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17 January 2001

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## **REPORT**

on the proposal for a Council regulation on the conclusion of the Protocol setting out, for the period 1 July 2000 to 30 June 2003, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire  
(COM(2000) 629 – C5-0537/2000 – 2000/0257(CNS))

Committee on Fisheries

Rapporteur: Camilo Nogueira Román

### ***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.....                             | 7    |
| EXPLANATORY STATEMENT .....                                   |      |
| OPINION OF THE COMMITTEE ON DEVELOPMENT AND COOPERATION ..... |      |

## PROCEDURAL PAGE

By letter of 23 October 2000 the Council consulted Parliament, pursuant to Article 37 of the EC Treaty on the proposal for a Council regulation on the conclusion of the Protocol setting out, for the period 1 July 2000 to 30 June 2003, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire (COM(2000) 629 - 2000/0257 (CNS)).

At the sitting of 27 October 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 (C5-0537/2000).

The Committee on Fisheries appointed Camilo Nogueira Román 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; Camilo Nogueira Román, rapporteur; Elspeth Attwooll, Niels Busk, Carlos Candal, Arlindo Cunha, Nigel Paul Farage, Carmen Fraga Estévez, Pat the Cope Gallagher, Ian Stewart Hudghton, Salvador Jové Peres (for Mihail Papayannakis), Heinz Kindermann, Brigitte Langenhagen, Giorgio Lisi (for Hughes Martin), Albert Jan Maat (for Antonio Tajani), John Joseph McCartin, James Nicholson, 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 regulation on the conclusion of the Protocol setting out, for the period 1 July 2000 to 30 June 2003, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire (COM(2000) 629 – C5-0537/2000 – 2000/0257(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. This report also includes a cost benefit analysis.***

*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 supply information on the basis of*

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<sup>1</sup> OJ C pas encore publié.

*which the Commission will submit a general assessment report to the Parliament and the Council.*

(Amendment 3)  
Article 2b (new)

***On the basis of such a report and following consultation of the European Parliament the Council shall grant, where appropriate, the Commission a negotiating mandate with a view to the adoption of a new protocol.***

*Justification:*

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

(Amendment 4)  
Article 2c (new)

***The Commission shall forward to the Council and the Parliament a copy of the report on the targeted measures which the authorities of Côte d'Ivoire will provide on the basis of article 4 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.*

## DRAFT LEGISLATIVE RESOLUTION

**European Parliament legislative resolution on the proposal for a Council regulation on the conclusion of the Protocol setting out, for the period 1 July 2000 to 30 June 2003, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire (COM(2000) 629 – C5-0537/2000 – 2000/0257(CNS))**

### **(Consultation procedure)**

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2000) 629<sup>1</sup>),
  - having been consulted by the Council pursuant to Article 37 of the EC Treaty(C5-0537/2000),
  - 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 (A5-0011/2001),
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.

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<sup>1</sup> OJ C pas encore publié.

## **EXPLANATORY STATEMENT**

### **Introduction**

Negotiations on a new protocol to the fisheries agreement with Ivory Coast were concluded in May 2000 and pursuant to an exchange of letters between the parties, this new protocol is already being applied on a provisional basis. Its period of validity is 1.7.2000 - 30.6.2003. The first payment of financial compensation to Ivory Coast, in exchange for the fishing possibilities obtained by the Community, should be made before the 31.12 2000.

The protocol concerns tuna but also other demersal fish species. Effectively, Spanish, French and Portuguese shipowners are the interested parties in the relevant fisheries.

### **Brief background and some data on the implementation of the previous protocol**

The Community concluded a framework agreement on fishing off the coast of Ivory Coast in 1990. Earlier protocols to these agreements have been in force 1991-94, 1994-1997. The latest protocol covered the period of 1997 to 2000 (expired 30.6.2000).

The table below shows the provisions of the new protocol compared to the former protocols.



