



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on Development*

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**2009/0038(CNS)**

29.7.2009

# **DRAFT OPINION**

of the Committee on Development

for the Committee on Fisheries

on the proposal for a Council regulation on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea

(COM(2009)0120 – C7-0003/2009 – 2009/0038(CNS))

Rapporteur: Eva Joly

PA\_Legam

## SHORT JUSTIFICATION

Article 178 of the Treaty establishing the European Community states that "The Community shall take account of the objectives [of development cooperation] in the policies that it implements which are likely to affect developing countries." In this light, the Committee on Development should evaluate the Community's external fisheries policy, as detailed in the European Parliament's Resolution on policy coherence for development and the effects of the EU's exploitation of certain biological natural resources on development in West Africa<sup>1</sup>. To this end, the Fisheries Partnership Agreement (FPA) with Guinea could not be considered an instrument for development since its primary objective is to arrange subsidised access for EU fishing fleets into the waters of Guinea, and not to promote the development of Guinean society. The Commission has always been clear in viewing these agreements as commercial in nature.

In response to widespread criticism of the EU's external fisheries policy, the terms of the FPAs have improved over fisheries agreements prior to 2004:

- each agreement is evaluated independently, though these evaluations are not publicly available;
- an exclusivity clause prevents private agreements;
- follow-up of the use of money has been improved, though the real impact of these changes needs to be evaluated.

The recently adopted regulations on illegal, unreported and unregulated (IUU) fishing and on fishing authorisations for activities outside Community waters provide the Commission with additional tools to ensure EU-flagged vessels respect the rules. Overall, the EU arrangements for agreements have improved compared to when the previous agreement with Guinea was negotiated.

### **The 2009-2012 Fisheries Partnership Agreement with Guinea**

#### Fishing opportunities:

The new protocol allows 40 EU vessels to fish for tuna in the Guinean Exclusive Economic Zone (EEZ). There is no limit to how much tuna can be caught, though the EU is required to pay € 325,000 in advance, to cover catches of 5,000 tonnes. If EU vessels catch more, further payments would be required. The previous agreement had also allowed fishing for shrimps, cephalopods and demersal fish. The current agreement has no provisions for fish or cephalopods but shrimp fishing is foreseen in 2010 if certain conditions are met (a "transparent" system for allocating access to the shrimp fishery; improved surveillance of fishing in Guinean waters; a scientific survey of the shrimp stocks, though no requirement is specified that the shrimp resource must be abundant). Opportunities for shrimp fishing would cost a further € 300,000 per year.

#### Financial compensation:

In addition to the € 325,000 as advance payment for tuna fishing, a further € 125,000 is to be

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<sup>1</sup> P6\_TA(2008)0289

paid annually "for the support and implementation of Guinea's sectoral fisheries policy". The Guinean authorities will have "sole discretion" over the use to which the € 450,000 financial compensation (plus any possible money for shrimp fishing) will be put. There is an additional € 1.6 million over the course of the four years of the FPA Protocol to reinforce the Guinean fisheries surveillance system and to allow the installation of a VMS system by 30 June 2010.

The total resources paid to Guinea will decrease from an average of € 4 million per year under the previous agreement to less than € 1 million under the Protocol of the current agreement.

Parliamentary consultation:

As usual, the agreement has been negotiated and agreed with Guinea with no input from the Parliament, and vessels have been fishing since 1 January 2009. Once again, the Parliament has been presented with a fait accompli. After years of complaint about this, with virtually no change, it could be that the only way to improve the situation is to call for a renegotiation of the agreement.

Assessment of the agreement:

There are definite improvements in the detailed terms of the new agreement. First, the reduced access to Guinean waters is a positive development, since the evaluation of the agreement notes that many stocks are over-exploited. The possibility of continued shrimp access is, however, very worrisome.

The division of payments into two components - financial compensation for specific fishing opportunities and general support for the Guinean fisheries policy - can be considered to be a step towards the separation of the overall amount of money paid to a third country from the amount of fishing that is allowed. If there is a strict link between the payment and the fishing allowed, that serves as a disincentive for the reduction of fishing opportunities in cases of stock depletion.

The allocation of the entire amount of the compensation for the strengthening of Guinea's fisheries policy is also to be commended, but it is unclear what effect this will have. Already for the previous agreement (2004-08) the Parliament<sup>1</sup> questioned the efficacy of pouring almost half a million EUR annually into improving controls in Guinean waters. Transparency International lists Guinea at position 173 out of 180 countries on its "corruption perception index". The Commission needs to explain exactly how it intends to ensure that the money is used as intended.

The question remains whether these improvements on paper will be achieved in practice.

Another problem is the thorny issue of governance and transparency in Guinea. The previous government, which negotiated this agreement, fell when the President died and another military officer assumed control. Neither government was operating in an open and transparent manner in terms of the management of fisheries in Guinean waters.

## AMENDMENTS

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<sup>1</sup> A5-164/2004, McKenna report.

The Committee on Development calls on the Committee on Fisheries, as the committee responsible, to incorporate the following amendments in its report:

### **Amendment 1**

#### **Proposal for a regulation**

##### **Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) The new Fisheries Partnership Agreement, however, was not designed as an instrument that fosters development in Guinea;***

Or. en

### **Amendment 2**

#### **Proposal for a regulation**

##### **Recital 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***(2b) There are concerns about the possible resumption of shrimp fishing in Guinea, despite the depletion of shrimp stocks;***

Or. en

### **Amendment 3**

#### **Proposal for a regulation**

##### **Recital 2 c (new)**

*Text proposed by the Commission*

*Amendment*

***(2c) The Commission could experience great difficulty in verifying to what extent the financial support that Guinea receives for fisheries control is used for the designated purpose of that support;***

Or. en

## Amendment 4

### Proposal for a regulation Article 1

*Text proposed by the Commission*

1. The Fisheries Partnership Agreement between the European Community and the Republic of Guinea *is hereby* approved on behalf of the Community.

The text of the Agreement *is* attached to *this* Regulation.

*Amendment*

1. The ***Protocol of*** the Fisheries Partnership Agreement between the European Community and the Republic of Guinea ***shall be renegotiated so as to take into consideration the concerns outlined in recitals 2a, 2b and 2c before the Agreement is*** approved on behalf of the Community.

The text of the Agreement ***and the text of the renegotiated Protocol shall be*** attached to ***the*** Regulation ***approving them***.

Or. en

## Amendment 5

### Proposal for a regulation Article 3 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 3a*

***The Commission shall submit to the Council and the European Parliament a detailed account on the financing of the measures for sustainable management of Guinean fish stocks described in Article 3 of the Protocol defining for the period 1 January 2004 to 31 December 2008 the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast.***

Or. en