

# EUROPEAN PARLIAMENT

1999



2004

---

*Session document*

FINAL  
**A5-0010/2001**

17 January 2001

**\***

## **REPORT**

on the proposal for a Council decision on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out for the period 3 May 2000 to 2 May 2002 the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off the coast of Angola (COM(2000) 747 – C5-0708/2000 – 2000/0290 (CNS))

Committee on Fisheries

Rapporteur: Carlos Candal

### ***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)

## CONTENTS

	Page
PROCEDURAL PAGE .....	4
LEGISLATIVE PROPOSAL .....	5
DRAFT LEGISLATIVE RESOLUTION.....	8
EXPLANATORY STATEMENT .....	
OPINION OF THE COMMITTEE ON DEVELOPMENT AND COOPERATION .....	

## PROCEDURAL PAGE

By letter of 11 December 2000 the Council consulted Parliament, pursuant to Article 37 of the EC Treaty, on the proposal for a Council decision on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out for the period 3 May 2000 to 2 May 2002 the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off the coast of Angola (COM(2000) 747 - 2000/0290(CNS)).

At the sitting of 15 December 2000 the President of Parliament announced that she had referred this proposal to the Committee on Fisheries as the committee responsible and the Committee on Budgets and the Committee on Development and Cooperation for their opinions(C5-0708/2000).

The Committee on Fisheries had appointed Carlos Candal rapporteur at its meeting of 7 November 2000.

The committee considered the Commission proposal and draft report at its meetings of 28 November, 18 December 2000 and 15 January 2001.

At the last meeting it adopted the draft legislative resolution by 12 votes to 1, with 2 abstentions.

The following were present for the vote: Daniel Varela Suanzes-Carpegna, chairman; Carlos Candal, rapporteur; Elspeth Attwooll, Niels Busk, Arlindo Cunha, Nigel Paul Farage, Carmen Fraga Estévez, Pat the Cope Gallagher, Ian Stewart Hudghton, Salvador Jové Peres (for Milhail Papayannakis), Heinz Kindermann, Brigitte Langenhagen, Giorgio Lisi (for Hughes Martin), Albert Jan Maat (for Antonio Tajani), John Joseph Mc Cartin, James Nicholson, Camilo Nogueira Román (for Patricia McKenna), Struan Stevenson and Margie Sudre .

The opinion of the Committee on Development and Cooperation is attached; the Committee on Budgets decided on 8 January 2001 not to deliver an opinion.

The report was tabled on 17 January 2001

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

## LEGISLATIVE PROPOSAL

**Proposal for a Council decision on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out for the period 3 May 2000 to 2 May 2002 the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off the coast of Angola (COM(2000) 747 – C5-0708/2000 – 2000/0290(CNS))**

The proposal is amended as follows:

Text proposed by the Commission<sup>1</sup>

---

Amendments by Parliament

---

(Amendment 1)  
Recital 2a(new)

*Whereas it is important to improve the information supplied to the European Parliament and whereas the Commission should draw up a yearly report on the state of implementation of the Agreement;*

*Justification:*

*To underline the importance of providing adequate information to the European parliament to enable it to carry out its duties in conformity with the consultation procedure.*

(Amendment 2)  
Article 2a (new)

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

---

<sup>1</sup> OJ C pas encore publié.

*Justification:*

*Before the conclusion of any new agreement the Commission should require the authorities of the State with which it is entering into negotiations to information on the basis of which the Commission will submit a general assessment report to the Parliament and the Council.*

(Amendment 3)  
Article 2b (new)

***The Commission shall forward to the Council and the Parliament a copy of the report on the targeted measures which the authorities of Angola will provide on the basis of article 3 of the protocol.***

*Justification:*

*Targeted measures are becoming increasingly important from both the financial and social point of view. Therefore the report as laid down in the Protocol and supplied to the Commission should be forwarded to the Parliament and the Council.*

(Amendment 4)  
Article 2c (new)

***On the basis of these reports and following consultation of the European parliament the Council shall grant the Commission a negotiating mandate in respect of the protocols for implementing the Agreement.***

Or. en

*Justification:*

*Only on the basis of both the report concerning the implementation of the targeted measures and the evaluation report on the implementation of the fisheries agreement the European Parliament and the Council are able to carry out their respective duties.*