Contents of the Agreement between the European Community and Ivory Coast

| Substance of the agreement                             | 03.01.91/03.01.94           | 1.7.94/30.6.97              | 1.7.97/30.6.2000             | 1.7.2000/30.6.2003         |
|--|-----------------------------|-----------------------------|------------------------------|----------------------------|
| <b>FISHING POSSIBILITIES</b>                           |                             |                             |                              |                            |
| Fishing rights   | 7,500 tonnes/year (tuna)    | 7,500 tonnes/ year          | 8,500 tonnes/ year           | 8,500 tonnes/ year (tuna)  |
| Freezer demersal trawlers                              | 6.300 tonnes/year           | 600 GRT                     | 3 vessels                    | 600 GRT                    |
| Pole and line tuna vessels                             | 35 vessels                  | 7 vessels                   | 7 vessels                    | 12 vessels                 |
| Surface longliners                                     |                             |                             | 14 vessels                   | 20 vessels                 |
| Tuna seiners   | 54 vessels                  | 46 vessels                  | 39 vessels                   | 39 vessels                 |
| <b>OTHER PROVISIONS</b>                                |                             |                             |                              |                            |
| Licence fees (annual):                                 |                             |                             |                              |                            |
| Freezer demersal trawlers                              | 130 ecu/GRT                 | 130 ecu/GRT                 | 140 ecu/GRT                  | 168 €/GRT                  |
| Pole and demersal trawlers                             | 20 ecu/tonne (advance 200)  | 20 ecu/tonne (advance 200)  | 20 ecu/tonne (advance 300)   | 25 €/tonne (advance 375 €) |
| Surface longliners                                     | 20 ecu/tonne (advance 200)  | 20 ecu/tonne (advance 200)  | 20 ecu/tonne (advance 400)   | 25 €/tonne(advance 2750€)  |
| Tuna seiners   | 20 ecu/tonne(advance 1 000) | 20 ecu/tonne(advance 1 500) | 20 ecu/tonne (advance 1 600) | 25 €/tonne(advance 1000€)  |
| Seamen : Tuna fleets                                   | Depending on type of fleet  | Depending on type of fleet  | Depending on type of fleet   | Depending on type of fleet |
| <b>FINANCIAL CONTRIBUTION</b>                          |                             |                             |                              |                            |
| Financial compensation (ECUs)                          | 6,000 000                   | 2,100 000                   | 2,400 000                    | 825 000                    |
| Funding for scientific and technical programmes (ECUs) | 600 000                     | 250 000                     | 200 000                      | 1 020 000                  |
| Aid for fisheries surveillance bodies                  |                             |                             | 180 000                      | 300 000                    |
| Aid for the Ministry for Fisheries                     |                             |                             | 80 000                       | 150 000                    |
| Aid for contributions to International Organisations   |                             |                             | 40 000                       | 97 500                     |
| Funding for study (ECUs)                               | 500 000                     | 150 000                     | 100 000                      | 150 000                    |
| Total cost (ECUs)                                      | 7,100 000                   | 2,500 000                   | 3,000 000                    | 2,872 500                  |
| Total annual cost (ECUs)                               | 2,367 000                   | 833333                      | 1,000 000                    | 957 500                    |

The utilisation of the last protocol (in terms of licenses issued) was very satisfactory: 89% for tuna seiners, 88% for surface longliners but only 14% pole and line vessels (2 first years only). The catches also have been good: 1997: 7.118 tonnes, 1998 : 3.108 tonnes and in 1999 : more than 9.000 tonnes (reference value 8.500 tonnes per year laid down in the protocol). On the other hand the results for demersal fishing were weak : 67% in terms of vessels present and only 28% in terms of effective presence during the whole period.

As foreseen in the protocol in return for the fishing possibilities the European Community over the past 3 years has paid 3.000.000 € of which 600.000 € for targeted measures.

