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EU-Mauritania Fisheries Partnership Agreement

European Parliament resolution of 12 May 2011 on the EU-Mauritania Fisheries Partnership Agreement

The European Parliament,

- having regard to Articles 208 and 218 TFEU,
 - having regard to the 1982 United Nations Convention on the Law of the Sea,
 - having regard to Council Regulation (EC) No 1801/2006 of 30 November 2006 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania¹,
 - having regard to the November 2010 visit to Mauritania by the Committee on Fisheries,
 - having regard to the oral question to the Commission concerning the negotiations regarding the renewal of the Fisheries Partnership Agreement between the European Union and Mauritania (B7-0018/2011),
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas the current protocol to the Fisheries Partnership Agreement (FPA) with the Islamic Republic of Mauritania expires on 31 July 2012, and whereas the Commission intends to launch negotiations regarding its renewal, for which it has received a prescriptive mandate from the Council,
- B. whereas the FPA with Mauritania provided for a financial contribution of EUR 305 million over four years, making it an important international agreement for Mauritania given that EU payments and licence fees constitute about one third of total state income,
- C. whereas the Mauritanian fisheries sector is extremely important to Mauritania's economy, representing 10% of the country's GDP and between 35 and 50% of its exports, and contributing 29% of national budget revenue,
- D. whereas Mauritania is one of the poorest countries in Africa, classified as a Heavily Indebted Poor Country (HIPC) and financially dependent on foreign aid, and has been characterised by considerable political instability,
- E. whereas cooperation must be based on mutual interest and take the form of initiatives and measures which, whether taken jointly or separately, are complementary and ensure consistent policies,
- F. whereas, during its recent visit to Mauritania, the Committee on Fisheries was unable to clarify several important issues relating to the country's fisheries policy, including stock status and the level of fishing activities conducted by Mauritanian and other fleets,

¹ OJ L 343, 8.12.2006, p. 1.

- G. whereas, under Articles 61 and 62 of the UN Convention on the Law of the Sea, fisheries are to be managed so as to *‘maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors’*,
- H. whereas the FPA has contributed to the overexploitation of some stocks, particularly octopus, and has therefore reduced fishing opportunities for Mauritanian fishermen and given the EU industry a competitive advantage as a result of subsidised access fees for EU vessels,
- I. whereas it is essential, when negotiating fishing opportunities under the new protocol, to take into account Mauritania’s relations with third countries which also fish in its exclusive economic zone (EEZ) under bilateral or private agreements,
- J. whereas Article 218 TFEU provides for clear conditions under which Parliament should be involved in decisions on fisheries agreements, and whereas these justify Parliament’s wish to contribute to the process, indicating its priorities for the new protocols to be negotiated,
- K. whereas Annex II of the Framework Agreement on Relations between the European Parliament and the European Commission governs the forwarding of confidential information to Parliament and the handling of such information, as defined in point 1.2 of Annex II, by the Commission in connection with the exercise of Parliament’s prerogatives and competences; whereas the two Institutions are to act in accordance with their mutual duties of sincere cooperation, in a spirit of complete mutual trust and in the strictest conformity with the relevant Treaty provisions,
- L. whereas, owing to the scant development of the fisheries sector in Mauritania, including the lack of significant landing ports outside Nouadhibou, the country is being deprived of the added value it would obtain if it were exploiting its fishery resources itself (including processing and sales),
- M. whereas the following lines of support for the fisheries sector in Mauritania have not been implemented satisfactorily: the modernisation and development of small-scale traditional coastal fishing and fishery-related industries; the development of port infrastructure and better conditions for unloading catches; the development of aquaculture projects; and improved monitoring and surveillance at sea,
1. Welcomes the Commission’s proposal to open negotiations on the renewal of the protocol between the EU and the Islamic Republic of Mauritania, while underlining that it should be maintained only if it is mutually beneficial, adjusted appropriately and implemented correctly;
 2. Welcomes the Commission’s proposal to introduce a human rights clause;
 3. Insists that any and all access negotiated for EU-flagged vessels to fish in Mauritanian waters must be based on the principle of surplus stocks as described in the UN Convention on the Law of the Sea; emphasises, in particular, that there must be a rigorous assessment of all stocks for which access is sought or which are likely to be caught by the EU fleet as a by-catch; stresses that any access granted to the EU must relate to those resources which are unable to be caught by the Mauritanian fleet; emphasises that, should effort reductions be necessary, those third-country (EU and other) fleets causing the most environmental

damage must be the first to make reductions;

