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Committee on Development

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DRAFT OPINION

of the Committee on Development

for the Committee on Fisheries

on the proposal for a Council decision on the conclusion of a new Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Democratic Republic of São Tomé and Príncipe (COM(2010)0735 – C7-0000/2011 – 2010/0355(NLE))

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SHORT JUSTIFICATION

The Fisheries Agreement between the European Community and the Democratic Republic of São Tomé and Príncipe expired on 31 May 2010. The new Protocol already provisionally applied pending the European Parliament's consent procedure will have a validity of 3 years.

According to Article 43, paragraph 2 and Article 218, paragraph 6(a) of the Treaty on the Functioning of the European Union the European Parliament can either consent or decline to consent. The possibility to refuse the consent must be seen as a last resort tool linked to the evidence that the scope of the agreement is not duly respected, unless the Parliament does not agree with the conclusion of a protocol for other reasons.

According to the draft agreement the Parties commit to a framework of partnership, facilitating the development of a sustainable fishing policy and responsible exploitation of fishery resources in the Democratic Republic of São Tomé and Príncipe fishing area, in the interests of both Parties.

The text of the new Protocol is in keeping with the two Parties' concern to strengthen partnership and cooperation in the fisheries sector using all the financial instruments available.

The financial contribution amounts to **€ 2 047 500** over the three year duration of this Protocol. This amount corresponds to:

- € 455 000 per year equivalent to an annual reference tonnage of 7 000 tonnes per year for 40 vessels, and
- € 227 500 per year, corresponding to the additional envelop paid by the EU to support the sectoral fisheries policy of the Democratic Republic of São Tomé and Príncipe.

To this must be added the sums paid by the ship-owners - licence fees of €6.125 for a purse seiner and €2.275 for a surface longliner, plus €35 per tonne of tuna caught in the São Tomé and Príncipe EEZ.

São Tomé and Príncipe thus receives €100 per tonne of tuna caught, with payment for a minimum of 7.000 tonnes guaranteed per year, plus additional funds for developing the national fisheries sector

If the overall quantity of catches by European Union vessels in São Toméan waters exceeds 7000 tonnes per year, the financial contribution will be increased by **€ 65** per tonne paid by the EU and €35 per tonne paid by the ship-owners.

Where the quantities caught by Community vessels come to more than double the total annual amount, the amount due for the quantity exceeding that limit is to be paid the following year. For developing countries, this might be problematic for various reasons.

Perusal of the evaluation of the agreement suggests that the following issues should be taken into account during implementation of the agreement:

- São Tomé and Príncipe is a least developed country and also qualifies as a highly indebted country. Fish contributes 74 percent of animal protein to the national diet.
- Fisheries administration, management and development in São Tomé and Príncipe still remain weak, after having received financial support from the last Fisheries Partnership Agreement, as described in the agreement evaluation.
- Vessels flagged in Equatorial Guinea and Gabon, owned by European operators, have private licenses in the São Tomé and Príncipe waters. This should be investigated by the Commission, as it weakens the exclusivity clause of the Fisheries Partnership Agreement.
- The benefits of the agreement for São Tomé and Príncipe is limited to the financial contribution since, according to the evaluation, there are no landings, port visits, local employment or any other economic benefits.
- No observers have been mobilised on the EU vessels and there are concerns regarding compliance with reporting requirements by EC vessels.
- Some of the species caught are of concern, especially big-eye tuna and short-fin mako shark. There are also concerns regarding the long-line fishery with large by-catches of sea birds and turtles.

However, the agreement has provided significant support to the budget of the São Tomé and Príncipe fisheries administration. A fleet register has been set up, and control has improved. The first steps towards a VMS satellite system have been taken. As the evaluation notes, "Although overall progress has been slow, and many areas remain to be addressed, the contribution of the Agreement in the provision of budgetary support for these achievements should not be underestimated by the Parties".

The Committee on Development calls on the Committee on Fisheries, as the committee responsible, to propose that Parliament consents to the conclusion of the Protocol.

The Committee on Development considers that the Commission should duly take into account the following points during the implementation of the Agreement:

- (a) the transparency of the procedures in identifying the total catches should be improved;
- (b) the integrity of the whole mechanism, in terms of corruption problems, should be beyond doubt;
- (c) the accountability of the local government should be reinforced and the local government must also guarantee the improvement of living conditions for local fishermen;
- (d) minimum standards and conditions agreed at a regional level, such as observers and reporting requirements, must be respected;

- (e) annual reports on the implementation of the Agreement should be conducted and sent to the Parliament and the Council in order to promote transparency;
- (f) both the spirit and the letter of the exclusivity clause should be complied with.