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REPORT

on the proposal for a Council regulation on the conclusion of the Agreement in the form of an Exchange of Letters concerning the extension of the 2000-2001 Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 2003 to 31 December 2003

(COM(2003) 107 – C5-0128/2003 – 2003/0049(CNS))

Committee on Fisheries

Rapporteur: Juan Ojeda Sanz

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***. 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). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

By letter of 24 March 2003 the Council consulted Parliament, pursuant to Article 300(3), first subparagraph, of the EC Treaty, on the proposal for a Council regulation on the conclusion of the Agreement in the form of an Exchange of Letters concerning the extension of the 2000-2001 Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 2003 to 31 December 2003 (COM(2003) 107 – 2003/0049(CNS)).

At the sitting of 27 March 2003 the President of Parliament announced that he had referred the proposal to the Committee on Fisheries as the committee responsible and the Committee on Development and Cooperation for its opinion (C5-0128/2003).

The Committee on Fisheries appointed Juan Ojeda Sanz rapporteur at its meeting of 23 April 2003.

The committee considered the Commission proposal and the draft report at its meetings of 19 May, 10 June and 9 July 2003.

At the last meeting it adopted the draft legislative resolution by 11 votes to 2, with 0 abstentions.

The following were present for the vote: Struan Stevenson (chairman), Rosa Miguélez Ramos (vice-chairwoman), Brigitte Langenhagen (vice-chairwoman), Ian Stewart Hudghton, Salvador Jové Peres, Heinz Kindermann, Albert Jan Maat (for Arlindo Cunha), Ioannis Marinos, John Joseph McCartin (for Giorgio Lisi), Manuel Pérez Álvarez, Bernard Poignant, Dominique F.C. Souchet and Daniel Varela Suanzes-Carpegna.

The Committee on Development and Cooperation decided on 23 April 2003 not to deliver an opinion.

The report was tabled on 10 July 2003.

EUROPEAN PARLIAMENT DRAFT LEGISLATIVE RESOLUTION

**on the proposal for a Council regulation on the conclusion of the Agreement in the form of an Exchange of Letters concerning the extension of the 2000-2001 Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 2003 to 31 December 2003
(COM(2003) 107 – C5-0128/2003 – 2003/0049(CNS))**

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council regulation (COM(2003) 107)¹,
 - having regard to Articles 37 and 300(2) of the EC Treaty,
 - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C5-0128/2003),
 - having regard to Rules 67 and 97(7) of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A5-0264/2003),
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 Commission, and the governments and parliaments of the Member States and the Revolutionary People's Republic of Guinea.

Text proposed by the Commission

Amendments by Parliament

Amendment 1
Article 3 a (new)

Article 3a

Prior to the conclusion of any negotiations on the renewal of the current Agreement, the Commission shall submit to Parliament and the Council a report on the Agreement's implementation. The report shall include a cost-benefit analysis

¹ Not yet published in OJ.

which shall in turn ensure that the financial compensation for special measures for sustainable development contributes to improving the living conditions of the people of the country concerned.

Justification

The Commission must submit assessment reports to Parliament. Such reports must contain a cost-benefit analysis and a detailed account of the use made of the specific appropriations for the protection of resources, aid for the development of the local sector, control and monitoring of good practice in the management of marine resources, etc. This type of information is essential in order to gain an overall picture of the implementation of the protocols.

Amendment 2
Article 3 b (new)

Article 3b

On the basis of this report and after consulting the European Parliament the Council shall, where appropriate, give the Commission a mandate to commence negotiations with a view to the adoption of a new protocol.

Justification

An assessment report is necessary in order for the Council and Parliament to be able to give a reasoned opinion on the costs and conditions set out in the previous protocols, the effectiveness and efficiency of expenditure and the considerations they deem relevant to the continuation of fisheries relations between the two parties, namely the European Union and the Revolutionary People's Republic of Guinea.

EXPLANATORY STATEMENT

INTRODUCTION

Parliament has been asked for its opinion on a second extension to the Protocol on fisheries relations between the Revolutionary People's Republic of Guinea and the European Economic Community covering the period 1 January 2000 to 31 December 2001. The two parties agreed to extend the protocol's validity from 1 January 2002 to 31 December 2002 pending an assessment of the state of resources, which was necessary in order to establish the bases for a new agreement with Guinea. Given that, owing to technical problems, the survey could not be carried out during the year, a further one-year extension is being asked for. The conditions will be identical to those applying during the previous period.

Under the Agreement, the European Economic Community must pay financial compensation to the Guinean Government before 30 June 2002.

OVERVIEW OF FISHERIES RELATIONS

The previous protocol, which has been extended, was the eighth of its kind since the two parties signed the fisheries agreement in 1983. The protocol set out the fishing opportunities granted to the Community fleet for the period 1 January 2000 to 31 December 2001; its validity will now be extended to 31 December 2003.

The report on the previous protocol (A5-0194/2000) stated that it took account of the precautionary principle with the aim of supporting the efforts being made by the Guinean authorities responsible to monitor and control fishing activities and ensure the sustainable exploitation of the country's fishery resources. For that reason, the protocol incorporated the guidelines laid down by the Fisheries Council in 1997 to the effect that 50% of the overall funding should be devoted to measures intended to ensure sustainable fishing and sound management of resources, in keeping with UN standards and the need to protect the environment and marine resources.