## **DRAFT LEGISLATIVE RESOLUTION**

**European Parliament legislative resolution on the proposal for a Council decision on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out for the period 3 May 2000 to 2 May 2002 the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off the coast of Angola (COM(2000) 747 – C5-0708/2000– 2000/0290(CNS))**

### **(Consultation procedure)**

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2000) 747<sup>1</sup>),
  - having been consulted by the Council pursuant to Article 37 of the EC Treaty(C5-0708/2000),
  - having regard to Rule 67 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries and the opinion of the Committee on Development and Cooperation (A5-0010/2001),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
  3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
  4. Calls for the conciliation procedure to be initiated should the Council intend to depart from the text approved by Parliament;
  5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
  6. Instructs its President to forward its position to the Council and Commission.

---

<sup>1</sup> OJ C pas encore publié.



## **EXPLANATORY STATEMENT**

### **Introduction**

The fisheries agreement between the European Community and the Republic of Angola was concluded in 1987, since when the protocols to the agreement have been renewed on a regular basis every two or three years. The sixth protocol, which was initialled on 3 May 2000, lays down the fishing opportunities and the financial compensation payable for a two-year period running from 3 May 2000 to 2 May 2002. Pending its official entry into force during the course of the year, the Protocol will be implemented on a provisional basis so as to enable fishing to continue as per normal. The protocol is traditional in form, providing as it does access to fishery resources in return for financial compensation.

The protocol essentially concerns tuna, shrimp and demersal fisheries, but also - to a smaller extent- pelagic fishing possibilities are included in the agreement. Effectively, Spanish, French , Portuguese, Italian, Greek and Irish shipowners are the interested parties in the relevant fisheries.

### **Some data on the implementation of the previous protocol and brief background**

The utilisation of the last protocol -in terms of licences issued- was satisfactory: 73% for shrimp vessels, 47,5% for demersal vessels and 75% for tuna fishing. As for the shrimp fishing activities the utilisation rate has fallen 27%, compared to the 1996-1999 figures but this was mainly due to to the renovation of the shrimp fishing fleet, a process that should have been finished in March 2000. In nominal terms there was an increase in the number of licences issued for tuna vessels; from 26 (1996 - 1999) to 32 (1999-2000). However since more tuna vessels were allowed to fish in the Angolan waters relative figures went down from 100% to 75%. The pelagic fishing possibilities (for 2 vessels) were not used. Unfortunately no figures are available on the the amounts of catches.

The table given below shows the differences between the latest protocol and its two predecessors.

Duration	3.5.96-2.5.99	3.5.99-2.5.2000	3.5.2000-2.5.2002
<b><u>Vessels</u></b>			
<b>Shrimp vessels</b>	6 550 GRT/month, 22 vessels max.(1) ;	6 550 GRT/month, 22 vessels max.(1) ;	6 750 GRT/month 22 vessels
Demersal vessels	3 750 GRT/month	3 750 GRT/month	3 750 GRT/month
Freezer tuna seiners	9	18	18
Surface longliners	12	25	25
Pelagic vessels (2)	2	2	2
Authorised catches	5 000 tonnes of shrimps max.	5 000 tonnes of shrimps max.	5 000 tonnes of shrimps max.
Financial compensation	€ 31 000 000	€ 10 300 000	€ 9.950 000
Scientific and technical programme	€ 5 000 000	€ 1 700 000	€ 1 500 000
Studies	€ 1 050 000	€ 350 000	
Quality control programme			€ 700.000
Fisheries surveillance programme			€ 1.550 000
Programme non-industrial fishing			€ 300 000
Support ministry			€ 1 000 000
Training and grants	€ 3 000 000 max.	€ 1 000 000 max.	€ 3 000 000 max.
<b>Total</b>	<b>€ 40 050 000</b>	<b>€ 13 350 000</b>	<b>€ 27 950 000</b>
Total per year	€ 13 500 000	€13 350 000	€ 13 975 000
<b><u>Shipowners' licence fees (3)</u></b>			
Shrimp vessels	€ 56/GRT/month	€ 56/GRT/month	€ 58/GRT/month
Trawlers	€ 195/GRT/month	€ 195/GRT/month	€ 205/GRT/month
Tuna vessels and surf. longliners	€ 20/T of catch	€ 20/T of catch	€ 25/T of catch
<b><u>Licences</u></b>			
Tuna vessels	€ 4 000/year = 200 T of catch	€ 4 000/year = 200 T of catch	€ 4 200/year = 168 T of catch
Surface longliners	€ 2 000/year = 100 T of catch	€ 2 000/year = 100 T of catch	€ 2 100/year = 84 T f catch
Observers	Yes	Yes	Yes
Local seamen	At least 5 per shrimp vessel or trawler	At least 5 per shrimp vessel or trawler	At least 5 per shrimp vessel or trawler
<b>Fishing zones</b>	Beyond first 12 miles	Beyond first 12 miles	Beyond first 12 miles

