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Committee on Fisheries

2009/0038(CNS)

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DRAFT REPORT

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))

Committee on Fisheries

Rapporteur: Carmen Fraga Estévez

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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))

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council regulation (COM(2009)0120)¹,
 - having regard to Articles 37 and 300(2), first subparagraph, of the EC Treaty,
 - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0003/2009),
 - having regard to Rules 55 and 90(8) of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the opinions of the Committee on Budgets and the Committee on Development (A7-0000/2009),
1. Approves the proposal for a Council regulation as amended and approves conclusion of the agreement;
 2. Instructs its President to forward its position to the Council and the Commission, and to the governments and parliaments of the Member States and the Republic of Guinea.

Amendment 1

Proposal for a Council regulation

Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3 a

During the final year of the Protocol's validity and before another agreement is concluded on its renewal, the Commission shall submit to the European Parliament and the Council a report on the application of the Agreement and the conditions under which it was implemented.

Or. es

¹ OJ C , p. .

Amendment 2

**Proposal for a Council regulation
Article 3 b (new)**

Text proposed by the Commission

Amendment

Article 3 b

On the basis of the report referred to in Article 3a and after consulting the European Parliament, the Council shall, where appropriate, grant the Commission a negotiating mandate with a view to the adoption of a new protocol.

Or. es

EXPLANATORY STATEMENT

Fisheries relations between the European Union and the Republic of Guinea date back to 1983. A number of Protocols have been signed in this period, most recently the Protocol governing fishing relations between 1 January 2004 and 31 December 2008.

The new Partnership Agreement, accompanied by a Protocol and the annexes thereto, has been signed for a period of four years and is renewable. On the date of its entry into force, this Agreement will repeal and replace the Agreement that entered into force on 27 April 1983.

The Agreement was forwarded to Parliament in March 2009. Given that this date was close to the end of the parliamentary term, and bearing in mind that the first payment of the financial contribution was scheduled for 31 November 2009, an informal consensus was reached between the Council and Parliament that it was not necessary to apply the urgent procedure in plenary provided that, immediately after its constitution, the new Parliament carried out a swift opinion procedure so that the deadlines agreed in the Protocol with Guinea could be met.

The basic features of the Agreement are described below.

Duration

This Agreement will apply for four years from the date of its entry into force; it will be tacitly renewed for four-year periods, unless notice of termination is given in accordance with Article 15.

Fishing zone

Community vessels may carry out fishing activities in waters beyond 12 nautical miles from the base lines or, where appropriate, beyond the 20 m isobath in the case of tuna seiners and pole-and-line vessels.

Fishing opportunities

In terms of fishing opportunities, 28 seiners and 12 pole-and-line vessels will be authorised to fish. However, at the request of the Community, exploratory fishing surveys may be carried out under the Agreement. If they are conclusive:

- The Protocol also lays down that, if the state of shrimp stocks and of Guinean fisheries management in this category so permits, fishing opportunities for shrimp trawlers, at a rate of 800 GRT per quarter, may be granted on an annual basis, subject to the conditions specified in the Protocol, which are aimed at ensuring sustainable fisheries in this category.

Financial contribution

The financial contribution under the Protocol is set at EUR 450 000 per year, corresponding to fishing opportunities in the highly migratory species category. The entire amount of this financial contribution is earmarked for introducing a national fisheries policy based on

responsible fishing and on the sustainable exploitation of fishery resources in Guinean waters.

The Community will support the efforts made by Guinea to mobilise and use all the resources available in the country to ensure optimum application of the surveillance policy. The financial contribution referred to in Article 7 of the Agreement will comprise, for the period referred to in Article 1(1), an annual amount of EUR 325 000 and a specific amount of EUR 125 000 per year for the support and implementation of Guinea's sectoral fisheries policy.

If additional fishing opportunities are granted, in accordance with Article 1(2), the financial contribution referred to in Article 7 of the Agreement will also comprise, for the period referred to in Article 1(2), an amount of up to EUR 300 000 per year in proportion to the increase in fishing opportunities.

The amounts referred to above will be supplemented by a specific Community contribution of EUR 600 000 for the first year, EUR 400 000 for the second year and EUR 300 000 for the following years in order to reinforce the monitoring, control and surveillance system in Guinea's fishing zones and enable Guinea to acquire a satellite surveillance system by 30 June 2010.