The table given below shows the main differences between the three most recent fisheries protocols and outlines the chief parameters of the extended protocol.

Duration	1.1.96 to 31.12.97	1.1.98 to 31.12.99	1.1.00 to 31.12.01 and 1.1.02 to 31.12.02 (extension)
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Vessels (fishing opportunities)	Trawlers: annual average of 5 000 GRT per month Tuna seiners: 28 Pole-and-line tuna vessels: 7 Surface longliners: 7	Trawlers: 4 000 GRT/year Shrimp trawlers: 1 000 GRT/year Tuna seiners: 33 Pole-and-line tuna vessels: 13 Surface longliners: 28	Trawlers: annual average of 2 500 GRT per month Shrimp trawlers: annual average of 1 500 GRT per month Tuna seiners: 38 Pole-and-line tuna vessels: 14 Surface longliners: 16
Financial compensation	ECU 2 450 000/2 years	ECU 3 250 000/2 years	EUR 1 600 000/year
Scientific programme	ECU 400 000/2 years	ECU 450 000/2 years	EUR 200 000/year
Monitoring/surveillance	ECU 350 000/2 years	ECU 800 000/2 years	EUR 400 000/year
Small-scale fishing	ECU 250 000/2 years	ECU 320 000/2 years	EUR 150 000/year
Training and grants	ECU 250 000/2 years	ECU 390 000/2 years	EUR 150 000
Participation in and contribution to international organisations	-	ECU 490 000/2 years	EUR 200 000/year
Institutional and administrative support	ECU 300 000/2 years	ECU 800 000/2 years	EUR 260 000/year
Total	ECU 4 000 000/2 years	ECU 6 500 000/2 years	EUR 2 960 000/year
Premium for reduction in overall fishing effort			EUR 370 000 per year
Fees	Fin-fish trawlers: ECU 126/year per GRT Cephalopod trawlers: ECU 150/year per GRT		Fin-fish trawlers: EUR 150/year per GRT Cephalopod trawlers: EUR 166/year per GRT
	Shrimp trawlers: ECU 152/year per GRT Seiners and longliners: ECU 20/t/year	Unchanged	Shrimp trawlers: EUR 168/year per GRT Seiners and longliners: EUR 25/t/year
Licences	Tuna seiner: ECU 1 500/year Pole-and-line vessel or longliner: ECU 300/year	Tuna seiner: ECU 1 800/year Pole-and-line vessel: ECU 300/year Longliner: ECU 500/year	Tuna seiner: EUR 2 250/year Pole-and-line vessel: EUR 375/year Longliner: EUR 625/year

Observers	One	One	One
Local seamen	Three or more depending on type of vessel	Between two and six depending on type of vessel	Between two and six depending on type of vessel
Fishing zone	Beyond 10 nautical miles	Beyond 10 nautical miles	Beyond 10 nautical miles

The fishing opportunities and conditions for 2003 will be exactly the same as those in force for the past two years.

REMARKS

The rapporteur deplores the failure to conduct the planned survey of the state of resources, which prompted the previous one-year extension of the protocol's validity. He considers however the cautious approach adopted by the Commission to be sound, involving as it does the conduct of two fundamental studies, one in October 2002 and a second more recently, carried out by an external consultant, the findings of which are currently being processed. They should, in principle, enable the new negotiations scheduled for June this year to be opened. The rapporteur endorses the Commission's view that it is preferable to proceed slowly but surely, so as to be able to set out the general outline of an agreement on a realistic basis that takes due account of the state of fisheries resources.

It is surprising, however, that Parliament was consulted so late on this matter, given that the Commission and Council are both aware of the time required to complete parliamentary procedures and that it is manifestly impossible to deliver an opinion prior to the deadline of 30 June 2003 for the payment of financial compensation. Parliament is thus faced with a *fait accompli*.

In report A5-0194/2000, the Commission was commended for forwarding the minutes of the negotiations together with the text of the protocol. The rapporteur would like the Commission to show the same transparency in the future. Similarly, the rapporteur would welcome more detailed information on implementation of the specific measures, particularly in view of the scale of the financial compensation earmarked for these measures. He has thus included an amendment on this subject in the report.

CONCLUSION

It is understandable that the fisheries arrangement between the Revolutionary People's Republic of Guinea and the Community should be extended for one year, pending receipt of the findings of the survey of the state of fisheries resources in Guinean waters. The protocol between Guinea and the European Union is clearly of benefit to both parties. It will continue to foster the development of the local fishing industry, thus enhancing the country's food security. It will enable most of the Community fleet operating in these waters to continue fishing, at least until the end of this year. It will also help in the conservation of fisheries resources through controlled, rational exploitation, which is something that only an agreement of this kind can ensure.

The rapporteur therefore recommends that Parliament approve the extension of the previous protocol and that it urge the Commission to resume negotiations with the Revolutionary People's Republic of Guinea this year, with a view to continuing fisheries relations, and to

negotiate a duration of more than the customary two-year period for the new agreement, so as to provide shipowners and people working in the sector with a reliable basis on which to plan their activities in a rational manner.