\* Gross registered tonnage

(1) As an annual average

(2) On an trial basis, for a 6-month period running from the date of entry into force

(3) If the fees are paid quarterly, the amount is increased by 3%, and if half-yearly, by 5%.

### **The specific conditions include the following:**

1. in the protocol:
  - (a) the total quantity of shrimps and prawns caught shall comprise 30% prawns and 70% shrimps;
  - (b) fishing for *Centrophorus granulosus* is forbidden;
  - (c) the financial compensation shall be adjusted if the Angolan authorities impose a reduction in fishing opportunities (fewer vessels);
2. in the annexes:
  - (a) a closed season on shrimp fishing may be decided in the light of the findings of scientific surveys; the licence fee is not payable during any such periods;
  - (b) shrimp vessels may catch up to 500 tonnes of crab per annum;
  - (c) surface longliners shall endeavour to help supply local canning factories;
  - (d) transshipments are permitted in the presence of the relevant authorities, subject to prior notice;
  - (e) catches made by shrimp and demersal vessels must be declared at the end of each fishing campaign and every month, and daily reports on position and catches must be made. Vessels may leave Angola's fishing zones subject to prior authorisation and checking of catches. Tuna vessels and surface longliners must report on their position and catches every three days. They must declare their catches at the end of each fishing campaign, using a form which acts as a logbook;
  - (f) the fishing zones for shrimp vessels, tuna vessels, trawlers and surface longliners extend beyond the first 12 nautical miles. Vessels using other fishing gear are authorised to fish beyond the first 8 nautical miles;
  - (g) any vessel may be asked to take on board a scientific observer;
  - (h) Community fishing vessels shall be monitored by satellite;
  - (i) local seamen on board Community vessels are deemed to be in vocational training;
  - (j) wherever possible, vessels must obtain their fuel and water supplies and have shipyard repairs and maintenance carried out in Angola;
  - (k) minimum mesh sizes are laid down.

The conditions governing experimental fishing of pelagic species are almost identical to those set out above, with the exception of those governing licence fees and the duration of licences.

### **Main contents of the new protocol**

The fishing possibilities provided in the new protocol are almost identical to the ones in the last protocol (3/5/1999 - 2/5/2000), either expressed in GRT/month or in the number of vessels. For shrimp the fishing possibilities remain at the level of 6.550 GRT/month (with a maximum of 22 vessels). Demersal fishing possibilities also remain unchanged at 3.750 GRT/month. The other fishing possibilities are expressed in the number of vessels: 43 for tuna fishing (18 freezer tuna seiners and 25 surface longliners) and 2 for pelagic fishing.

The annual cost of the agreement to be borne by the Community goes up from 13.350.000 € to 13.975.000 €. Financial compensation however is down from the annual 10.300.000 € to 9.950.000 € while targeted measures went up from 3.050.000 € to 4.025.000 €. New provisions have been inserted in the current protocol to strengthen the transparency with regard to the financial aspects of this protocol. The Ministry of Fisheries and the Environment shall provide the Commission with detailed information in writing. Payments could be reconsidered in the light of the actual progress in implementing the measures. Four new types of targeted measures were introduced aiming at the development of the local fishing sector, the conservation of fishing resources and the participation of the Angolan government in international organisations. The annual financial compensation and the annual amounts for the targeted measures shall be made available through a budget account of the Ministry for Fisheries and the Environment, which means that these amounts are subject to the regular budgetary procedures.

New to the Protocol are also the provisions concerning transmission of satellite based vessel monitoring information from the Community to Angola. It is the first time that this kind of measures are included in agreements between the Community and an ACP country.