Governance and support for training

The Parties undertake to promote responsible fishing in Guinea's fishing zones on the basis of the principle of non-discrimination between the different fleets fishing in those waters, without prejudice to the agreements concluded between developing countries within a geographical region, including reciprocal fisheries agreements. The Parties will also cooperate in carrying out ex-ante, ongoing and ex-post evaluations, both jointly and unilaterally, of measures, programmes and actions implemented on the basis of this Agreement.

The Parties are also to contribute towards the creation of jobs in Guinea and respect the state of fishery resources. In particular, the employment of ACP seamen on board Community vessels will be governed by the International Labour Organisation (ILO) declaration on fundamental principles and rights at work.

Rapporteur's remarks

1. The fisheries sector in Guinea accounts for only around 2 % of income in the primary sector, which in turn represents a quarter of the country's resources. Guinea is extremely rich in minerals, which provide the country's main source of income.

Even though the economic significance of the fisheries sector is low, it plays an extremely important social role since it makes a key contribution to the population's food supply. This can be seen from the fact that the social unrest in 2004 and 2007 was sparked by a shortage of local fish products at reasonable prices for the population as a whole.

The fisheries sector in Guinea is mainly made up of an artisanal fleet that numbers around 3600 dugout canoes (60 % of catches) and a fleet of industrial vessels numbering between 100 and 120 boats, chiefly bottom trawlers flying various flags.

2. The coast of Guinea very much favours the development of inshore fishing, since it has an extensive continental shelf. Its waters would be suitable for a considerable number of commercial species (cephalopods, shrimp and sedentary fish species).

Unfortunately, these natural conditions are not matched by the actual state of resources. As shown by the evaluation report drawn up for the Commission with a view to setting the conditions for the renewal of the Agreement, Guinea, like almost all poor countries, does not have effective means of monitoring the rational and sustainable exploitation of its resources.

The European Union has been seeking to help resolve this situation as regards the control and surveillance of resources for many years. It is calculated that the EU has allocated EUR 7 million to the creation of surveillance and control systems since 2000, including a specific budget line of EUR 800 000 under the most recent protocol for the purchase of surveillance vessels.

It must be acknowledged that the financial efforts made are far from achieving the objectives pursued and that, regrettably, IUU fishing on the Guinean coast is still a major problem. It is calculated that it accounts for at least 40 % of catches in the country's large exclusive economic zone. Furthermore, the impact of artisanal coastal fishing on resources should not be underestimated, since it also has a profound impact on spawning grounds and nurseries.

It is to be hoped that the protection given to resources will be improved substantially under the terms of this new Agreement, which deals closely with this topic, with a view to both the well-being of the local population, which depends on these resources for its food supply, and for the good of the Community fleet, which will no longer have any interest in the Agreement's renewal if the situation continues to deteriorate.

3. Unlike the previous agreements, the new agreement is restricted to highly migratory species (tuna), even though it leaves the door open so that, if new assessments find that over-exploited species have recovered, it can be extended to include the traditional catches of cephalopods, shrimp and demersal fish.

The fact that the present agreement is confined to tuna species is consistent with the assessment made of the state of stocks. Under the previous agreement, the fishing opportunities available for the EU fleet were little used, representing less than 10 % of fishing effort on the Guinean coast for fish and cephalopods and between 10 % and 40 % for shrimp. The low rate of use of the available fishing opportunities in this period was chiefly due to limited profitability for shipowners by comparison with surrounding countries (Mauritania and Guinea Bissau).

It therefore appears consistent for the Agreement to focus on large migratory species, whilst leaving the door open for negotiations on other species if scientific studies show that stock levels have improved.

It is an acknowledged fact that agreements on highly migratory species refer to the right of passage when these species enter the Guinean EEZ. Recent years have been marked by a decline in the interest shown by the French and Spanish fleets, the main beneficiaries, who have tended to move to the Indian Ocean. The recent piracy threatening the sector makes it highly probable that Guinea will again be of greater interest to the European fleet. Finally, the social aspects must also be mentioned. It appears that the provisions set out in the previous protocol on the protection of the rights of local seamen have not always been complied with, in terms of either wages or working conditions. The Commission will need to step up controls on compliance with social conditions for seamen.

The fact that the model based on the signing-on of seamen from the country directly involved is being replaced by a more general clause referring to seamen from any ACP country is

considered a significant step in the right direction, since it is often difficult to find volunteers from the country concerned. The reference to any ACP country means that better use will be made of training opportunities.

Conclusion

For the above reasons, the rapporteur calls on the committee to approve the conclusion of this agreement, which is of mutual interest for both the European Union and the Republic of Guinea.