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

The protocol provides fishing possibilities for 71 tuna vessels and 600 GRT/year (as an average per month) for demersal fishing. While the number of tuna vessels has been increased, the trawler capacity allowed is effectively the same as in the previous protocol, however expressing the capacity in GRT. This offers the Community greater flexibility regarding the employment of the number of vessels for demersal fisheries.

The annual cost of the agreement to be borne by the Community goes from ECU 1.000.000 under the previous protocol to ECU 957.000. Licence fees however to be paid by owners of tuna vessels have been increased considerably. The obligatory advances have been adjusted upwards as well.

Three new sorts of aid which were introduced in the previous protocol, with a view to strengthening the capacity of Ivory Coast to manage its fish stocks, are maintained in the current protocol. Funding for these sorts of aid as well as for scientific and technical programmes and for study grants has been increased.

In this new protocol strong emphasis was put on the development of the targeted measures. As a matter of fact 71,8% of the EU financial compensation is allocated to such measures, taken into account that the total amount of financial compensation in this protocol has been reduced. These measures contribute to sustainable fishing in the waters of Ivory Coast. In the previous protocol only 20% of the EU financial compensation was earmarked for targeted measures.

As for the application of these measures the Ministry responsible shall transmit a detailed report on the implementation of these measures and the results achieved not later than four months after the anniversary date of the Protocol.

### **Comments**

The rapporteur welcomes the changes to the new protocol. The current high level of targeted measures ensures that greater attention is given to both sustainable fishing and surveillance of fishing activities. The rapporteur supports the Commission's approach that in future negotiations with third countries this high percentage of special measures should be aimed at. The detailed reports on the implementation and results of the measures ensures that standards

of transparency are lived up to, which allows the European Parliament to judge adequately the way the Protocol is applied.

The rapporteur is aware of the fact that the debate in the European Parliament on the conclusion of this protocol takes place at a moment of great political instability and violence in Côte d'Ivoire due to the arbitrary exclusion of candidates and representatives of certain political groups from the presidential and legislative election process.

## **Conclusion**

The rapporteur finds it hard to accept that -as a result of the late arrival at the parliament of this proposal- the Parliament is not able to finalise its procedure before the date that first payment should have been made (by 31 December 2000). Therefore the rapporteur calls on the European Commission to respect in the future the principles of the circulation of information as laid down in the Framework Agreement between the Parliament and the Commission which was concluded on 5 July 2000.

The rapporteur however supports the renewed protocol since it offers the Community considerable fishing possibilities. In terms of employment of vessels for tuna fishing there is an increase from 60 to 71. For demersal fishing more flexibility will be reached by expressing fishing possibilities in GRT instead of a fixed number of vessels. On the other hand the rapporteur considers it an important step forward in the protocol that more than 70% of EU financial compensation is earmarked for targeted measures with the objective of e.g. the development of sustainable fishing in the area and improvement of the surveillance of the fishing activities.

Given the difficult and unstable political situation and the violent atmosphere in Ivory Coast the rapporteur endorses the provisions made to allow the Community to suspend payment in the case that fishing activities cannot take place as a result of force majeure.

## 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 1 July 2000 to 30 June 2003 the fishing opportunities and the financial contribution provided for in the Agreement between the European Community and the Republic of the Ivory Coast on fishing off the coast of the Ivory Coast  
(COM(2000) 629 – C5-0537/2000 – 2000/0257 (CNS))

Draftsman: Joaquim Miranda

## PROCEDURE

The Committee on Development and Cooperation appointed Joaquim Miranda draftsman at its meeting of 27 June 2000.

It considered the draft opinion at its meeting of 17 October and adopted it unanimously.

The following were present for the vote: Joaquim Miranda, chairman and draftsman; Lone Dybkjær and Margrietus j. van den Berg (vice-chairmen), Generoso Andria, Bob van den Bos, Marie-Arlette Carlotti, John Alexander Corrie, Niranjana Deva, Michael Gahler (for Ferdinando Casini), Vitaliano Gemelli, Richard Howitt, Bashir Khanbhai, Wolfgang Kreissl-Dörfler, Miguel Angel Martínez Martínez, Hans Modrow, Ulla Margrethe Sandbæk, Francisca Sauquillo Pérez del Arco and Jürgen Zimmerling.