## **Comments**

This is a relatively major protocol for the European Union from a budgetary point of view. Fishing possibilities in the new protocol remain at the same level. The rapporteur considers it an improvement that the Commission may take into consideration licence applications from any other Member State when other applications do not cover the fishing opportunities fixed by the Protocol. This measure might increase future utilisation of fishing possibilities.

The higher level of targeted measures ensures that more attention will be given to the conservation of resources, the development of the regional fishing sector, surveillance measures and the participation in international organisations by the Angolan Government. At the same time better control mechanisms for both the budget for targeted measures and financial compensation are firmly supported by the rapporteur. Sustainable fisheries will also be improved by the increase of the mesh size for deepwater shrimp.

Although there are still many practical problems regarding the implementation of the satellite based vessel monitoring system the rapporteur considers the application of this type of system an important step forward.

In order to minimise the risks concerning the utilisation of fishing possibilities the rapporteur approves the inclusion of the provision allowing the Community to interrupt payments in the case of changing conditions of exploiting fisheries in Angola's EEZ.

In order to optimise fishing conditions for Community vessels the rapporteur believes that the Commission has made the right choice in concluding a two year term protocol.

## **Conclusion**

The rapporteur proposes that the outcome of what were apparently difficult negotiations for the Commission be endorsed. Firstly because fishing possibilities stay at the same level as in the former protocol and utilisation of fishing possibilities have been satisfactory. The new protocol also offers the Community greater flexibility in taking into consideration of licence applications

of member states not fixed in the Protocol. Secondly because there are many improvements included in the protocol especially concerning the higher level of targeted measures and the improved transparency and accountability concerning the financial compensation paid to the Angolan government.

Unfortunately figures on catches were not available which makes it impossible to make a general assessment of the utilisation of the fishing possibilities. In order to be able to judge properly the application of fisheries agreements the parliament should dispose of this kind of information. The Parliament therefore urges the Commission to further improve their supply of information to the EP.

## **OPINION**

for the Committee on Fisheries

on the proposal for a Council regulation on the conclusion of the Protocol setting out, for the period from 3 May 2000 to 2 May 2002, the fishing opportunities and the financial contribution provided for in the Agreement between the European Community and the Republic of Angola on fishing off Angola  
COM(2000) 747 – C5-0708/2000 – 2000/0290(CNS))

Draftsman: Joaquim Miranda

## **PROCEDURE**

At its meeting of 17 October 2000 the Committee on Development and Cooperation appointed Joaquim Miranda draftsman.

It considered the draft opinion at its meeting of 22 November 2000.

At its meeting of 22 November, it adopted the following conclusions unanimously.

The following took part in the vote: Joaquim Miranda chairman and draftsman, Lone Dybkjær, vice-chairman, Margrietus J. van den Berg, vice-chairman, Bob van den Bos, John Alexander Corrie, Wolfgang Kreissl-Dörfler, Miguel Angel Martínez Martínez, Ulla Margrethe Sandbæk and Francisca Sauquillo Pérez del Arco.

## SHORT JUSTIFICATION

The Committee on Development and Cooperation, referring to its past reports and opinions on other fisheries agreements concluded with various ACP countries, to Parliament and Joint Assembly resolutions on fisheries agreements and ACP-EU cooperation in this area<sup>1</sup>, and also to the Development Council resolution (Luxembourg, 5 June 1997) on the consistency of Community development cooperation policy with other policies, in particular fisheries policy, wishes to emphasise once again the need for a more ambitious development component to be incorporated into the fisheries agreements concluded with the ACP countries, so as to ensure that they are of mutual benefit to the countries concerned and to the EU countries. Although legally fisheries agreements are purely trade agreements, the potential for these agreements to play a positive role in the development of the indigenous fishing industry should not be neglected.

### **The new fisheries protocol with the Republic of Angola**

The framework fisheries agreement between the Community and Angola was adopted by the Council in 1987. The new protocol negotiated between the Commission and the Angolan authorities will remain in force for two years from 3 May 2000 and provides fishing possibilities for vessels from Spain, France, Italy, Greece, Portugal and Ireland. It is a traditional protocol which grants access to fishery resources in return for financial compensation. It contains some new features by comparison with the previous protocol which, owing to the unstable situation in the country, was merely an extension for one year (2 May 1999 to 2 May 2000).