4. Insists on receiving reliable data on fishing opportunities and catches by third countries in Mauritanian waters so as to be able to identify any surplus resources; believes that, in the case of those stocks shared with other West African states, levels of fishing access in Mauritania must be negotiated with due regard to fishing levels in the other states;
5. Notes with considerable concern that the ex-post evaluation concluded that most stocks in Mauritania were either fully exploited or over-exploited, and recommended reductions in fishing effort for those stocks; believes that the Joint Scientific Committee should be provided with sufficient resources to do its job; encourages the Commission to discuss with Mauritania the development of long-term fisheries management plans that would include all fishery allocations by the Mauritanian authorities, to both their national fleets and third-country fleets, including the elimination of any fleet over-capacity;
6. Believes that all relevant scientific information, including the reports of the Joint Scientific Committee, data on catches by EU fleets and information on convictions for infringements, should be forwarded to Parliament and be in the public domain;
7. Urges the Commission to call on the Mauritanian authorities to give guarantees regarding their interpretation of the control measures; reiterates, in particular, that EU vessels are equipped with vessel monitoring systems (VMS), and that this must be the instrument used to determine their position; emphasises that reliance on approximate visual estimation of the distance to the coast should be prohibited, as it has been shown to be unreliable and led to legal uncertainty for the fleet; stresses that any alternative system should be mutually agreed in advance; believes that position signals should be transmitted directly to the Mauritanian authorities in real time; further believes that the protocol should stipulate that, if a vessel's VMS system fails, the vessel must have the system repaired within two weeks or have its authorisation to fish suspended until the repairs have been completed;
8. Expresses its concern about procedures for the boarding of EU vessels by the Mauritanian authorities, which is a recurrent problem; questions the Mauritanian authorities' compliance with Chapter VI of Annex II of the protocol, in particular paragraph 3 thereof, which concerns procedures for the boarding of vessels;
9. Asks the Commission to negotiate simultaneously the fishing opportunities for different categories of vessels and the technical measures to be applied in each case, in order to avoid under-use or situations where fishing turns out to be impossible as a result of technical measures, leading to substantial income losses; urges the Commission to ensure that fishing activities under the FPA meet the same sustainability criteria as fishing activities in EU waters, including those relating to selectivity; calls on the Commission to establish a dialogue with Mauritania aimed at helping the country further to develop a responsible fisheries policy which meets both conservation requirements and its objective of promoting the economic development of fisheries resources;
10. Calls on the Commission to ensure compliance with the FAO Code of Conduct for Responsible Fisheries, especially as regards the recommendation to grant local artisanal fishers preferential access to resources in Mauritanian waters;
11. Encourages Mauritania to ratify the relevant international fisheries instruments, such as the Port States Agreement and the UN Fish Stocks Agreement;

12. Believes that fisheries agreements between the EU and third countries should be preceded by a wide-ranging debate in the countries concerned, allowing participation by the public, civil society organisations and national parliaments, thereby promoting greater democracy and transparency;
13. Believes that the money paid as compensation for access to fish stocks in Mauritanian waters must be clearly uncoupled from financial support for the Mauritanian multiannual fisheries programme, in that any reduction in fishing opportunities must not lead to a reduction in EU payments under the multiannual programme;
14. Further believes that financial support for the Mauritanian multiannual fisheries programme must be in line with Mauritania's needs for sustainable fisheries development, in particular management (research, control, stakeholder participation mechanisms, infrastructure and so on), as expressed in the EU-Mauritania cooperation and development framework; maintains that financial support under the FPA should support and enhance the EU's development cooperation objectives, with a view to implementing the EU's legal obligation under Article 208 TFEU to ensure 'policy coherence for development';
15. Considers it necessary to carry out a comprehensive and detailed evaluation of the reasons for the inadequate achievement of the objectives regarding development cooperation and the various lines of support for the fisheries sector in Mauritania; stresses that this evaluation must involve the Mauritanian authorities;
16. Believes that the FPA must include effective oversight mechanisms to ensure that funds earmarked for development, and in particular for infrastructure improvements in the fisheries sector, are used properly;
17. Welcomes the Long Distance Regional Advisory Committee's willingness for ship-owners to pay a fair share of the value of the catch;
18. Recognises the significant investments that both the EU and certain Member States have made and pursued in Mauritania, but calls for greater efforts on the part of both the Commission and the Member States to achieve better coordination of their financial contributions, so as to arrive at real cooperation in the context of Mauritania's development and avoid uncoordinated duplication;
19. Believes that, as envisaged in Article 6(3) of the current protocol, the EU should support the fastest possible construction of adequate facilities for landing fish along Mauritania's central and southern coastlines, including – but not limited to – Nouakchott, so that fish caught in Mauritanian waters can be landed at national ports rather than outside the country, as is often the case at present; believes that this will increase local fish consumption and support local employment;
20. Takes the view that these improvements, combined with the removal of wrecks and the modernisation of the major port of Nouadhibou, would enable the EU fleet to operate more effectively, facilitate investment flows and boost the FPA's impact on the local economy;
21. Underlines the need for Parliament to be wholly involved in both the negotiating process and the long-term monitoring of the functioning of the new protocol, so as to comply with its obligations under the TFEU as regards the full and prompt provision of information to Parliament; recalls its conviction that Parliament should be represented at the Joint

Committee meetings envisaged in fisheries agreements, and insists that civil society, including both EU and Mauritanian fisheries representatives, also participate in those meetings;

22. Calls on the Commission to provide Parliament with the ex-post evaluation of the current protocol as an unclassified document, so that its Members can make an informed judgement as to whether the objectives set for this agreement have been achieved and, accordingly, whether they should consent to renewing the protocol;
23. Instructs its President to forward this resolution to the Commission, the Council, the governments of the Member States and the Government of Mauritania.