and improved transparency on employment contracts must be utilised in SFPAs to prevent human rights and/or labour abuses.

4

Tools to enhance compliance of EU vessels operating under SFPAs must be utilised more effectively.

- **Real-time data sharing.**

Electronic logbooks and vessel tracking data should be shared with partner countries in real time under SFPAs, and vessel tracking requirements should be expanded to include mandatory AIS usage.

- **Observer scheme.**

Effective operational observer schemes should be ensured.

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SFPAs should contribute to the fight against IUU fishing, preventing human rights abuses and ensuring safe working conditions.

- The European Commission should introduce and/or encourage reforms to future Protocols so that SFPAs contribute more effectively to the fight against IUU fishing, prevent human rights abuses and ensure safer working conditions.
- Protocols should always include requirements for participatory monitoring of IUU fishing.
- The European Commission should encourage partner countries to improve transparency within fisheries in accordance with the Global Charter for Fisheries Transparency.⁸
- The EU should encourage partner countries to publish information on any infringements and sanctions awarded on an annual basis.

⁸ Further information about the Global Charter for Fisheries Transparency is available at: <https://fisheriestransparency.net/>. Accessed 25.9.24.

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Challenges with current SFPAs

The shortcomings that should be addressed include:

- The failure of partner countries to publish all (public and private) fishing agreements they have with other non-EU countries operating within their EEZ.
- Weak implementation of the non-discrimination clause, which mandates that all fishing vessels must operate under the same conditions as EU-flagged vessels.
- Ineffective use of the sectoral support provided by the EU to the partner countries in exchange for access to fisheries resources.

This analysis has also identified Protocols where requirements could be strengthened upon renegotiation, such as:

- A strengthened transparency clause.
- A strengthened human rights clause.
- A strengthened non-discrimination clause.
- Inclusion of requirements for participatory monitoring of IUU fishing.



Conclusion

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The EU IUU Fishing Coalition acknowledges the benefits of SFPAs when compared to the private agreements made between EU operators and coastal States for access to fisheries resources in their EEZ, for which there is no public information on the exact target species, fishing opportunities or fees paid. However, it is key to address ongoing concerns regarding the equitable distribution of financial benefits, the effective enforcement of sustainability provisions and the transparency of these agreements. We also acknowledge that, when compared with the distant water fleets of other fishing nations, the EU has higher transparency requirements, improved oversight over vessel activities, and greater sustainability aspirations. These aspirations must however be matched by consistent governance and accountability to ensure that local communities truly benefit and that environmental protections are upheld.

The EU IUU Fishing Coalition urges the new Commissioner to ensure that the “new generation” of SFPAs is in line with these principles. We urge the European Commission to consider the recommendations in this report and apply them in all future Protocols. These priorities will help ensure that future SFPAs are transparent and that no IUU fishing occurs in partner countries’ waters. They will also help to protect those who rely on these resources and ensure improved fisheries governance and sustainable management, securing fish populations as a viable source of food and income.

The Environmental Justice Foundation (EJF), Oceana, The Nature Conservancy, The Pew Charitable Trusts and WWF are working together to promote EU leadership in improving global fisheries transparency and governance to end illegal, unreported and unregulated (IUU) fishing.

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For more news, updates and documents supporting the EU to end IUU fishing, visit: www.iuuwatch.eu
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