Provisions have been inserted in the new protocol to strengthen transparency with regard to the financial aspects and the conservation of resources in Angolan waters, particularly shrimps.

Overall financial compensation is to be held at the same level as in the previous protocol: EUR 13 975 000/year of which EUR 9 950 000 (77%) will represent compensation per se while the remaining EUR 4 025 000 (23%) is intended for specific measures aimed at developing the local fishing sector; these measures include the promotion of scientific and technical programmes with the corresponding monitoring, quality control, training and support for Angola's participation in regional fisheries organisations.

Provision is made for an annual joint scientific meeting to consider questions relating to the sustainable management of fishery resources.

Boarding procedures are clearly described in the new protocol, as are the role and functions of observers. This will ensure greater transparency and effectiveness.

As a consequence of Angola's introduction of a satellite vessel monitoring system an additional protocol has been signed providing for the real-time transmission of VMS data

---

<sup>1</sup> See in particular: Guerneur report (A2-204/86, OJ C 76, 23.2.1987); Crampton report (A4-0149/97, OJ C 358, 24.11.1997); Joint Assembly resolution on fisheries in the context of ACP-EEC cooperation (OJ C 14, 17.1.1994); Joint Assembly resolution on ACP-EU cooperation in the fisheries sector beyond the year 2000 (ACP-EU 2187/97, OJ C 96, 30.3.1998)

relating to Community vessels from the control centres in the Member States involved to the Angolan control centre. This is the first time that such a protocol has been signed as part of a fisheries agreement with an ACP country.

An additional measure which will help conserve fishery resources in Angola is the introduction of a larger mesh size for the shrimp fishery, with mesh size being increased from 40 mm to 50 mm as of 1 March 2001.

### **The consequences of the war in Angola**

The Committee on Development and Cooperation would take this opportunity of expressing its concern at the situation of war which is afflicting Angola. It is only to be expected that there is no guarantee that the terms of the fisheries agreement are being adequately applied, in particular those aspects which are of the greatest relevance for sustainable development, such as research, monitoring, the promotion of small-scale fishing, etc. It appears that many fishing communities have been destroyed by the war. At the same time, much of the population has turned to fishing as a last resort because farmland is scattered with mines; nevertheless, there is no infrastructure to support this recourse to fishing.

## **CONCLUSIONS**

The Committee on Development and Cooperation, taking account of the above aspects:

1. Welcomes with satisfaction the innovation made in the new fisheries protocol with Angola, which introduces a system for transmitting VMS data for vessels fishing in Angolan waters; this measure will doubtless have positive effects as regards strengthening monitoring provisions, particularly if account is taken of the regional focus required by the management of resources in the case of migratory species such as tuna; supports the development of this type of system in the context of fisheries agreements with other ACP countries and urges the governments of the States concerned and the Commission to allocate the relevant funds for that purpose;
2. Welcomes, likewise, the introduction of a larger mesh size for the shrimp fishery: from 40 to 50 mm, a measure which will help to preserve fishery resources in Angolan waters;
3. Calls on the Commission to examine the viability of regional models for countries on the West African coast; points out that regional cooperation in this field can be of great value in preventing the exploitation of fishery resources by non-EU vessels;
4. Calls on the Commission to draw up assessment studies of the current agreement, taking into account consistency considerations relating to the various activities carried out under EU policy;
5. Calls on the Commission to ensure that each contractual clause of the agreement is observed by vessels flying a Community flag; in this connection, draws attention to the requirements concerning the employment of seamen and, in particular, the working



and salary conditions corresponding to the political desire for local training and development;

6. Calls for measures to protect artisanal fishermen within an agreed limit; as the Development Committee has pointed out on previous occasions, and in the interest of coherence, it is important that a 12-mile exclusive zone be established when this is technically feasible;
7. Expresses its concern at the situation of war afflicting Angola, which clearly offers no guarantees for adequate implementation of the agreement, particularly those aspects of the agreement which have implications for the sustainable development of fisheries; from the point of view of food security, draws attention to the situation of local communities which practice subsistence fishing as a last resort given the impossibility of working mined farmland, and to the importance of offering them means of protection;
8. Calls on the Committee on Fisheries:
  - to take this opinion by the Committee on Development and Cooperation into account when drawing up its report;

to approve the proposal.