## SHORT JUSTIFICATION

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 Ivory Coast

The new fisheries protocol negotiated between the Commission and the Ivory Coast authorities is valid for three years. It provides for an increase in the number of tuna vessels from 60 to 71, while maintaining the reference tonnage at 8 500 tonnes/year. The fishing opportunities for demersal fishing have been fixed at an annual average of 600 GRT per month, with no set provision for the number of vessels, as under the previous protocol, to allow for greater flexibility in implementing this area of the protocol.

The overall financial contribution has fallen from EUR 3 m in the previous protocol to EUR 2 872 500, with the allocation for specific actions to develop the fisheries sector (funding of scientific and technical programmes, aid for fishery monitoring organisations, aid for the Ministry of Fisheries, training grants and aid for contributions to international organisations) rising from EUR 600 000 (20% of the total) to EUR 2 047 500 (71% of the total). This is the most noteworthy new feature of the present protocol, with the 71% share of the financial contribution for specific measures to promote the development of local fisheries being the highest figure in any fisheries agreement between the Union and third countries, a step which the Committee on Development can only welcome and which will undoubtedly contribute to the sustainable development of fisheries in the waters off the Ivory Coast.

The financial contribution paid by the Union having decreased, there has been an increase in

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<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)

the licence fees to be paid by the owners of vessels (from EUR 20 to EUR 25 per tonne), 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 together with an appreciable increase in the advances per vessel:

demersal freezer trawlers: from EUR 140 to EUR 168/GRT/vessel

pole-and-line tuna vessels: from EUR 300 to EUR 375/vessel

tuna purse seiners : from EUR 1 600 to EUR 2 750/vessel

surface longliners: from EUR 400 to EUR 1 000/vessel.

One aspect which the Committee on Development and Cooperation would like to highlight is the strategic importance of the port of Abidjan, which is where all tuna catches from West Africa are landed. Tighter controls are therefore needed to prevent illegal landings.

### **Political situation in the Ivory Coast**

The political situation in the Ivory coast has deteriorated sharply since the coup d'état of 24 December 1999. This has been accompanied by a severe economic and social crisis caused mainly by the fall in cocoa and coffee prices.

The European Union has firmly condemned the coup d'état and has opened consultations under Article 366a of the Lomé Convention. On this basis, the Commission is to propose a review of the terms governing cooperation with the Ivory Coast.

The Committee on Development therefore wishes to express its reservations regarding the entry into force of the new fisheries protocol and believes that it should be made conditional on the political situation in the country.

## **CONCLUSIONS**

The Committee on Development and Cooperation calls on the Committee on Fisheries, as the committee responsible, to include the following points in its motion for resolution:

1. Welcomes the innovation included in the new protocol with the Ivory Coast, whereby 71% of the overall financial contribution is to be allocated to specific measures to develop the local fisheries sector, which will undoubtedly help to promote sustainable fisheries in the waters of the Ivory Coast. Commends the authorities of the Republic of the Ivory Coast on this decision and stresses the importance of drawing up relevant reports to assess the impact of the funds invested in the development of the fisheries industry;
2. Believes that the increase provided for in the financial compensation (fees and advances) paid by vessel owners is adequate and will help to spread the overall cost of the agreement more evenly;
3. Calls on the Commission to examine the viability of regional models for countries on the West African coast. Points out that 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 relating to the various activities carried out under EU policy;
5. Expresses its concern at the deterioration in the political situation in the Ivory Coast since the coup d'état in December 1999;
6. 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 and, in particular the working and salary conditions corresponding to the political desire for local training and development;
7. 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 make approval of the proposal conditional on the developments in the political situation in the Ivory Coast.